

CITY PLANNING COMMISSION

December 20, 1993/Calendar No. 3

N 940127 (A) 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 Article VIII, Chapter 2, Section 82-00, to modify the use, bulk, and accessory parking and loading regulations of the Special Lincoln Square District and to reference in other sections.

Applications for amendments (N 940127 ZRM and N 940128 ZRM) to the Zoning Resolution were filed by the Department of City Planning on September 16, 1993 to amend the Special Lincoln Square District ("Special District"), located in the southern portion of Community District Seven between Central Park West, Amsterdam Avenue, and West 60th and West 68th Streets. The proposed text amendments would add additional urban design controls, modify commercial use regulations, mandate subway improvements in certain locations, amend mandatory arcade requirements, and permit public parking and curb cuts through different regulatory requirements.

The two alternative proposed text amendments are identical except for the proposed controls on arcades. Except where noted, all text changes relate to both text amendments. Application N 940127 ZRM proposes to retain the arcade as a mandated urban design requirement, with a reduced bonus from seven square feet per square foot of arcade to three square feet per square foot of arcade, and eliminate the requirement for an arcade on the north side of West 61st Street. Application N 940128 ZRM proposes to eliminate the arcade as a mandated urban design requirement and the bonus generated by the provision of such arcade.

On November 15, 1993, an alternative modification to both original applications was filed, (N 940127 (A) ZRM and N 940128 (A) ZRM) which proposes to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, with the penthouse provision.

On November 23, 1993, a second set of alternative modifications to the applications were filed (N 940127 (B) ZRM and N 940128 (B) ZRM) which proposes to eliminate the penthouse provision throughout the district, and to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, without the penthouse provision.

This report adopts with modifications one of the alternative modifications, N 940127 (A) ZRM.

RELATED ACTION

In addition to the zoning text amendment which is the subject of this report, the Department certified a zoning map amendment (C 940129 ZMM) for an area north of the Special District, along Broadway from West 68th Street to a midway point between West 71st and 72nd streets, on October 4, 1993. However, implementation of the proposed zoning text does not require action by the City Planning Commission on the proposed map change. This item is subject to ULURP regulations, and will be considered separately by the Commission.

BACKGROUND

The Department of City Planning has proposed a zoning text amendment to the Special Lincoln Square District in order to respond to planning issues relating the area's mix of uses and the form and height of new development. The Department explored these issues in its May 1993 discussion document entitled "Special Lincoln Square District Zoning Review". This report described the twenty year history of development pursuant to the Special District's controls, and recommended certain text changes. The proposed text evolved after extensive consultation with Community Board 7, the Manhattan Borough President's Office and a number of civic groups.

It was found that a series of interrelated problems affect the character of development in the Special Lincoln Square District. These issues include existing urban design

regulations and the amount of commercial use allowed in the underlying C4-7 district. With regard to land use, the great majority of developments in the Special District are predominately residential, with only limited amounts of commercial and/or community facility uses. In contrast, a project in the district now under construction will contain about 5 FAR of retail, movie and health club uses (plus another 1 FAR of below-grade, commercial use). The intensity of activity generated by this concentration of commercial uses greatly exceeds that of other buildings built in the district which average about 1 FAR of commercial use.

In terms of urban design controls, it was found that the height of buildings in the Special District needed to be regulated. Several buildings in the district have exceeded 40 stories in height, and are out of character with the neighborhood. Current district requirements do not effectively regulate height, nor govern specific aspects of urban design which relate to specific conditions of the Special District. In addition, the mandated tower-on-a-base form along Broadway needs to be refined so that development on large sites is compatible with the district.

Existing Zoning

In the early 1960's the Lincoln Square area was redeveloped for major cultural and institutional uses, with the city facilitating site acquisition under the 1957 Lincoln Square Urban Renewal Plan. After the development of Lincoln Center and Fordham University, the areas surrounding the Urban Renewal Area experienced increased development pressure. Recognizing the unique opportunity that this presented, the City Planning Commission created the Special Lincoln Square District in 1969 to guide new growth and uses in a way that would complement the newly-sited institutions.

To achieve its objectives, the district was established to regulate ground floor uses and urban design elements, and makes floor area bonuses available by City Planning Commission Special Permit in exchange for the provision of certain public amenities. Since it was created, certain changes have been made to the district relating to public

amenities, bonuses and floor area. Originally, bonuses could be granted for a variety of amenities, including arcades, plazas, pedestrian malls, covered plazas, subsurface connections to the subway and low or moderate income housing. The incentive bonuses permitted development on a zoning lot up to 14.4 FAR, with no more than 12 FAR for residential uses.

After the adoption of Upper West Side contextual zoning (1984) and the city-wide inclusionary housing program amendments (1987), all bonusable public amenities were eliminated, except for the arcade required along the east side of Broadway, subway improvements and low or moderate income housing. The 1984 amendment reduced the permitted maximum FAR from 14.4 to 12. The 1987 amendment substituted the as-of-right inclusionary housing program for the lower income housing bonus.

The following is a description of current special district controls:

Land Use. Most of the Special District is zoned C4-7, which permits high density residential, commercial and community facility development with a maximum FAR of 10, bonusable to 12. A small area of the district is zoned R8, which permits mid-density residential and community facility development. The Special District encourages retail uses compatible with the area by permitting those commercial uses allowed in the underlying zoning district or listed in Use Group L. Use Group L comprises uses selected from those permitted in the C4-7 district which promote pedestrian oriented activity and serve visitors to the area. Those uses not listed in Use Group L are limited to 40 feet of street frontage.

Urban Design. The Special District's urban design regulations require buildings fronting on Broadway, located on the east side of Broadway between West 61st and West 65th streets, West 67th and 68th streets, the east side of Columbus Avenue between West 65th and West 66th Streets, and the west side of Broadway between West 65th and 68th streets and West 60th and 62nd streets to have an 85-foot high base built at the

streetline, with the tower above set back at least 15 feet on wide streets and 20 feet on narrow streets.

The special district recognized the distinct character of two sites in the area: the "bow tie" sites, located on the block bounded by West 66th, West 67th, Columbus Avenue and Broadway, and the block bounded by West 62nd, West 63rd, Columbus Avenue and Broadway. On these two blocks which frame the bow tie intersection and parks, the building walls of new developments must coincide with the streetlines, without any setback and with no minimum or maximum height specified.

Arcades. The Special District requires that mandatory arcades be provided on the following street frontages: the north side of West 61st Street between Central Park West and Broadway, the east side of Broadway between West 61st and West 65th Streets, and the east side of Columbus Avenue between West 65th and West 66th Streets. The arcade generates a bonus at the rate of seven square feet per square foot of arcade, for a maximum of 1 FAR.

Subway Improvements. Subway improvements affecting general accessibility, safety, or improving circulation are eligible to generate a bonus for a maximum of 2 FAR.

Parking and Loading. Accessory off-street parking and public parking garages are permitted only by CPC special permit. Off-street loading facilities are only permitted in conjunction with the granting of a special permit.

Existing Land Use

The Department's discussion document examined land use trends in the district since 1969 and identified three distinct sub-areas:

Sub-district A: The northern section of the district, between West 64th and West 68th streets, contains special district development that has predominately replicated the

traditional Upper West Side land use pattern found directly to the north: high density residential use with ground floor commercial uses.

Sub-district B: The district's major institutions, Lincoln Center and Fordham University, are located in the southwestern section of the district, west of Columbus Avenue between West 60th and West 68th streets.

Sub-district C: The southern portion of the district, between West 60th and West 64th streets is a center of commercial activity, due to its proximity to midtown and Columbus Circle. The area also contains offices in pre-1969 buildings, and the district's two hotels, the Mayflower on Central Park West and the Raddison Empire on West 63rd Street.

Six sites in the district were identified that could be potentially developed under existing zoning. The sites are:

1. Bank Leumi, a full-block site directly south of the Lincoln Square development between Broadway, Columbus Avenue, West 66th and West 67th Streets;
2. Tower Records/Penthouse Magazine building, a five story commercial building on Broadway, just north of Lincoln Center between West 66th and West 67th Streets;
3. Regency Theater, located at West 67th and Broadway;
4. Saloon/Chemical Bank buildings, a possible assemblage located on Broadway between West 64th and West 65th Streets;
5. Mayflower block, a full-block site bounded by Broadway, Central Park West, West 61st and West 62nd Streets, containing a vacant parcel facing Broadway and the Mayflower Hotel on Central Park West;
6. ABC assemblage, three low-rise structures located on the south side of West 66th Street, between Columbus Avenue and Central Park West.

TEXT AMENDMENT AS ORIGINALLY REFERRED

The provisions of the text amendments as originally referred include six changes to the existing zoning. It proposes a limit of the amount on overall commercial density in the northern portion of the district; commercial use restrictions for entertainment uses and requirements for retail continuity; urban design controls to regulate building form and height, and to respond to specific site conditions; requirements for subway access; and requirements for parking and loading. In terms of arcades, it proposes two alternates: the continuation of this requirement (at a reduced bonus rate) or the elimination of this requirement.

A summary of the major changes are listed below:

Underlying zoning

- Section 82-31 would limit the amount of commercial floor area allowed to 3.4 FAR in sub-district A, where residential and institutional development predominates. Section 82-311 would permit an increase in commercial use by CPC special permit.

Use Restrictions

- Section 82-23 would limit Use Groups 8 and 12, including movie theaters, to 1 FAR in all areas of the district, except Sub-district B, the area dominated by Lincoln Center.
- Eliminate Use Group L from the district.
- Sections 82-21 and 82-24 would mandate retail continuity and transparency regulations at the ground level.

Urban Design

Certain urban design changes would apply throughout the District:

- Section 82-34 would establish envelope controls to govern the massing and height of new buildings by requiring a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet.
- Section 82-36 would establish minimum tower coverage standards, and allow for the penthouse provision at the top of buildings.

The following would apply along Broadway:

- Section 82-37 would maintain the current requirement for an 85 foot high base along Broadway, with towers setback from the streetline for a minimum of 15 feet on wide streets and a minimum of 20 feet on narrow streets.
- Section 82-38 would require recesses below 85 feet for a minimum of 15 percent and a maximum of 30 percent.
- Section 82-39 would permit dormers as a permitted obstruction above 85 feet.

For the Bow Tie sites, the following would apply:

- Section 82-38 would require that these sites be developed with a streetwall building, with a setback at 150 feet of not less than 10 feet. New buildings would be built to the streetlines of West 63rd and West 66th Streets and continue around the adjoining corners for one-half of the Broadway and Columbus Avenue block frontages. The remaining portion of the Broadway frontage would provide a 85 foot streetwall.
- Section 82-38 would require two ranges of recesses: below 85 feet, recesses would be required for a minimum of 15 percent and a maximum of 30 percent of the length of the streetwall; above 85 feet, recesses would be required for a minimum of 30 percent and a maximum of 50 percent. An expression line would be required at 20 feet.
- A dormer would be permitted above 150 feet, for a minimum of 50 percent and a maximum of 100 percent of the streetwall width, reducing at a rate of 1 percent as the height of the dormer rises by a foot.

- Section 82-40 would establish a 300 foot height limit, with the penthouse provision permitted for up to 4 stories above this height.

On the Mayflower Block, the following would apply, in addition to the controls applicable to Broadway sites:

- Section 82-37 would require a contextual, high street wall envelope on the Central Park West frontage.

Mandatory Arcades

Text Amendment N 940127 ZRM proposes to:

- Retain the arcade as a mandated urban design requirement, with a reduced bonus from seven square feet per square foot of arcade to three square feet per square foot of arcade.
- Eliminate the requirement for an arcade on the north side of West 61st Street.

Text Amendment N 940128 ZRM proposes to:

- Eliminate the arcade as a mandated urban design requirement and the bonus generated by the provision.

Subway Access

- Section 82-11 would require subway stair relocation or access be provided in the development of sites adjacent to the West 66th Street and the 59th Street/Columbus Circle subway stations.
- Section 82-32 would retain the subway improvement bonus.

Parking and Loading Requirements

- Eliminate the district's special permit for public parking garages, since a special permit mechanism is provided in the underlying zoning regulations, Section 74-52.
- Section 82-50 would permit loading docks pursuant to underlying regulations, and establish a City Planning Commission authorization for curb cuts in instances

when they could not be accommodated on a narrow street, 50 feet from the intersection of a wide street.

Supplementary Use Regulations

Section 82-22 would permit commercial use to be located at or above the level of residential uses in the same building, provided that there is separate direct access to the street and no access to the residential portion of the building.

Right to Construct

Section 82-05 would terminate the right to continue construction in the Special District if the provisions of Section 11-30 are not met by the date of adoption of this zoning text amendment by the City Planning Commission.

POST-REFERRAL CHANGES

The zoning text amendment was referred to Manhattan Community Board 7 and the Manhattan Borough President on October 5, 1993. After referral, a number of issues were raised concerning the height of new development. As a result, the Department amended the proposed text. The changes included:

N 940127 (A) ZRM and N 940128 (A) ZRM, filed on November 15, 1993, proposes an alternative modification to Section 82-40 to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, with the penthouse provision.

N 940127 (B) ZRM and N 940128 (B) ZRM, filed on November 23, 1993, proposes a second set of alternative modifications to the applications to Sections 82-36 and 82-40 to eliminate the penthouse provision throughout the district, and to reduce the special height limitation on Blocks 1 and 2 from 300 feet, with the penthouse provision, to 275 feet, without the penthouse provision.

ENVIRONMENTAL REVIEW

These applications have been 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 94DCP007M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on October 4, 1993.

After issuance of the Negative Declaration, the Department modified several sections of the proposed text amendment.

The Environmental Assessment and Review Division reviewed the modifications and determined these changes to be a minor modification on December 20, 1993.

PUBLIC REVIEW

On October 5, 1993 the original applications (N 940127 ZRM and N 940128 ZRM) were referred to Manhattan Community Board 7 and the Borough President of Manhattan.

Community Board Public Hearing

Community Board 7 held a public hearing on the original applications on October 28, 1993, and, on November 3, 1993, by a vote of 39 to 1 with 0 abstentions, adopted a resolution recommending approval of the application with the following conditions:

1. "A maximum FAR of 10. CB 7 believes this is an appropriate allowable density given the crowded conditions in the Special District. 10 FAR could be achieved by either reducing the density to 8 FAR and allowing a 2 FAR bonus for affordable housing, or eliminating FAR bonuses and mandating affordable housing within 10 FAR."

2. "Require a straightforward height limit of 275 feet throughout the Special District."
3. "Require a special permit for new development throughout the Special District... As prerequisite, any development within the Special District must abide by the following regulations:
Throughout the District: Maximum 10 FAR; 275 height limit;
Along the east side of Broadway (excluding bow tie sites): 85 foot streetwall, 15 foot setback, arcade requirement without bonus;
Mayflower site: 125 foot streetwall, 15 foot setback on Central Park West;
Northern bow tie site: Specific regulations to be determined during ULURP, though CB7 notes preference for the following proposal over City Planning's proposal for the northern bow tie site: No setback for 60% of linear frontage on 66 Street, Columbus and Broadway; 85 foot street wall on remaining 30 % of linear frontage on Broadway; 55-60 foot streetwall on remaining 30 % of linear frontage on Columbus..."
4. "Theaters should not be restricted to 1 FAR."
5. "Restrict zoning lot mergers to 20 percent of floor area"

Borough President Recommendation

The original applications were considered by the Manhattan Borough President, who issued a recommendation conditionally approving the application with conditions on November 15, 1993.

1. The Manhattan Borough President agrees with CB 7 that 10 FAR is more appropriate in the Lincoln Square area than 12 FAR.
2. In the event that the issues of density is deemed to fall outside the scope of the current action, the Borough President recommends 1) that the matters found to be within scope be evaluated within this public review process and adopted or modified, and 2) that DCP be directed to undertake a more comprehensive review of mapped vs. built vs. "livable" density within this district, and ultimately, to propose appropriate zoning actions.
3. The Borough President recommends: 1) the elimination of the arcade bonus; 2) the restriction of the inclusionary housing bonus to development on-site or entirely within the boundaries of the Special District; and 3) the reevaluation of the economics of the subway bonus to relate the amount of floor are granted

more clearly and directly to the effectiveness of the subway improvements in mitigating the impacts of high density development.

4. The Borough President recommends a 275 foot height limit on each of the two bow-tie sites as well as a district wide height limit.
5. A special permit requirement would result in better building design for what is really a unique area.
6. The Borough President supports the community's solution with regard to streetwall heights, setbacks and other building design controls and thinks that either CB 7's recommendation or those of Landmark West! are preferable to specifics of the DCP proposal.
7. The idea of restricting zoning lot mergers is generally a good one, and the Board's recommendation of 20 percent seems appropriate.
8. The Borough President is concerned about specific conditions on the Bank Leumi site (bow-tie site) and supports the preservation of the occupied tenements.
9. The Borough President supports the Board's position opposing the elimination of Use Group 8 uses (theaters and other entertainment uses) and urges DCP to devise a mechanism to require transparency from the curb level to the ceiling of the theater.
10. The Borough President acknowledges ABC's importance to the City and to the neighborhood. Therefore, continued dialogue between DCP/CPC and ABC is encouraged so that solutions to existing conflicts may be found.
11. DCP is urged to work with the community and other appropriate city agencies to help achieve improvements to the "bow-tie" parks and malls.
12. The Borough President urges DCP to move to expedite a full traffic/pedestrian circulation study of this area after adoption of the text.

City Planning Commission Public Hearing

On November 3, 1993 (Calendar Nos. 6 and 7), the City Planning Commission scheduled November 17, 1993 for public hearings on the original applications (N 940127 ZRM and N 940128 ZRM). The hearings were duly held on November 17, 1993 (Calendar Nos. 15 and 16) and were continued to December 1, 1993, (Cal. Nos. 8 and 9), and December 15, 1993 (Cal Nos. 21 and 22), when the hearing was closed.

On November 17, 1993 (Supplemental Calendar Nos. 1 and 2), the City Planning Commission scheduled December 1, 1993 for public hearings on the modified applications (N 940127 (A) ZRM and N 940128 (A) ZRM). The hearings were duly held on December 1, 1993 (Calendar Nos. 6 and 7) and were continued to December 15 1993, (Cal. Nos. 23 and 24), and then closed.

On December 1, 1993 (Supplemental Calendar Nos. 1 and 2), the City Planning Commission scheduled December 15, 1993 for public hearings on the second modified applications (N 940127 (B) ZRM and N 940128 (B) ZRM). The hearings were duly held on December 15, 1993 (Calendar Nos. 25 and 26), and then closed.

On November 17, 1993, there were three speakers in favor of the application, and 22 speakers in opposition. Numerous speaking slips were submitted by people who were registered in opposition; however they did not speak.

Speakers in favor of the application included representatives of two property owners within the Special District.

Those opposed included the Manhattan Borough President, the local City Council member, two State Senators, a State Assemblyman, the chairperson of Community Board 7, representatives of civic organizations, a representative of a property owner and neighborhood residents.

Those in favor supported the appropriateness of the proposed changes to the zoning text, including the reduction in commercial density in the northern portion of the district and the changes to the urban design regulations.

Many of those testifying against the proposal indicated that they would support the Department's proposal for changes to the Special District, provided that additional actions be undertaken by the Commission, such as reducing the district's overall

The Commission further recognizes that one of the district's most distinguishing features is the strength of the Broadway retail corridor. Therefore the Commission believes that the retail continuity and transparency provisions of the proposed text would ensure to protect and enhance this character.

Urban Design: The Commission recognizes that the district's urban design controls need to be improved in response to the issues raised by the height and form of recent developments and specific site concerns for the remaining development sites within the district. After considering the range of urban forms presented by the Department and the community, and as depicted in the Environmental Simulation Center model and video analysis, the Commission believes that the urban design proposal as modified and described below is appropriate.

The Commission notes that since 1969 the special district's urban design regulations have required buildings fronting on Broadway to have an 85-foot high base built at the streetline, with the tower set back from the streetline at least 15 feet on wide streets and 20 feet on narrow streets. Subsequently, the 85-foot streetwall has come to strongly characterize the Broadway streetscape.

In terms of the height of new development, the Commission noted that buildings built under special district regulations range from 18 to 42 stories or 192 to 419 feet in height along Broadway, and that another project under construction will reach a height of 545 feet. The current regulations which prescribe only a maximum tower coverage, not a minimum tower coverage, have proven not be an effective control on the height of new development.

The Commission believes that development along Broadway should continue to maintain the current controls requiring an 85 foot high base along Broadway to relate to existing special district development and Lincoln Center, with tower development subject to setbacks as currently prescribed. Furthermore, in order to control the massing and

pedestrian and vehicular traffic generated by this concentration of commercial uses greatly exceeds that of more typical district buildings which average about 1 FAR of commercial use.

The original proposal contained a restriction on commercial development in Sub-district A, where residential and institutional development predominates. The restriction would limit commercial uses to 3.4 FAR for as-of-right projects. This would in effect limit commercial use on the three large Broadway development sites in the sub-district to approximately 100,000 square feet of floor area. After evaluating the impact of the proposed regulation, the Commission modified this proposal to limit the amount of commercial floor area on a zoning lot to 100,000 square feet for as-of-right projects. Commercial use greater than 100,000 square feet would be permitted by City Planning Commission special permit only. The regulation would have essentially the same impact on the large Broadway sites, yet would permit more commercial use on smaller zoning lots. The Commission notes that the overall density of the sub-area would remain constant, while the amount of as-of-right commercial use would be reduced on the large development sites, thereby limiting the amount of future trips that would be generated from these uses. In special permit cases, the Commission would assess the proposed use, site plan and environmental effects on a case-by-case basis.

The Commission believes that the C4-7 district in the southern portion of the district, Sub-district C, where commercial uses predominate, and Sub-district B, where the district's major institutions are located, should be retained.

The original proposal contained a 1 FAR limitation on Use Group 8 and 12 in sub-districts A and C, in order to limit the amount of future movie theater development and the related traffic generated. The Commission has decided to delete this limitation, in response to Community Board 7's concerns that this limitation was not consistent with encouraging the expansion of entertainment uses within the district.

Those in favor spoke of both changes to the original text testified regarding the appropriateness of the 275 height limitation on the bow tie sites, and inappropriateness of permitting development above that height. Some speakers mentioned that they were not opposed to penthouses, but rather any development whatsoever above 275 feet in the district.

Those in favor of the 275 foot height limitation, but not the elimination of the penthouse provisions, asserted that without the penthouse provisions the bow tie site would not be developed with a full Broadway block frontage, and would therefore be a less desirable development solution.

Those in favor of the penthouse provision discussed the importance of permitting the architectural flexibility to shape the top of buildings, since so many New York City buildings are distinguished by their tops.

The hearing was closed.

CONSIDERATION

The Commission believes that the zoning text amendment to the Special Lincoln Square District, as modified, is appropriate. During the course of review, the Commission considered a wide range of issues in relation to the Special District including the urban design proposal; land use controls; arcades; and previously a approved special permit.

Land Use Controls: The Commission carefully considered the land use regulations of the Special District. Since 1969, the great majority of special district development has been predominately residential, with only limited amounts of commercial and/or community facility uses. In contrast, an as-of-right project now under construction will contain about 5 FAR of retail, movie and health club uses (plus another 1 FAR of below-grade, commercial use). The intensity of activity and the large amount of

density, applying height limitations district-wide, repealing bonus mechanisms, restricting zoning lot mergers, adding special permit requirements for development and prescribing the location of the low income built under the inclusionary housing program.

On December 1, 1993, there were 2 speakers in favor of the application for a reduction in the height limitation on Blocks 1 and 2, and 1 speaker in opposition. Those in favor included a representative of the Manhattan Borough President and a property owner. A representative of the New York City Chapter of the American Institute of Architects spoke against the proposal.

Of those speakers in favor of the 275 foot height limitation on the bow tie sites, one speaker was in favor of the continuation of the penthouse provision, and the other spoke in favor of eliminating the penthouse provision. The speaker opposed to the 275 foot height limitation asserted that there was no need for special height limitations in the district, since height limits are not as effective in minimizing the impact of development as compared with coverage controls and architectural articulation.

On December 15, 1993, there were 13 speakers. There were ten speakers in favor of the reduction in the height limitation on Blocks 1 and 2, and the elimination of the penthouse provision; two speakers in favor of the height limitation, but opposed to the elimination of the penthouse provision; one speaker in favor of the original proposal and opposed to the elimination of the penthouse provision; and one speaker was against the proposal as a whole. Those in favor of both modifications included representatives of local community groups, a representative of the Municipal Art Society and neighborhood residents. Those in favor of the height limit, yet opposed to the elimination of the penthouse provision included representative of the owner or developer of Development Block 1. Those opposed to the elimination of the penthouse provision included a representative of the Park Summit Realty Corp., a property owner. Those who were opposed included the local city council member, who remained opposed to the entire proposal.

height of development, envelope and floor area distribution regulations should be introduced throughout the district. These proposed regulations would introduce tower coverage controls for the base and tower portions of new development and require a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet. This would produce building heights ranging from the mid-20 to the low-30 stories (including penthouse floors) on the remaining development sites.

In response to the Community Board's concern that a height limit of 275 feet should be applied throughout the district, the Commission believes that specific limits are not generally necessary in an area characterized by towers of various heights, and that the proposed mandated envelope and coverage controls should predictably regulate the heights of new development. The Commission also believes that these controls would sufficiently regulate the resultant building form and scale even in the case of development involving zoning lot mergers.

Articulation: The Commission embraces the goal of articulating the buildings within the district, especially in light of the fact that certain remaining development sites contain full block frontages along Broadway up to 230 feet long. Thus far, certain district developments have provided little articulation in the base form. The required minimum and maximum recesses range from 15 to 30 percent of the streetwall length, and shall have depths between one and ten feet. Consistent with current practice, details of recessed windows and the location of glass lines are unspecified. Therefore, the Commission believes that the mandated recesses in the base of Broadway developments would help to articulate the block fronts and would provide a better scale relationship with the street.

The dormer allowances in the required setback would provide articulation of the building above the base and provide a transition between the tower and base portions by promoting the incorporation of different architectural elements into the built form. Further, in response to suggestions from members of the New York City Chapter of the

AIA, the Commission has modified this provision to allow an additional dormer option which would permit a small amount of additional encroachment into the area of tower setback, and allow a higher streetwall base for up to 50 percent of the street frontage.

Penthouse Provisions (Section 82-36 and 82-40): During the course of public review, the Commission considered whether or not the penthouse provisions were a desirable element in the district. The penthouse provision as originally proposed permits the highest four stories or 40 feet of a development, whichever is less, to cover less than 30 percent minimum coverage which applies throughout the district, provided that the gross area of each story does not exceed 80 percent of the gross area of the story directly below it. The Commission believes that this option allows for greater architectural flexibility at a building's top, and therefore believes that the penthouse provisions of Section 82-36 and 82-40 should be maintained.

Development Blocks 1 and 2 (Bow Tie Sites): The Commission considered special urban design controls for Development Blocks 1 and 2, also known as the bow tie sites, due to their significant location at the confluence of Broadway and Columbus Avenue, and facing the district's two public spaces, Richard Tucker Park and Dante Park. According to the amendments as originally proposed and referred, these sites would have been required to be developed with a streetwall building setback at 150 feet, continuing around the adjoining corners for one-half of the Broadway and Columbus Avenue block frontages, on the southern half of the northern bow tie site and the northern half of the southern bow tie site. The remaining portion of the Broadway frontage would be required to provide an 85 foot streetwall. In addition, two different ranges of recesses would be required (below and above 85 feet); an expression line would be required at 20 feet; dormers would be permitted above 150 feet; and a 300 foot height limit would apply, with the penthouse provision permitted for up to 4 stories above this height.

The Commission studied the various urban design alternatives proposed for these sites, and has modified the proposal to require that new development rise without setback on streetwalls facing the public spaces and continuing around the corners for one-half of the Broadway and Columbus Avenue block frontages. The remaining Broadway frontages shall be required to contain an 85 foot high streetwall base, as originally proposed. The Commission also studied the appropriate height limitation for the sites, and has decided to adopt N 940127 (A) ZRM, the modified proposal to reduce the special height limitations to 275 feet, and maintain the ability to apply the penthouse provision above that height. Furthermore, the Commission notes that the other mandated articulation controls are important elements of the urban design controls. In total, the modified requirements are a large improvement over the simple 1969 requirements which only required that development coincide with the streetlines without setbacks, and contained no provision for variation or articulation in the building wall.

Development Block 3: The Commission believes that there are site conditions that warrant the addition of special controls for Development Block 3, known as the Mayflower site. This is the only site within the district to contain frontage on Central Park West, and it is immediately adjacent to the Central Park West Historic District and a New York City Landmark, the Century apartment house. Therefore, the Commission believes that contextual, high streetwall R10 A type envelope controls, rather than tower controls, should be required for the Central Park West frontage, which would ensure compatibility with adjacent historic structures.

Arcades: The Commission carefully considered the option of whether or not to continue the arcade requirement, as presented in the alternative text amendments. It was noted that since 1969, three arcades have been constructed along Broadway, and that one of these has been constructed in a modified form. They have provided an expanded and protected area for pedestrians along the length of Broadway opposite Lincoln Center and extra space for outdoor seating for the area's eating places which support the district's entertainment uses.

The Commission believes that the arcades have not been successful in providing the signature element along Broadway that was originally envisioned, and do not support retaining them as a mandated urban design requirement which generates a bonus. However, it is noted that the remaining sites along Broadway are adjacent to built arcades and present an opportunity to create a unified design feature that integrate the pedestrian space with activities characteristic of the Special District. Therefore, the mandated arcade of the proposed N 940127 (A) ZRM text amendment is modified, changing it from a mandated requirement with a bonus to a permitted option without a bonus.

Grandfather Clause: If adopted as proposed, the text amendment would have had the effect of jeopardizing a previously approved special permit granted for a project which has yet to be implemented. The Commission believes that this is inappropriate, and has modified Section 82-05 to provide a grandfather clause which would permit development under approved conditions.

During the deliberations on the text amendment, members of the Commission expressed frustration that many of the broader issues raised by Community Board 7 and others (i.e. a reduction in the density permitted in the district, height limits for all development, further restrictions in zoning lot mergers, the location of low and moderate income housing that qualifies for a bonus, special permits for all developments and a requirement for glazing above the first floor) were not included in the Department's application, and therefore could not be reviewed by the Commission. In addition, the Commission notes that the Department is scheduled to conduct a study of traffic and pedestrian circulation in the Lincoln Square bow tie during 1994. The Commission further recognizes that the Department of City Planning and the Manhattan Borough President have already convened a working group to discuss how one might substantiate the planning and environmental implication of these, and perhaps other, proposals.

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, 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 modification of Article VIII, Chapter 2, Section 82-00, as follows:

Matter in Underline 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.

Article VIII

Chapter 2 Special Lincoln Square District

82-00 GENERAL PURPOSES

* * *

82-01

Definitions

* * *

Development

N 940127 (A) ZRM

For purposes of this Chapter a "development" includes both #development# and #enlargement# as defined in Section 12-10 (DEFINITIONS).

82-02

General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified #bulk# regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter. ~~and the City Planning Commission, by special permit after public notice and hearing and subject to Board of Estimate action, may grant special permits authorizing modifications of specified applicable district #bulk# regulations for any #development# in the #Special Lincoln Square District#.~~ In addition to meeting the requirements, conditions, and safeguards prescribed by the Commission as set forth in this Chapter, each such #development# shall conform to and comply with all of the applicable district regulations on #use#, #bulk#, supplementary #use# regulations, regulations applying along district boundaries, #accessory signs#, #accessory# off street parking and off street loading, and all other applicable provisions of this resolution, except as otherwise specifically provided in this Chapter.

82-03

Action by the Board of Estimate

Delete entire section

82-04

N 940127 (A) ZRM

82-03

Requirements for Applications

An application to the City Planning Commission for the grant of a special permit or an authorization respecting any #development# under the provisions of this Chapter shall include a site plan showing the location and the proposed #use# of all #buildings or other structures# on the site; the location of all vehicular entrances and exits and proposed off-street parking spaces, and such other information as may be required by the City Planning Commission for its determination as to whether or not a special permit or an authorization is warranted. Such information shall include, but not be limited to, justification of the proposed #development# in relation to the general purposes of the #Special Lincoln Square District# ~~(Section 82-00), its relation to public improvements (82-05), its proposed #uses# (Section 82-06), its parking facilities (Section 82-07), and its bulk and height (Section 82-08), as well, in applicable locations, as the inclusion of Mandatory Arcades (Section 82-09), public amenities (Section 82-10) and location of #building# walls in relation to certain #street lines# (Section 82-11).~~

82-05

~~Relationship to Public Improvement Projects~~

Delete entire section

82-04

District Plan

The District Plan for the #Special Lincoln Square District# included as Appendix A identifies specific subdistricts in which special zoning regulations carry out the general purposes of the #Special Lincoln Square District#. These areas are: Subdistrict A, Subdistrict B and Subdistrict C.

The District Plan also identifies #blocks# with mandatory #front lot line street walls#. The District Plan is hereby incorporated as an integral part of the #Special Lincoln Square District#.

82-05

Right to Construct

For the purpose of this Chapter, the right to continue to construct shall terminate if the provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) are not met by the date of approval of this amendment by the City Planning Commission.

Notwithstanding the provisions of this chapter, any #development# approved by special permit of the City Planning Commission pursuant to this chapter prior to (the effective date of this amendment) may be started or continued pursuant to such special permit.

82-10

MANDATORY DISTRICT IMPROVEMENTS

The provisions of this Section specify mandatory or optional physical improvements to be provided in connection with #developments# on certain #zoning lots# located within the Special District.

82-09

82-11

Special Provisions for Optional Mandatory Arcades

Any #development# located on a #zoning lot# with a #lot line# which coincides with any either of the following #street lines#: ~~the north side of 61st Street between Central Park West and Broadway,~~ the east side of Broadway between West 61st and West 65th Streets or the east side of

N 940127 (A) ZRM

Columbus Avenue between West 65th and West 66th Streets, may shall contain an #arcade# as defined in Section 12-10, except that:

- (a)The #arcade# shall extend the full length of the #zoning lot# along the #street lines# described above. However, the required #arcade# along the east side of Columbus Avenue may be terminated at a point 40 feet south of West 66th Street;
- (b)The exterior face of #building# columns shall lie along the #street lines# described above;
- (c)The minimum depth of the #arcade# shall be 15 feet (measured perpendicular to the exterior face of the #building# columns located on the #street line#) and the average minimum height of the #arcade# along the center line of its longitudinal axis shall not be less than 20 feet;
- (d)The #arcade# shall contain no permanent obstruction within the area delineated by the minimum width and height requirements of this Section except for the following:
 - (1)Unenclosed cafes, provided that there is at least a 6 six-foot ~~feet~~ wide unobstructed pedestrian way adjacent to the #building# #street wall#. In no event may such cafes be enclosed at any time.
 - (2)Structural columns not exceeding 2 feet by 3 feet provided that the longer dimension of such columns is parallel to the #street line#, that such columns are spaced at a minimum of 17 feet on center, and that the space between such columns and the face of the #building# #street wall# is at least 13 feet wide. No other columns shall project beyond the face of the ~~building~~ #street wall#.

(e) No #signs# may be affixed to any part of the #arcade# or #building# columns except on a parallel to the #building# #street wall# projecting no more than 18 inches therefrom parallel to the #street line# along which the #arcade# lies.

(f) The #arcade# shall be illuminated only by incandescent lighting to a standard of average 8 eight foot-candle intensity with a minimum 5 five foot-candle intensity at any point within the #arcade#.

82-12

Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Section 37-032 (Standards for relocation, design and hours of public accessibility) and 37-033 (Administrative procedure for a subway stair relocation).

82-13

Special Provisions for a Transit Easement

Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.

82-06

82-20

SPECIAL USE AND SIGN REGULATIONS

~~In order to ensure that a wide variety of consumer and service needs of local residence are met, a special limitation is imposed on the amount of street frontage that can be elevated to any one type of commercial use, and a special incentive is provided to encourage uses compatible with the General Purposes of Section 82-00.~~

In order to provide for the special cultural needs, convenience, enjoyment, education and recreation of the residents of the area and of the many visitors who are attracted to the Lincoln Center for the Performing Arts, a limitation is imposed on the ground floor #uses# within the Special District.

The provisions of this Section shall apply to all a #development# or change of #use# within the Special District.

~~82-061~~

82-21

Restrictions on Street Level Uses

~~#Uses# on the ground floor level along Broadway, Amsterdam or Columbus Avenues except lobby space shall be limited to Use Group L uses or #commercial uses# permitted by the underlying district regulations. On any #zoning lot# which abuts Columbus, Amsterdam Avenues or Broadway, the maximum length of street frontage along Broadway or Columbus or Amsterdam Avenues which may be devoted to any permitted #use# shall be 40 feet unless the use also is included in Use Group L (Section 82-062) #Uses# under Use Group L are permitted without #street# frontage limitation.~~

Within 30 feet of Broadway, Columbus Avenue or Amsterdam Avenue #street lines#, #uses# located on the ground floor level or within five

N 940127 (A) ZRM

feet of #curb level# shall be limited to those listed in Use Groups 3A, 3B, 6A, 6C, 8A, 10A, eating or drinking establishments listed in 12A, or 12B. Within Use Groups 3A or 3B #uses# shall be limited to colleges, universities including professional schools, museums, libraries or non-commercial art galleries. Within such area, lobby space, required accessory loading berths, or access to subway stations are permitted.

~~82-062~~

~~Use Group L~~

Delete entire section

82-22

Location of Floors Occupied by Commercial Uses

The provisions of Section 32-422 (Location of Floors Occupied by Non-Residential Uses) shall not apply to any #commercial use# located in a portion of a #mixed building# that has separate direct access to the #street# and has no access within the #building# to the #residential# portion of the #building# at any #story#. In no event shall such #commercial use# be located directly over any #dwelling units#.

82-23

Street Wall Transparency

When the front building wall or #street wall# of any #development# is located on Broadway, Columbus Avenue or Amsterdam Avenue, at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level# or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than two feet six inches above #curb level#.

~~82-063~~

82-24

N 940127 (A) ZRM

Supplementary Sign Regulations

No permitted #business sign# shall extend above #curb level# at a height greater than 20 feet or obstruct an #arcade#.

~~82-07~~

~~Modification of Parking and off-street Loading Requirements~~

Delete entire section

~~82-08~~

~~Modification of Bulk and Height and Setback Requirements~~

Delete entire section

~~82-10~~

~~PUBLIC AMENITIES~~

Delete entire section

82-30

SPECIAL BULK REGULATIONS

82-31

Floor Area Ratio Regulations for Commercial Uses

Within Subdistrict A, for any #development# in a C4-7 District the maximum permitted # commercial floor area # on a #zoning lot# shall be 100,000 square feet.

82-311

Floor area increase by special permit

The City Planning Commission may by special permit allow the #commercial floor area ratio# permitted on a #zoning lot# pursuant to Section 82-31 (Floor Area Ratio Regulations for Commercial Uses)

N 940127 (A) ZRM

within Subdistrict A to be increased to 10.0 for #commercial uses#. As a condition for such special permit, the Commission shall find that:

- (a)the #uses# are appropriate for the location and shall not unduly affect the #residential uses# in the nearby area or impair the future land use and development of the adjacent areas;
- (b)the #uses# shall not require any significant addition to the supporting services of the neighborhood or that provision for adequate supporting services has been made;
- (c)the additional #bulk# devoted to #commercial uses# shall not create or contribute to serious traffic congestion and will not unduly inhibit vehicular and pedestrian flow; and
- (d)the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects of any such #uses# on the character of the surrounding area.

82-32

Special Provisions for Increases in Floor Area

The provisions of Sections 23-16, 24-14 or 33-13 (Floor Area Bonus for a Plaza), Sections 23-17, 24-15 or 33-14 (Floor Area Bonus for a Plaza-Connected Open Area), Sections 23-18, 24-16, or 33-15 (Floor Area Bonus for Arcades), or Section 23-23 (Density Bonus for a Plaza-Connected Open Area or Arcade) shall not apply. In lieu thereof the following provisions shall apply, which may be used separately or in

N 940127 (A) ZRM

combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0:

(a)Floor Area Increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90 (INCLUSIONARY HOUSING).

(b)Floor Area Bonus for Public Amenities

When a #development# is located on a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, with no tracks intervening to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan) grant a maximum of 20 percent #floor area# bonus.

For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:

(i)the direct construction cost of the public amenity;

(ii)the cost of maintaining the public amenity; and

- (iii) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators.

82-33

Modification of Bulk Regulations

The Commission may, by special permit, modify the height and setback regulations, #yard# regulations, regulations governing minimum distance between #buildings# on a single #zoning lot# and regulations governing #courts# and minimum distance between #legally required windows# and walls or #lot lines# for any #development# provided the City Planning Commission finds that such modifications are necessary to:

- (a) facilitate good design; or
- (b) allow design flexibility for any #development# to which the mandatory provisions of Section 82-10 are applicable; or
- (c) incorporate a #floor area# allowance pursuant to Section 82-32 (Special Provisions for Increases in Floor Area) where inclusion of the proposed public amenity will significantly further the specific purposes for which the #Special Lincoln Square District# is established.

The #lot area# requirements for the non-#residential# portion of a #building# which is eligible for a #floor area# allowance under the provisions of paragraph (b) of Section 82-32 may be reduced or waived by the Commission provided that the Commission makes the additional finding that such modification will not adversely affect the #uses# within the #building# or the surrounding area.

82-34

Bulk Distribution

Within the Special District, at least 60 percent of the total #floor area# permitted on a #zoning lot# shall be within #stories# located partially or entirely below a height of 150 feet from #curb level#.

For the purposes of determining allowable #floor area#, where a #zoning lot# has a mandatory 85 foot high #street wall# requirement along Broadway, the portion of the #zoning lot# located within 50 feet of Broadway shall not be included in #lot area# unless such portion contains or will contain a #building# with a wall at least 85 feet high coincident with the entire #street line# of Broadway.

82-35

Height and Setback Regulations

Within the Special District, all #developments# shall be subject to the height and setback regulations of the underlying districts, except as set forth in:

(a)Paragraph (a) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line#; and

(b)Paragraphs (b), (c) and (d) of Section 82-37 (Street Walls along Certain Street Lines) where the #street wall# of a #building# is required to be located at the #street line# and to penetrate the #sky exposure plane# above a height of 85 feet from #curb level#.

82-36

Special Tower Coverage and Setback Regulations

N 940127 (A) ZRM

The requirements set forth in Sections 33-45 (Tower Regulations) or 35-63 (Special Tower Regulations for Mixed Buildings) for any #building# or portion thereof that qualifies as a "tower" shall be modified as follows:

(a)At any level at or above a height of 85 feet above #curb level#, a tower shall occupy in the aggregate:

(i)not more than 40 per cent of the #lot area# of a #zoning lot# or, for a #zoning lot# of less than 20,000 square feet, the per cent set forth in Section 23-651 (Tower on small lots); and

(ii)not less than 30 per cent of the #lot area# of a #zoning lot#. However, the highest four #stories# of the tower or 40 feet, which-ever is less, may cover less than 30 per cent of the #lot area# of a #zoning lot# if the gross area of each #story# does not exceed 80 per cent of the gross area of the #story# directly below it.

(b)At all levels at or above a height of 85 feet from #curb level#, the minimum required set back of the #street wall# of a tower shall be at least 15 feet from the street line of Broadway or Columbus Avenue, and at least 20 feet on a #narrow street#.

(c)In Subdistrict A, the provisions of paragraph (a) of Section 35-63, as modified by paragraphs (a) and (b) above, shall apply to any #mixed building#.

For the purposes of determining the permitted tower coverage in Block 3 as indicated on the District Plan, that portion of a #zoning lot# located within 100 feet of the west #street line# of Central Park West shall be treated as if it were a separate #zoning lot# and the tower regulations shall not apply to such portion.

82-11

Building Walls Along Certain Street Lines

Delete the entire section

82-37

Street Walls along Certain Street Lines

(a) For any #development# on a #zoning lot# with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street# and shall rise without setback to a height of 85 feet above #curb level#:

(1) the east side of Broadway between West 61st Street and West 65th Street;

(2) the east side of Columbus Avenue between West 65th Street and West 66th Street;

(3) the east side of Broadway between West 67th Street and West 68th Street;

(4) the west side of Broadway between West 66th Street and West 68th Street; and

(5) the west side of Broadway between West 60th Street and West 62nd Street.

Such #street wall# shall extend on a #narrow street# to a distance of not less than 50 feet from its intersection with the #street line# of Broadway or Columbus Avenue and shall include a 20-foot setback at a height of 85 feet above #curb level# as required in Section 33-432 (In Other Commercial Districts).

N 940127 (A) ZRM

(b) For any #development# on a #zoning lot# in Block 1 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street lines# for the entire frontage of the #zoning lot# on that #street#.

(1) the west side of Broadway between West 62nd Street and West 63rd Street;

(2) the south side of West 63rd Street between Broadway and Columbus Avenue; and

(3) the east side of Columbus Avenue between West 62nd Street and West 63rd Street.

The #street wall# located on the south side of West 63rd Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and extend along Broadway and/or Columbus Avenue for one half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then set back 20 feet as required in Section 33-432 (In Other Commercial Districts).

(c) For any #development# on a #zoning lot# in Block 2 with a #front lot line# coincident with any of the following #street lines#, a #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#:

(1) the east side of Broadway between West 67th Street and West 66th Street;

(2)the north side of West 66th Street between Broadway and Columbus Avenue; and

(3)the west side of Columbus Avenue between West 66th Street and West 67th Street.

The #street wall# located on the north side of West 66th Street shall rise vertically without setback to the full height of the #building# except for the top four floors or 40 feet, whichever is less, and extend on Broadway and/or Columbus Avenue for one-half of the length of the total #block# front. The #street wall# located on the remaining #block# front on Broadway shall rise to a height of 85 feet above #curb level# and then setback 20 feet as required in Section 33-432 (In Other Commercial Districts).

(d)For any #development# on a #zoning lot# in Block 3 with a #front lot line# coincident with the #street line# of Central Park West, the #street wall# shall be located on such #street line# for the entire frontage of the #zoning lot# on that #street#.

The #street wall# fronting on Central Park West shall rise vertically without setback to a height of at least 125 feet but not greater than 150 feet and shall extend along the #street line# of West 61st Street and along the #street line# of West 62nd Street to a distance of not less than 50 feet but not more than 100 feet from their intersection with the west #street line# of Central Park West. Above that height no #building or other structure# shall penetrate a #sky exposure plane# that starts at the #street line# and rises over the #zoning lot# at a ratio of 2.5 : 1.

82-38

Recesses in the Street Wall of a Building

N 940127 (A) ZRM

Recessed fenestration and special architectural expression lines in the #building# facade of a #development# are required as follows:

- (a) Except as set forth in paragraph (b) below, the aggregate length of all recesses in the #street wall# along Broadway of a #development# shall be between 15 per cent and 30 per cent of the entire length of such #street wall# at any #story# between the ground floor and 85 feet above #curb level#.
- (b) In Block 1, for any #development# that fronts on the #street line# of the south side of West 63rd Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 percent of the #block# front, the aggregate length of all recesses in the #street walls# along each such #street# frontage shall be between 15 percent and 30 per cent of the entire length of each #street wall# at any #story# between the ground floor and 85 feet above #curb level# and shall be between 30 percent and 50 percent of the entire length of each #street wall# at any #story# above 85 feet above #curb level#.
- (c) In Block 2 the requirement of #street wall# recesses in paragraph (b) above shall also apply to a #development# that fronts on the #street line# of the north side of West 66th Street and extends along the #street line# of Broadway and/or Columbus Avenue to a distance of not less than 50 per cent of the #block# front.

Such recesses shall be a minimum of one foot in depth and shall not exceed a depth of 10 feet. Below a height of 85 feet above #curb level#, no recesses deeper than one foot shall be permitted in the #street wall# of a #building# within a distance of 10 feet from the intersection of any two #street lines#.

In addition, along the #street lines# of Broadway, West 63rd Street and West 66th Street, within Blocks 1 and 2, the #street wall# shall provide at a height of 20 feet above #curb level#, an architectural expression line consisting of a minimum six inch recess or projection, for a minimum height of one foot and maximum height of two feet.

82-39

Permitted Obstructions within Required Setback Areas

The #street wall# of a #building# may be vertically extended above a height of 85 feet above #curb level# without setback in accordance with either of the following provisions:

(a) A dormer may be allowed as a permitted obstruction within the required #initial setback distance# above a height of 85 feet above #curb level#. The #street wall# of a dormer shall rise vertically as an extension of the #street wall# of the #building#. A dormer may be located anywhere on a #wide# or #narrow street# frontage.

On any #street# frontage the aggregate width of all dormers at the required initial setback level shall not exceed 60 per cent of the width of the #street wall# of the #story# immediately below the initial setback level. For each foot of height above the required initial setback level, the aggregate width of all dormers at that height shall be decreased by one per cent of the width of the #street wall# of the #story# immediately below the initial setback level. Such dormers shall count as #floor area# but not as tower #lot coverage#.

(b) On a #wide street# and on a #narrow street# within 50 feet of its intersection with a #wide street#, the #street wall# of a #building# may be vertically extended without setback within the required #initial setback distance# above a height of 85 feet above #curb

N 940127 (A) ZRM

level#, up to a maximum height of 125 feet, provided that the aggregate width of such #street walls# shall not exceed 50 percent of the width of the #street wall# of the #story# immediately below the initial setback level, and provided the #street wall# of the #building# contains special architectural expression lines at a height of 85 feet above #curb level#.

82-40

SPECIAL HEIGHT LIMITATION

For #developments# located in Block 1 or Block 2, the maximum height of a #building or other structure# or portion thereof shall not exceed 275 feet above #curb level#, except that a penthouse may be located above such height, provided that such penthouse:

(1)contains not more than four #stories# or 40 feet, whichever is less;
and

(2)the gross area of each #story# does not exceed 80 per cent of the gross area of that #story# directly below it.

82-121

82-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The regulations of Article I, Chapter 3 (COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY DISTRICTS 1, 2, 3, 4, 5, 6, 7 AND 8 IN THE BOROUGH OF MANHATTAN) and the applicable underlying district regulations of Article III, Chapter 6, relating to Off-Street Loading Regulations, shall apply in the #Special Lincoln Square District# except as otherwise provided in this Section.

N 940127 (A) ZRM

(a) Accessory Off-Street Parking Spaces

#Accessory# off-street parking spaces are permitted only by special permit of the City Planning Commission pursuant to Section 13-461 (Accessory off-street parking spaces).

(b) Curb Cuts

The City Planning Commission may authorize curb cuts within 50 feet of the intersection of any two #street lines#, or on #wide streets#, where such curb cuts are needed exclusively for required off-street loading berths, provided the location of such curb cuts meets the findings in Section 13-453 (Curb Cuts) and the loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot#.

(c) Waiver of Loading Berth Requirements

The City Planning Commission may authorize a waiver of the required off-street loading berths where the location of the required curb cuts would:

- (i) be hazardous to traffic safety; or
- (ii) create or contribute to serious traffic congestion or unduly inhibit vehicular and pedestrian movement, or
- (iii) interfere with the efficient functioning of bus lanes, specially designated streets or public transit facilities.

The Commission shall refer these applications to the Department of Transportation for its comments.

82-122

Public parking garages

Delete entire section

82-60

PUBLIC PARKING GARAGES

N 940127 (A) ZRM

In that portion of the Special Lincoln Square District located within a C4-7 District, the Commission may permit #public parking garages# with any capacity pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas).

~~82-13~~

~~Special Regulations for Zoning Lots Divided by District Boundaries~~
Delete entire section

~~82-14~~

82-70

EXISTING PLAZAS OR OTHER PUBLIC AMENITIES

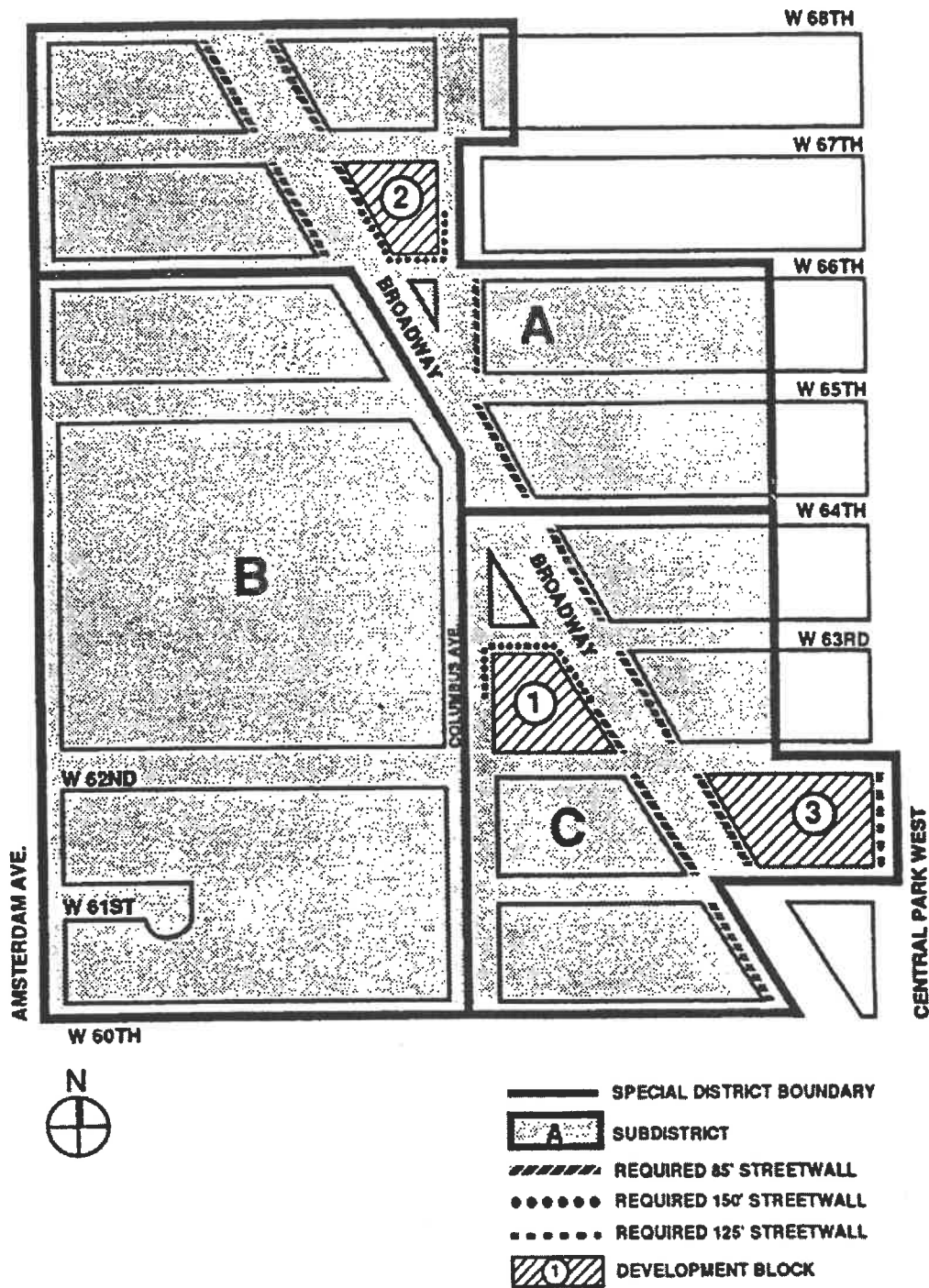
No existing #plaza# or other public amenity, open or enclosed, for which a #floor area# bonus has been received, pursuant to regulations antedating May 24, 1984 shall be eliminated or reduced in size anywhere within the #Special Lincoln Square District#, without a corresponding reduction in the #floor area of the building# or the substitution of equivalent complying areas for such amenity elsewhere on the #zoning lot#.

Any elimination or reduction in size or volume of such an existing public amenity in #developments# which include prior approved #bulk modifications#, shall be permitted in the #Special Lincoln Square District# only by special permit of an authorization, ~~after public notice and hearing, by the City Planning Commission and by the Board of Estimate~~. As a condition for such permit authorization, the Commission shall find that the proposed change will provide a greater benefit in light of the public amenity's purposes and the purposes of the #Special Lincoln Square District#.

An application for such special permit authorization shall contain exact and detailed plans, drawings, and other description as to fully explain the use and quality of all features of the proposed public amenity revisions and any other information and documentation as may be required by the Commission.

~~The Chairman of the City Planning Commission shall furnish a copy of the application for such authorization to Community Board No. 7, Manhattan for 30 days and will give due consideration to their opinion as to the appropriateness of such a facility to the area. The Commission shall act within 45 days from the date of receipt of the Community Board recommendations or within 45 days of the date on which the Community Board review period expires, whichever is earlier. The Board of Estimate shall act on the application within 45 days of receipt of the Commission recommendations.~~

APPENDIX A - DISTRICT PLAN SPECIAL LINCOLN SQUARE DISTRICT



Other Related Amendments

1. The following definitions are hereby deleted in their entirety in Section 12-10:
 #Covered Plaza#
 #Pedestrian Mall#
2. All references to Section 82-08 (Modification of Bulk and Height and Setback Requirements) are hereby deleted in the following sections:
 Section 23-15 (Maximum Floor Area Ratio in R10 Districts)
 Section 33-131 (Commercial buildings in certain specified Commercial Districts)
 Section 33-133 (Community facility buildings in certain other specified Commercial Districts)
 Section 33-141 (Commercial buildings in certain specified Commercial Districts)
 Section 33-151 (Commercial buildings in certain specified Commercial Districts)
 Section 33-153 (Commercial facility buildings in certain other specified Commercial Districts)
 Section 35-35 (Floor Area Bonus for Plaza, Plaza-Connected Open Area, or Arcade in connection with Mixed Buildings)
 Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks)
 Section 33-44 (Alternate Front Setbacks)
 Section 33-455 (Alternate regulations for towers on lots bounded by two or more streets)
 Section 33-456 (Alternate setback regulations on lots bounded by two or more streets)
 Section 35-41 (Lot Area Requirements for Non-residential Portions of Mixed Buildings)
 Section 35-62 (Maximum Height of Front Wall in Initial Setback Distance)
 Section 74-87 (Covered Pedestrian Space)

3. All reference to Section 82-11 (Building Walls Along Certain Street Lines) is hereby deleted in Section 33-43 (Maximum Height of Front Wall and Required Front Setbacks).
4. All references to Section 82-07 (Modification of Parking and Off-street Loading Requirements) are hereby deleted in the following sections:

Section 36-11	(General Provisions)
Section 36-21	(General Provisions)
Section 36-31	(General Provisions)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-61	(Permitted Accessory Off-street Loading Berths)

The above resolution, duly adopted by the City Planning Commission on December 20, 1993 (Calendar No. 3), 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. SCHAFER, Chairman
VICTOR G. ALICEA, Vice-Chairman
EUGENIE L. BIRCH, A.I.C.P., ANTHONY I. GIACOBBE, ESQ., MAXINE GRIFFITH,
JOEL A. MIELE, SR., P.E., ANALISA TORRES, ESQ., JACOB B. WARD, ESQ.,
Commissioners

AMANDA M. BURDEN, A.I.C.P., BRENDA LEVIN, Commissioners voting no

RONALD SHIFFMAN, A.I.C.P., Commissioner voting no, dissenting report attached

JAMES C. JAO, R.A., EDWARD T. ROGOWSKY, Commissioners abstaining

Statement of
Ronald Shiffman
Member of the City Planning Commission
December 20, 1993

Regarding the
Amendment to the Special Lincoln Square District

I find myself in a difficult position. This is perhaps on of the last votes that we will cast while Richard Schaffer is still Chair of the Commission and Director of the Department. Since I have the utmost respect for him and the job that he has performed, I would normally have a hard time dissenting on a matter like this and at a time like this. However, I believe that the issues raised by the Amendment to the Lincoln Square Special District are too important to allow the timing of the vote to affect the substance of my decision.

I have always believed that planning must be a deliberative process in which the participation of citizenry is a critical element. I believe that participatory processes should inform and shape, not dictate, the planning debate and the resultant outcome. Effective participatory processes lead to effective planning. They are essential to a democratic society. Compromising those processes through narrowly conceived and interpreted "scopes" makes a mockery of this process and relegates the Planning Commission to a regulatory body whose only power is to reject or accept proposals, not to shape their outcome. This causes citizens to be alienated from government and the planning process.

Substantive comments and proposals on issues such as density controls, height limits, inclusionary housing requirements, limits on zoning lot mergers, urban design considerations and special permit requirements that were put forth by Community Board 7 and the Manhattan Borough President's Office were dismissed as being too "broad" for consideration by the members of the City Planning Commission. They were considered outside of the narrowly conceived and interpreted "scope." The issue here is not the substance of what the Borough President and the Community Board proposed, or whether we individually or collectively agree with them. The issue is our obligation to hear testimony and to consider and debate those recommendations. Restrictive and narrow interpretations of "scope," the absence of "information" and the need for further "study" to assess the alternatives put forth (particularly after months of meetings with civic organizations, the community board, and members of this Commission) are questionable, at best.

The proposed amendments themselves only tinker at the edges. While they are better than what presently exists, they fall far short of what, in my opinion, should be adopted. The Lincoln Square Special District has not engendered good architecture or sensitivity to urban design criteria, and the architecture and development community that has worked in the Lincoln Square Area has not distinguished itself. We therefore need to amend the regulations so as to stimulate development that embodies good architecture and urban design. We need to be as sensitive to the articulation of the streetscape and the needs of pedestrians as we claim to be with the articulation and detail of the tops of buildings. We should not dismiss the idea of providing housing for all income groups within the boundaries of the Special District, nor should we ignore the need to retain and preserve existing tenement buildings.

Many people, including department staff, have worked too long and hard to allow this initiative to be wasted or compromised by a solution that does not address the myriad of problems engendered by the present Special District regulations. I therefore suggest that the scope of the working group that has been convened to review the work conducted to date be redefined so that it can plan for the area's enrichment, preservation and growth in a meaningful way. The major determinant of any future planning amendment should be the improvement of the quality of life of those that live, work and visit in the Lincoln Square area.

Most importantly, the City Planning Department and the members of the City Planning Commission must recognize that the way in which the scope is conceived and interpreted determines our ability to plan. If we continue to define "scope" in a narrow sense in order to achieve predetermined outcomes, we make a mockery of the citizen participation process and we betray our charter responsibility "to properly plan for the orderly growth of the city."

I VOTE NO.



COMMUNITY BOARD SEVEN/Manhattan

RESOLUTION

DATE: NOVEMBER 3, 1993

COMMITTEE OF ORIGIN: LAND USE

FULL BOARD VOTE: 39 IN FAVOR 1 AGAINST 0 ABSTENTION 0 PRESENT

RE: ULURP APPLICATION #N940127ZRM BY DEPARTMENT OF CITY PLANNING FOR A ZONING TEXT AMENDMENT TO THE SPECIAL LINCOLN SQUARE DISTRICT.

WHEREAS, Community Board 7/Manhattan enthusiastically supports zoning revisions to the Special Lincoln Square District and has been meeting repeatedly since November, 1992 with the Department of City Planning, community groups and private consultants to review necessary revisions; and

WHEREAS, zoning revisions should foster the original 1969 goals of the Special District: "To preserve, protect and promote the character of the Special Lincoln Square District area as the location of a unique cultural and architectural complex"; and

WHEREAS, an extraordinary level of intense development in the Special District has resulted in extremely overcrowded and dangerous pedestrian and vehicular traffic conditions, particularly at the intersections of West 65 and 66 Streets, Broadway and Columbus Avenue, which are operating above capacity with extensive congestion and traffic delays, causing each to have been identified by recent environmental impact statements (EIS's) as exceeding the 1990 Clean Air Act carbon monoxide concentration standards; and

WHEREAS, the traffic conditions are to become further exacerbated by the 41,500 person trips per day, as projected by the Department of City Planning, generated by the now under construction "Lincoln Square" mixed use development at 1992 Broadway; and

250 West 87 Street, New York, NY 10024 (212) 362-4008
FAX (212) 595-9317

WHEREAS, the completion of the following City-approved developments to be located in and adjacent to the Special District will further add to the congestion: 9.7 million square feet at the Penn Yards site (Riverside South, Manhattan West and ABC); 700,000 square feet at the Alfred II and YMCA sites; and 2.5 million square feet at the New York Coliseum site; and

WHEREAS, the congestion already threatens to destroy both the quality of life of the surrounding residential community and the ability of the general public to gain access to Lincoln Center for the Performing Arts, one of the world's most treasured cultural institutions; and

WHEREAS, the allowable density, available bonuses, zoning lot mergers, and current design regulations have enabled the construction of oversized, out-of-context buildings and towers; and

WHEREAS, urban design controls in the Special District should respect the contiguous Central Park West Historic District; and

WHEREAS, the "bow tie" parks and Broadway Malls are unique features of the Special Lincoln Square District and special attention should be paid to their improvement; and

WHEREAS, the "Mayflower" site, the full square block bounded by West 61 and 62 Streets, Central Park West and Broadway, by its size and prominent location requires a mechanism that will encourage superlative urban design and excellent architecture consistent with its visible location at the gateway to the Central Park Historic District and its internationally recognized skyline; and

WHEREAS, the prominent location of the "bow tie" development sites, especially the Bank Leumi site, the gateway to the Upper West Side, also merits special consideration;

BE IT RESOLVED THAT Community Board 7/Manhattan approves the text amendment subject to the following conditions:

(1) **A maximum FAR of 10.0.** Community Board 7/Manhattan believes this is an appropriate allowable density given the crowded conditions in the Special District. 10.0 FAR could be achieved by either reducing the density to 8.0 FAR and allowing a 2.0 FAR bonus for affordable housing, or eliminating FAR bonuses and mandating affordable housing within 10 FAR.

(2) **Require a straightforward height limit of 275 feet throughout the Special District.** City Planning's proposal to limit building height with "packing the bulk" (requiring 60% of the bulk below 150 feet) has not been tested on actual buildings, and is therefore unpredictable. Community Board 7/Manhattan applauds the Department's proposals for height limits on the bow tie sites, and believes it is only logical to mandate a height limit throughout the Special District. Height limits have worked successfully in the Limited Height Districts on the Upper East Side, and are a major component of City Planning's soon to be certified application for text amendments to the Quality Housing Program. A straightforward height limit of 275 feet would achieve the height goal of "packing" (see page 14 in the May, 1993 Lincoln Square Zoning report) with a predictability which would be beneficial to both private developers and the general public.

(3) **Require special permit for new development throughout the Special District.** Community Board 7/Manhattan believes requiring a special permit provides the best means to achieve the original Special District goal to "preserve, protect and promote" Lincoln Center. The majority of buildings which have been constructed under the existing regulations bear little relationship to the Special District's focus - Lincoln Center - and underscore the inability of legislation to mandate appropriate design.

The device of a special permit would allow the developer's architect freedom to design an appropriate building for this world famous Special District. The special permit review process would ensure a design agreeable to the surrounding community. The precedent for design review exists in the current review requirements for alterations to landmarked buildings and new construction within landmark districts. As a prerequisite, any development within the Special District must abide by the following regulations:

Throughout the District: Maximum 10.0 FAR; 275 foot height limit;

Sites facing Broadway (excluding bow tie sites): 85 foot street wall, 15 foot setback;

East side of Broadway (61-65 Streets) and east side of Columbus (65-66 Streets): Arcade requirement without bonus;

Mayflower site: 125 foot street wall, 15 foot setback on Central Park West;

Northern bow tie site: Specific regulations to be determined during ULURP, though Community Board 7/Manhattan notes preference for the following proposal over City Planning's proposal for the northern bow tie site: No setback for 60% of linear frontage on 66 Street, Columbus and Broadway; 85 foot street wall on remaining 30% of linear frontage on Broadway; 55-60 foot street wall on remaining 30% of linear frontage on Columbus;

Sewage and sanitation facilities must be adequate to meet the needs of the new construction.

(4) **Theaters should not be restricted to 1 FAR.** Controlling the height of buildings could be achieved more directly by requiring a straightforward building height limit of 275 feet rather than restricting the FAR of theaters. One of the goals of the Special District is to attract uses which will enhance the cultural character of the area. By restricting the FAR for theaters, cultural and entertainment uses other than film may be inadvertently and regrettably restricted. To avoid facades without transparency, City Planning should devise a mechanism to require transparency from the curb level to the ceiling of the theater.

(5) **Restrict zoning lot mergers to 20% of floor area.** As proposed in "West Side Futures", the comprehensive planning report for the Upper West Side completed by Community Board 7/Manhattan and The Municipal Art Society, a maximum zoning lot merger of 20% of the floor area on the original lot would control the potential for overly bulky buildings. A 20% restriction already applies to development rights transfers from landmark sites; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan calls on the Department of City Planning to work with Community Board 7/Manhattan and the appropriate City agencies to restore the open space and improve pedestrian and vehicular traffic in the Special District; and

BE IT FURTHER RESOLVED THAT if the Department of City Planning determines that the Community Board's recommendations are not in the scope of the ULURP application, Community Board 7/Manhattan urges the Department to complete the necessary analysis for a major modification as expeditiously as possible.

Committee vote: 10-0-0-0; Board members vote: 2-0-0-0.



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

NOV 15 1993
15 14:14
CERT. OF MAIL

November 15, 1993

ULURP NOS.:

N940127 ZRM
N940128 ZRM

APPLICANT:

Department of City Planning

REQUESTS:

The Department of City Planning (DCP) proposes two alternative zoning text amendments (Text Amendment #1 and Text Amendment #2) to the Special Lincoln Square District, located in the southern portion of Community Board 7. The proposed text amendments would add additional urban design controls, modify existing commercial use regulations, mandate subway improvements in certain locations, amend existing mandatory arcade requirements, and permit public parking and curb cuts through different regulatory requirements. Some portions of the text amendment would affect the entire district as a whole; others would affect only specific subdistricts. The two alternative proposed text amendments are identical except for the issue of arcades.

N940127 ZRM proposes to amend existing mandatory arcade requirements.
(Text Amendment #1)

N940128 ZRM proposes to eliminate existing mandatory arcade requirements.
(Text Amendment #2)

PROJECT DESCRIPTION:

The Special Lincoln Square District, established in 1969, is bounded by Amsterdam Avenue on the west; West 68th Street on the north; West 60th Street on the south; and on the east by a line 100 feet east of Columbus Avenue between West 68th Street and West 67th Street; Columbus Avenue between West 67th Street and West 66th Street; a line 200 feet west of Central Park West between West 66th Street and West 62nd Street; Central Park West between West 62nd

Street and West 61st Street; and the west side of Broadway between West 61st Street and West 60th Street.

DCP's recommendations for the Special Lincoln Square District would include the following elements:

Underlying Zoning/Density

- The amount of commercial floor area allowed would be limited to 3.4 FAR in the northern portion of the district, where residential and institutional development predominates, and would permit a full commercial build out by City Planning Commission (CPC) special permit only.

Use Restrictions

- Use Group 8, including movie theaters, would be limited to 1 FAR in all areas of the district, except the area dominated by Lincoln Center.
- Retail continuity and transparency regulations would be mandated at the ground level.

Urban Design

The following urban design changes would apply in the Special District. Additional site-specific recommendations would apply to Broadway, the bow-tie sites (Blocks 111 and 113) and the Mayflower block (Block 1114).

The following would apply to development throughout the Special District:

- Envelope controls would be established to govern the massing and height of new buildings throughout the district. A minimum of 60 percent of a development's total floor area would be required to be located below an elevation of 150 feet. This floor area would result in buildings ranging from the mid-20 to 30 stories in height.
- A minimum tower coverage control would be applied throughout the district.
- The requirement of a minimum tower coverage for penthouses would be eliminated.

The following would apply to development on Broadway sites:

- The current control requiring an 85 foot high base along Broadway would be maintained. Towers would be set back from the streetline for a minimum of 15 feet on wide streets and a minimum of 20 feet on narrow streets.

- Recesses below 85 feet for a minimum of 15 percent and a maximum of 30 percent would be required to provide articulation of a building's facade.
- Dormer controls would be permitted above 85 feet.

The following would apply to development on the two bow-tie sites:

- Each site would be required to be developed with a streetwall building, requiring setbacks after 150 feet. The regulations would require new buildings to be constructed to the streetlines of West 63rd Street and West 66th Street and continue around the adjoining corners for one-half of the Broadway and Columbus Avenue block frontages.
- Development with frontage along the remaining portion of Broadway would be required to provide an 85 foot streetwall, to relate to the surrounding context.
- An expression line would be required at 20 feet, in addition to transparency requirements for the ground floor.
- Two range of recesses would be required -- one below and the other above 85 feet. Recesses below 85 feet would be required for a minimum of 15 percent of the length of the streetwall and would be permitted for a maximum of 30 percent. Recesses between 85 feet and 150 feet would be required for a minimum of 30 percent of the streetwall and would be permitted up to 50 percent.
- Above a height of 150 feet, a setback of at least 10 feet from the street line would be required, and a dormer would be permitted for a maximum of 60 percent of the streetwall width, reducing at a rate of 1 percent as the dormer's height rises by a foot.
- A height limit of 300 feet would be established, with the penthouse regulations applied for up to 4 stories above the height limit.

In addition to the controls applicable to Broadway sites, the following would apply to development on the Mayflower block site:

- Contextual regulation would be imposed on the Central Park West frontage.
- The arcade requirement would be eliminated from the north side of West 61st Street, but the mandated arcade along Broadway would be maintained.

● **Mandatory Arcades**

Text Amendment #1 proposes to:

- Retain the arcade as a mandated urban design requirement, with a reduced bonus from seven square feet per square foot of arcade to three square feet per square foot of arcade.
- Eliminate the requirement for an arcade on the north side of West 61st Street.

Text Amendment #2 proposes to:

- Eliminate the arcade as a mandated urban design requirement. The bonus generated by the provision of such arcade would also be eliminated from the Special District.

Subway Access

- New subway stair access would be required to be provided in the development of sites adjacent to the West 66th Street and the West 59th Street/Columbus Circle subway stations, i.e., the Bank Leumi, Tower Records and Mayflower sites.
- Improvements to the subway, such as improving general accessibility, safety, adding escalators or elevators and improving circulation, would be eligible to generate a bonus.

● **Parking and Loading Requirements**

- The district's special permit requirement for public parking garages would be eliminated, since a special permit mechanism is provided in the underlying zoning regulations, Section 74-52.
- Loading docks would be permitted pursuant to underlying regulations. A CPC authorization would be established for curb cuts on wide streets or 50 feet from the intersection of a wide street.

Right to Construct

The right to continue to construct would terminate in the Special District if the provisions of Section 11-30 are not met by the date of adoption of this zoning text amendment by CPC.

SUMMARY OF COMMUNITY BOARD ACTION:

On October 28, 1993, Community Board 7 held a public hearing on the DCP applications. On November 3, 1993, Community Board 7 voted 39 in favor, 1 opposed and 0 abstentions, to approve DCP's zoning text proposal subject to the following conditions:

Density -- The Community Board recommended that the residential density of the Special District be reduced from a maximum of 12 FAR to a maximum of 10 FAR.

Building Height Limit -- The Board voted to require a building height limit of 275 feet throughout the Special District, which it felt would be consistent with evidence noted in the May, 1993 DCP Lincoln Square Zoning Report and which it felt would ensure more predictable development in the future. According to the Board, DCP's proposal for limiting building height by "packing the bulk" (requiring 60 percent of the bulk below 150 feet) had not been tested on actual buildings, and was therefore unpredictable. However, the Board commended DCP's proposals for height limits on the bow-tie sites, and believed it was therefore only logical to mandate a height limit throughout the Special District. In addition, the Board stated that height limits had worked successfully in Limited Height Districts on the Upper East Side and were a major component of CPC's soon-to-be certified application for text amendments to the Quality Housing Program.

Special Permit -- The Community Board voted to require a special permit for each new development throughout the Special District. The Board stated that a special permit requirement provided the best means to achieve the original goal of the district which was to "preserve, protect and promote" Lincoln Center and that the device of a special permit would allow the developer's architect freedom to design an appropriate building for this "world famous" District.

Additional Urban Design Controls for Specific Areas -- The Board recommended an 85 foot streetwall and a 15 foot setback requirement for buildings facing Broadway as well as mandated arcades requirements without a bonus for the east side of Broadway between West 61st and 65th Streets and the east side of Columbus Avenue between West 65th and 66th Streets (excluding bow-tie sites); and a 125 foot streetwall and a 15 foot setback requirement for the Mayflower site on Central Park West. With regard to the northern bow-tie site, specific regulations would be determined during the review cycle. However, Community Board 7 noted that it preferred the following design controls for this site over DCP's proposed controls: no setback for 60 percent of the linear frontage on 66th Street, Columbus Avenue and Broadway; an 85 foot streetwall on the remaining 30 percent of the linear frontage on Broadway; and a 55-60 foot streetwall on the remaining 30 percent of the linear frontage on Columbus Avenue.

Theaters -- Controlling the height of a building, the Board argued, could be achieved more directly by requiring a building height limit of 275 feet rather than requiring a floor area limit on theaters. Further, the Board stated that by limiting the floor area for theaters, cultural and entertainment uses other than film might be inadvertently restricted. To avoid facades without transparency, the Board recommended that DCP devise a mechanism to require transparency from the curb level to the ceiling of the theater.

Zoning Lot Mergers -- The Board recommended that zoning lot mergers be restricted to 20 percent of floor area of the original lot as proposed in "West Side Futures," the comprehensive planning report for the Upper West Side completed by Community Board 7 and The Municipal Art Society. Such a restriction would control the potential for overly bulky buildings.

Infrastructure --The Community Board called on DCP to work with Board members and appropriate City agencies to restore open space and improve pedestrian and vehicular traffic in the Special District.

Scope Issues -- The Board urged DCP to move expeditiously to complete the necessary analysis on the above recommendations if DCP deemed them outside the scope of the current actions.

Sewage -- The Board stated that sewer and sanitation facilities had to be adequate to meet the needs of the new construction.

With regard to density and design issues, the Board made the following observations:

The allowable density, available bonuses, zoning lot mergers and current design regulations had enabled the construction of oversized, out-of-context buildings and towers.

- The urban design controls in the Special District should respect the contiguous Central Park West Historic District.
- The bow-tie parks and Broadway Malls were unique features of the District.
- The bow-tie development sites, especially the Bank Leumi site, the gateway to the Upper West Site, merited special consideration.
- The Mayflower site, by virtue of its size and prominent location, required a mechanism that would encourage superlative urban design and excellent architecture consistent with its visible location at the gateway to the Central Park Historic District and its internationally recognized skyline.

With regard to traffic and congestion issues, the Board noted that:

Traffic conditions would become further exacerbated, with a DCP projection of 41,500 person trips per day, once the mixed-use development at 1992 Broadway (Millennium I) was completed.

The completion of additional City-approved developments in and adjacent to the Special District would further add to the congestion.

An extraordinary level of intense development had resulted in extremely overcrowded and dangerous pedestrian and vehicular traffic conditions: the intersections at West 65th and 66th Streets, Broadway and Columbus Avenue were operating above capacity with extensive congestion and traffic delays and each had been identified by recent environmental impact statements as exceeding the 1990 Clean Air Act carbon monoxide concentration standards.

The Community Board called on DCP to work with the Board and the appropriate City agencies to restore open space and improve pedestrian and vehicular traffic in the Special District.

- Existing congestion threatened to destroy both the quality of life of the surrounding residential community and the ability of the public to gain access to Lincoln Center, one of the world's most treasured cultural institutions.

SUMMARY OF MBPO "ROUNDTABLE" DISCUSSION:

On November 10, 1993, the Manhattan Borough President held a "roundtable" discussion on the two DCP zoning proposals. Participants in the discussion included: Elizabeth Starkey, Chairperson of Community Board 7; Madeleine Polayes, President of Coalition for a Livable West Side; David J. Myerson, General Media; Philip E. Aarons, Millennium Partners; Gary Handel, Kohn Pedersen Fox; Rafael Pelli, Cesar Pelli & Associates; Paul Phillips, Abeles Phillips; Robert E. Flahive, Director of the Manhattan Office, DCP; Paul Selver, Esq., Brown & Wood; Arlene Simon, President, Landmark West!; and Bruce Simon, Landmark West!.

Robert Flahive of DCP started the discussion and gave a brief description of the DCP proposals and the rationale for them.

In opening remarks, the Manhattan Borough President acknowledged that she was likely to hear divergent opinions concerning the proposed amendments. Nonetheless, she thanked the efforts of the participants in the evening's discussion. The Borough President noted that without the diligent work of DCP, Community Board 7, Landmark West!, all the elected officials and many others, the zoning text amendments would not have been prepared and referred out for public review so expeditiously.

The Borough President commended DCP's efforts to deal with the district's problems and for developing recommendations that DCP staff believed would address these concerns. She noted, however, that these modifications, while significantly better than the existing zoning text, might not be sufficient to make a meaningful improvement in this neighborhood. She also added that Community Board 7's and Landmark West!'s proposed modifications to DCP's proposals provided viable options which should be considered, not just by the Borough President but also by CPC and ultimately the City Council.

Elizabeth Starkey, Chair of Community Board 7, summarized the position of Community Board 7 as stated in its resolution.

Bruce Simon, of Landmark West!, stated that there was no substantive difference between the positions of Community Board 7 and Landmark West!. Nevertheless, he criticized the process by which DCP had arrived at its proposal. Fifteen months ago the community learned of the Millennium I project and was promised by the City that a proposal would be developed to stop similar projects from occurring again in the future. Mr. Simon was specifically opposed to DCP's proposal to limit height by "packing the bulk." He said that if the intention was to limit height in the district, then it should be done directly rather than resorting to "packing the bulk."

Madeleine Polayes, President of Coalition for a Livable West Side, stated that the Community Board's resolution represented the consensus of the community. She said that nobody would come to Lincoln Center if the area continued to be impacted. She pointed out that a traffic study needed to be conducted. Furthermore, the traffic congestion would be so great that pedestrian bridges would have to be built. She stated that CPC estimated 41,500 person trips per day for the Millennium I project and raised questions about the other trips from the already approved developments on the western side of the district. Ms. Polayes added that the City could not plan in this manner; density had to be limited otherwise Lincoln Center would be destroyed.

In regard to the inclusionary housing bonus, Elizabeth Starkey said that, in the past, the Board would not have eliminated the inclusionary housing bonus. However, the northern part of the district had been the recipient of many units of affordable housing, and now there was a dividing line between north and south of 96th Street which had become noticeable.

Robert Flahive responded that having all the affordable housing units at the northern end of the district was not a good idea. He added, however, that the Board's recommendation raised issues which had citywide implications and therefore could not be adopted at this late stage, without further study.

Paul Selver, Esq., of Brown & Wood, and representing ABC, said that ABC had two issues regarding DCP's proposals: design controls and the use restrictions. He added that the setback on the bow-tie site was an inappropriate solution; a better approach would be a lot line building similar to the Flatiron Building. He stated that the proposed use restrictions inhibited ABC's potential to use property it owned for corporate purposes.

David J. Myerson, owner of the Tower Records/Penthouse Magazine site, said that he had not been aware of the deep emotions running in the community. He added that he had invested a lot of money in the purchase of this site. Further, he stated that the City's development process had become irrational and it deprived flexibility. Also, if the recommendations of the Board were accepted, development costs would become too high. According to Mr. Myerson, the Lincoln Center area was the only place in the city where development was occurring.

Phil Aarons of Millennium Partners said that what he found exciting about the Lincoln Center area was the power, intensity and diversity of the area. He noted that he agreed with DCP that there were problems with the bow-tie site; but, he was concerned that the public response to the Millennium I project was strongly driving a process which would impact the site to the south. That process would hurt the area and the city. He further cautioned that the process was pushing to stop the building of a small, likable building.

Gary Handel, architect for the Millennium II project, said that he had consulted with DCP and Community Board 7. He recognized the strategic importance of the site but pointed out that if people could sit down and have a rational dialogue they would discover that the proposed building was closer to the guidelines proposed by Landmark West! than by those proposed by DCP. DCP's proposal called for a building on the site with a 150 foot setback and a total height of 350 to 360 feet. Millennium's proposal called for a 260-315 foot building, which was in line with what had been proposed by Landmark West!. He added that the recess regulation proposed by DCP was a carry-over from what was on the East Side and it was not appropriate for the West Side. He further noted that the Flatiron building would not comply with the DCP proposal.

Paul Phillips of Abeles Phillips reported on the Mayflower site. A survey of the area was conducted and he said that the findings buttressed DCP's findings. He noted that most of the DCP's proposed changes worked well with his firm's own research. His main objection, he stated, was to Community Board 7's proposal to limit height throughout the area because it would be difficult to make a commercial building economically viable with this restriction.

Madeleine Polayes asked Robert Flahive to explain how the Community Board's proposal could be reviewed by the Planning Commission. He responded that the proposal raised serious issues of scope, i.e., between what zoning allowed and what was advertised by DCP. Further, he said that the owners and the public had a right to know the maximum extent of changes that could be made. He pointed out that the Board's theater proposal did not raise scope issues, but others did. He added that DCP had not studied the issue of the community's proposal for a maximum 10 FAR within the district, and therefore a study would be legally required before the Commission could review this recommendation. With regard to the community's proposed height limit of 275 ft, of the six soft sites, he noted DCP had only recommended the two bow-tie sites for proposed height limits. Each of the other sites would require study which would take months, and DCP would probably come up with a different height limit than that proposed by Community Board 7.

Victor Caliandro, architect for Landmark West!, advocated for the following:

- Reducing density to 10 FAR;
- Limiting each building's height to 275 feet throughout the district; and
- Opposing "packing the bulk" building form.

He added that under the "packing the bulk" proposal, the Saloon site could still result in a 30 story building. He noted that it was time to rethink the building type itself as an urban planning concept. His proposal was for 10 FAR streetwall buildings that were contextual. He disagreed with criticism that design should not be regulated and pointed out that such buildings had been successful, e.g., on Central Park West.

COMMENTS:

HISTORY/BACKGROUND

The Special Lincoln Square District was established in 1969. The area is characterized by a number of relatively recent mixed-use developments along Broadway as well as by major institutions, such as Lincoln Center for the Performing Arts and Fordham University.

The Special Lincoln Square District was established with the following purposes:

- To promote the area as a "location of a unique cultural and architectural complex" including "office headquarters and a cosmopolitan residential community";

To improve circulation by improving subway stations and providing arcades, open space and subsurface concourses;
- To attract retail uses that would complement and enhance the area; and

To encourage a "desirable urban design relationship of each building to its neighbors and to Broadway."

Since it was created, certain changes have been made to the District relating to public amenities, bonuses and floor area. Originally, bonuses could be granted for a variety of amenities, including arcades, plazas, pedestrian malls, covered plazas, subsurface connections to the subway and low-or moderate-income housing. The amount of development on a zoning lot was restricted to 14.4 FAR, with no more than 12 FAR for residential uses.

After the adoption, in 1984, of Upper West Side contextual zoning and the citywide inclusionary housing program amendments in 1987, all bonusable public amenities were eliminated, except for the arcade required along Broadway, subway improvements and low-or moderate-income housing. The contextual zoning amendment reduced the permitted maximum FAR from 14.4 to 12. The inclusionary housing program substituted the as-of-right inclusionary housing program for the lower-income housing bonus.

Nineteen buildings have been constructed since the enactment of the Special District. Ten of the 19 buildings are primarily residential with either ground floor retail, and offices or institutions in the base; five are entirely residential; three are institutions and one is an office building.

In addition, there is one project, Lincoln Square (also known as Millennium I) that is under construction, and two other projects (Alfred Court and the West Side YMCA) which were approved by the Board of Estimate, but have not commenced construction.

Lincoln Square -- This development is currently under construction on a full block site bounded by Broadway, Columbus Avenue, West 67th Street and West 68th Street. It

will be a 12 FAR building (662,428 square feet) with 4.9 FAR devoted to commercial uses and 7.1 FAR designated to residential use.

- Alfred Court -- This project would contain 253 residential units and ground floor retail uses along Amsterdam Avenue when completed.

West Side YMCA -- This proposal would include the renovation and expansion of the YMCA facilities and the construction of 120 - 140 market rate residential units and 59 permanent low-income units.

There are at least six remaining development sites in the District. The sites are as follows:

Bank Leumi -- A full-block site between Broadway, Columbus Avenue, West 66th Street and West 67th Street;

Tower Records/Penthouse Magazine Building -- A five story commercial building on Broadway, just north of Lincoln Center between West 66th Street and West 67th Street;

Regency Theater -- Located at West 67th Street and Broadway;

Saloon/Chemical Bank Buildings -- A possible assemblage located on Broadway between West 64th Street and West 65th Street;

Mayflower Block -- A full-block site bounded by Broadway, Central Park West, West 61st Street and West 62nd Street, containing a vacant parcel facing Broadway and the Mayflower Hotel on Central Park West; and

ABC Assemblage -- Three low-rise structures located on the south side of West 66th Street, between Columbus Avenue and Central Park West.

LINCOLN SQUARE ZONING: DENSITY/BONUS DISCUSSION

The Borough President agrees with the Community Board that sound planning principles compel the conclusion that the Lincoln Square area is fast reaching, and indeed exceeding, its capacity to sustain development at the density which is now mapped. It is no longer clear that this neighborhood can absorb such density. Conditions such as the acute traffic congestion, overcrowding on the transit lines, potential landmarking of Lincoln Center (with possible attendant air rights transfers) and pressures on the strained capacity of city service delivery are but a few of the issues that now compel a reconsideration of the area's generally high (10-12 FAR) mapped density.

In the West Side, from West 59th to West 72nd Streets, *West Side Futures* reported a then-built density of 3.78 FAR. The Community Board acknowledged that substantial floor area legitimately remained to be built out; however, it recommended that the future build-out be limited to an overall density of R8 (6.02 FAR).

By way of comparison, Riverside South was approved in 1992 at an overall FAR of 4.1, and the neighboring Manhattan West project was approved at 6.7 FAR. Similarly, the recently-approved ABC project has a residential density of about 2.89 FAR, within a total density (including the studio development) of 6.02 FAR. The Lincoln Towers area was built out at 4.3. A more typical R10/R8 Upper West Side context has an FAR of about 7.25, and the as-built context of the entire Upper West Side is about 6 FAR, very near the allowable R8 zoning benchmark of 6.02 FAR.

Nevertheless, within the Lincoln Square Special District, there are wide variations in the built density, and some noteworthy examples of disparity between what is mapped and what is built.

North of West 64th Streets and west of Columbus Avenue, virtually all of the area has an as-built context of approximately 10 FAR, and much of the area north of West 68th Street has an as-built density of 6 FAR or less.

Above West 68th Street, this as-built character largely conforms to the mapped zoning density, which is mainly R8B.

Below West 68th Street, while some areas are mapped R8, much of the rest of the district is mapped C4-7, or 10 FAR bonusable to 12 FAR.

Within the area between West 68th and West 64th Streets, while some development is built to a 10 FAR density, any use of the existing bonus to go to 12 FAR would yield very out-of-context developments; similarly, the C4-7 mapped across from the low density Lincoln Center complex could generate some massively out-of-scale developments.

- In the area below West 64th Street and east of Columbus Avenue the as-built context typically exceeds 10 FAR. In addition to the actual increment in built density in this area, its more commercial character tends to exaggerate the feeling of its dense character.¹

That said, it remains the case that the proposals now pending do not deal with density. Hence, the Borough President has been informed that the Department of City Planning is unlikely to find the question of underlying density to fall within the scope of what can be accomplished in the near-term. The Borough President urges that this question of scope be carefully considered, but does not believe that formal consideration of the current proposals should be delayed pending a "return to the drawing boards" for such study. **In the event that density is deemed to fall**

¹ Density translates into a rough measure of how development may interfere with or oppress the people who live in or experience an area before new buildings change it. Generally, residential development is perceived as less "dense" than more commercial development, even where the square footage or size of the buildings is the same. But even residential development contributes substantially to the perception of density. While population is up slightly as of the 1990 census, the overall population of Community Board No. 7 has *declined* from 212,400 in 1970 to 210,993 in 1990, according to U.S. Census data. Nevertheless, perhaps because of the (often accurate) perception that many services have declined also, area residents do not perceive a lessening of density, but rather, increased demand for scarce resources.

outside the scope of the current actions, the Borough President recommends 1) that the matters found to be within scope be evaluated within *this* public review process and adopted or modified as detailed in this report, and 2) that the Department of City Planning be directed to undertake a more comprehensive review of mapped vs. built vs. "livable" density within this district, and ultimately, to propose appropriate zoning actions.

The issue of the treatment of the bonuses in the district -- inclusionary housing, subway, arcade - warrants separate attention in this context. In 1989, the Community Board's *West Side Futures* study argued for an R10A zoning designation along Broadway, i.e., at a 10 FAR, and recommended that inclusionary housing be made mandatory. For the arcade and plaza bonuses, *West Side Futures* argued for elimination; for the subway bonus, it specifically supported retention of the bonus for this special district. The study recommended lower mid-block density only in the areas north of West 64th Street. As noted above, there has been substantial development in the intervening years, and more to come in the pipeline, all of which calls into question the continuing capacity of this area to absorb development in excess of 10 FAR.

Given the changed circumstances in Lincoln Square, the Borough President recommends: 1) the elimination of the arcade bonus; 2) the restriction of the inclusionary housing bonus to development on-site or entirely within the boundaries of the special district; and 3) the reevaluation of the economics of the subway bonus to relate the amount of floor area granted more clearly and directly to the effectiveness of the subway improvements in mitigating the impacts of high density development.

The Manhattan Borough President agrees with the Community Board that 10 FAR is more appropriate in the Lincoln Square area than 12 FAR. What should really happen, over the long-term, as the Borough President has stated since the release of her 1990 Strategic Policy Statement, is for inclusionary housing programs to be expanded in lower density districts, so that developments and communities could benefit from economic integration. Alternatively, the City should develop and implement an economically viable mandatory inclusionary housing program.

However, both of these are long-range approaches that cannot be accomplished within the foreseeable time frame. Given the existence of inclusionary housing, as a citywide *as-of-right* available bonus for all 10 FAR districts, the Borough President is concerned about the precedent of allowing areas to pick and choose where low-income housing would be welcomed. While the West Side has a long-standing tradition of welcoming economically integrated housing, the Borough President believes strongly that this kind of program works best when it is as-of-right and based on tough criteria.

Some aspects of this area are unique in the City, if not the world; density is already enormous and the chief defining "neighborhood character" is as a cultural hub. It is therefore unfair to allow the low-income units to go in a more economically depressed area (which requires more middle-income investment) far away from the District; this approach fails to create economic integration in the Special District, while continuing to overburden the area with additional density.

Since there is a special district in place, there are many precedents for modifications to citywide rules within the framework of special districts including what was once a special inclusionary housing type bonus only for this district that pre-dated the citywide program.

The Borough President proposes limiting any use of the inclusionary housing bonus to within this district: to units on-site; or within the district boundaries. While this could still add some density to the neighborhood -- and does not alter the mapped density in a way that would be inconsistent with the study and environmental work done by DCP on this proposal -- it would, at a minimum, ensure that the neighborhood saw both the burden and the benefit of such a development.

As for the subway bonus, the current formula bears no sound relationship of amount of FAR granted to the value of the improvement to the public. A classic example was the first Coliseum project proposal, overturned by courts as sale of zoning bonus, where the entire process was driven by the amount of FAR the developer wanted. The Borough President supports a complete reevaluation of this bonus, to bring the value of added floor area and the value of public benefit into line.

BUILDING HEIGHT LIMIT

The Borough President agrees with both DCP and the community that special treatment should be paid to the bow-tie sites. Because of their unique location, they serve as a gateway to the Upper West Side, and thus this distinct quality must be maintained and preserved. DCP's current proposal to have a 300 foot overall height limit is certainly an improvement to having no height limit; however, this proposal does not go far enough in achieving the goal of safeguarding these special sites.

It is therefore rather noteworthy that DCP has expressed a willingness to consider a 275 foot height limit on these sites and has also indicated that this modification to the proposed text could occur in a timely fashion, since the only legal requirement for such a change would involve the re-publishing of this proposed modification and a continuation on December 1, 1993, of the CPC public hearing on this modification in order to give all affected parties proper notice. This receptivity on the part of DCP is very welcomed.

There still remains the larger issue of a building height limit throughout the district. The Borough President agrees with the community's recommendation that a 275 foot building height limit be adopted by the Commission for the entire district. The decision to support this modification is based on DCP's Special Lincoln Square District zoning report which clearly studied building heights throughout the district, as indicated in the chart on page 6 of the report and in the text on page 14. In fact the report argued for "packing the bulk" in terms of this tool's ability to control height. The report stated that "to avoid excessive height, as in the Lincoln Square project (Millennium I), the Department proposes the following: 'Establish envelope controls to govern the massing and height of new buildings throughout the district. The proposed regulation would require a minimum of 60 percent of a development's total floor area to be located below an elevation of 150 feet. This regulation results in a better relationship

between the base and tower portions of buildings, producing building heights ranging from the mid-20 to 30 stories.' "

In addition, DCP participated in the analysis of the six development sites, within the Special District, undertaken by the New School's Environmental Simulation Center and funded by Landmark West!. This work involved the development of physical models for the six sites, and showed the cumulative impacts of the buildouts of these sites, under existing zoning, under DCP's proposed zoning, and under the 275 foot building height limit.

Hence the Commission needs to agree to hear this modification at its December 1, 1993 public hearing. The planning rationale, however, presently exists in the DCP study as well as in the Environmental Simulation Center's analysis. The only change is the tool to achieve this goal. Because the argument for a building height limit is very strong, it is essential to continue discussions with DCP during the review process so that a more suitable recommendation evolves that takes into account the context of the entire District as well as each of its sub-districts.

SPECIAL PERMIT REQUIREMENT

As-of-right design controls cannot address such unique sites as are created by the Broadway diagonal and the world-famous Lincoln Center complex. In acknowledgment of the singular character of this area, the City created the Special Lincoln Square District approximately 25 years ago. Previously in the district, loading docks triggered special permit requirements. It is also clear that a special permit requirement would result in better building design for what is really a unique area. The Borough President therefore urges the Commission to optimize such design controls in order to ensure that the area's distinctiveness continues.

URBAN DESIGN ISSUES

With regard to streetwall heights, setbacks and other building design controls, the Borough President supports the community's solution and thinks that either Community Board 7's recommendations or those of Landmark West! are preferable to the specifics of the DCP proposal. (See attached drawings.) CPC is urged to resolve these conflicts with the community in the same consultative process that it has used all along. In addition, any design controls that are ultimately adopted need to respect the adjacent Central Park West Historic District, whose southern portion falls within the Special District.

The Borough President has no strong opinions on the issue of arcades because experience has shown that sometimes arcades work well and sometimes they deaden the space. If properly designed, subject to some design review process, the Board would support arcades, without any bonus provision, along the east side of Broadway between 61st Street and 65th Street and along Columbus Avenue between 65th Street and 66th Street. The Board's position provides an appropriate middle-ground approach as opposed to DCP's proposals which would mandate arcades at a reduced bonus (amendment #1) or would entirely eliminate them (amendment #2). For these unusual streetscapes, experience has shown that a special permit process works better than an as-of-right solution.

ZONING LOT MERGERS

While the idea of restricting zoning lot mergers is generally a good one, and the Board's recommendation of 20 percent seems to be appropriate, the Borough President is concerned about specific conditions on the Bank Leumi site (bow-tie site) and supports the full preservation of the occupied tenements. Therefore, DCP is urged to come up with a mechanism that addresses both issues: restricting mergers that create unduly tall buildings on small portions of sites and preserving occupied housing.

COMMERCIAL DENSITY AND USE

The Borough President agrees with the Board's assessment that the area is overly congested and has major air quality problems (according to the Riverside South Final Environmental Impact Statement (FEIS), the northern bow-tie site exceeds the National Ambient Air Quality Standard for an 8-hour Carbon Monoxide Concentrations). This continuing overload is obviously not good for economic development. This excessive traffic impact also negatively affects Lincoln Center, a major cultural and economic resource.

As the Board's resolution indicates, there is substantial development planned for this area. Therefore, DCP's proposal to reduce the amount of commercial floor area from 10 FAR to 3.4 FAR in sub-district A of the Special District is strongly endorsed. This restriction is designed to prevent any more debacles like Lincoln Square (Millennium I) which will contain 4.9 FAR of commercial use including: 10 movie theaters (4,000 seats); high traffic generating ground floor retail; and the world's largest health club (10,000 members and 126,000 square feet, which is bigger than most regional mall department stores); there is also an additional 110,000 square feet of cellar retail space. The Millennium I project, because of the amount of commercial space permitted, will add significantly to the pedestrian and vehicular congestion that already exists in this area. This project will generate approximately 41,500 person trips per day, 144 percent more than a residential scenario. The intensity of activity generated by this concentration of commercial uses greatly exceeds that of more typical District buildings which average about 1 FAR of commercial use. Therefore, a reduction in allowable commercial floor area is one small way to reduce the impacts on this overly congested area.

The Borough President supports the Board's position opposing the limitation on Use Group 8 uses (theaters and other entertainment uses) and urges DCP to devise a mechanism to require transparency from the curb level to the ceiling of the theater.

The Borough President acknowledges ABC's importance in the entertainment industry and the enormous commitment of resources ABC has made not only to this neighborhood but also to this City's economy by developing its corporate headquarters and television production facilities in the Lincoln Square area. Therefore, continued dialogue between DCP/CPC and ABC is encouraged so that solutions to existing conflicts may be found.

SPECIAL DISTRICT SUB-AREA C

Sub-area C, located in the southern portion of the district, between West 60th Street and West 64th Street, is a center of commercial activity due to its proximity to midtown, Columbus Circle and the Paramount Building. The more commercial character of Sub-area C, specifically the area including and around the Mayflower Hotel site, means somewhat different building forms, especially those which allow larger floorplates. With regard to the Mayflower Hotel site, its visible location at the gateway to the Central Park West Historic District and its internationally recognized skyline requires any building on this site to respect these unique site conditions.

PEDESTRIAN CONDITIONS

DCP's proposal to mandate retail continuity at the ground level along Broadway, Columbus Avenue and Amsterdam Avenue to ensure the continuation of the area's pedestrian-oriented character, clearly deserves support. In addition, DCP's proposal to mandate transparency regulations which would require glazing on the ground floor of new developments to encourage active street life and give pedestrians visual access to the interior of retail shops also warrants the Borough President's endorsement.

Given the level of density and congestion in this neighborhood, Community Board 7's desire for area-wide landscape and streetscape improvements to enhance the District, including the need to refurbish the "bow-tie" parks and malls, would not only provide some minimal relief from these impacts, but would also act as a unifying element for the District. DCP is urged to work with the community and other appropriate city agencies to help achieve these improvements.

TEXT ENACTMENT AND FOLLOW-UP

The DCP proposal to make the new zoning effective with the date of approval by the Commission is strongly endorsed by the Borough President. Further, the Commission is strongly encouraged to enact the most comprehensive zoning package possible for this review cycle.

As to follow-up after enactment, the Borough President urges DCP to move to expedite a full traffic/pedestrian circulation study of this area so that the issues of traffic and congestion are addressed. DCP should also move quickly to complete the necessary supporting documentation on any proposals that are deemed outside scope at this point.

CONCLUSION

The Manhattan Borough President applauds DCP for its collaborative work with the Community Board, community groups, other elected officials as well as with the Manhattan Borough President's Office in identifying problems and proposing solutions to the many issues facing the Lincoln Square District. Chairman Schaffer, Manhattan Planning Director Robert Flahive and Regina Myer should be complimented for prioritizing the Special Lincoln Square District zoning Text Amendments and the extra effort expended to prepare and refer the amendments out for public review so expeditiously.

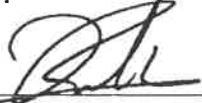
The Lincoln Square Task Force has played an invaluable role in this process. Besides the contribution of the Community Board, DCP, Manhattan Borough President's Office staff and other elected officials and their staffs, many other people contributed greatly to this planning effort, such as: Arlene Simon of Landmark West!; Doug Cogan of The Municipal Art Society; Paul Buckhurst of Buckhurst, Fish and Jacquemart; Marilyn Taylor of SOM; Michael Kwartler of the Environmental Simulation Center at the New School.

In addition to the cooperative work concerning the rezoning of the Lincoln Square area, the community also organized a Millennium Construction Safety Task Force shortly after the collapse of the Ansonia Post Office. This Task Force, jointly chaired by Community Board 7 and the Manhattan Borough President's Office, has worked to assure site safety for the area and has addressed specific problems raised by local residents. Recently, the Task Force has expanded its scope of work to include two other sites: the Bank Leumi site (bow-tie site); and the ABC assemblage on West 66th Street between Central Park West and Columbus Avenue.

The Borough President supports proactive planning in regard to changes to the Zoning Resolution. However, no one realized how flawed the zoning was for the Special Lincoln Square District until the Millennium I project was proposed as an as-of-right development. Sometimes it takes a project that is so out of scale with the surrounding community, so inappropriate in terms of a mix of land uses, and so visually offensive, to galvanize the local community, elected officials and city staff to respond quickly and cooperatively to correct a glaring failure in the Zoning Resolution.

In order to avoid the recurrence of such excessive out of scale development and to enhance the uniqueness of the Special District, the Borough President urges the Commission and then the City Council to move expeditiously to enact the most comprehensive zoning package possible for this review cycle. In order to allow the Commission to hear the Community Board's modifications concerning the proposed zoning amendment, the Borough President requests the Commission to facilitate the airing of these modifications at its December 1st, 1993 public hearing. By allowing the inclusion of the Board's modifications, the Commission expands its own ability to approve the most comprehensive set of zoning amendments possible.

Report and Recommendation Accepted:



RUTH W. MESSINGER
Manhattan Borough President