

**East River Fifties/Sutton Place Rezoning
Manhattan Community District 6
February 22, 2017
Applicant’s Project Description**

I. Introduction

The applicant, East River Fifties Alliance, Inc., and co-applicants Manhattan Borough President Gale A. Brewer, New York City Council Members Ben Kallos and Daniel R. Garodnick and New York State Senator Liz Krueger, are seeking approval of a series of land use actions to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the rezoning area, consists of all or portions of 10 tax blocks which are generally bounded by the East River / FDR Drive to the east, East 59th/East 58th Street to the north (East 58th on the midblock between First Avenue and Sutton Place), 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south. The affected lots are either completely zoned R10 or split between R10 and R8B. The rezoning proposal affects only the R10 portion of the area.

The proposed land use actions include: (1) zoning text amendments to create contextual zoning regulations for a defined “East River Fifties Area” that would modify the application of the existing R10 zoning district bulk and use regulations in the rezoning area; and (2) the creation of a new Inclusionary Housing Designated Area (IHDA) coterminous with the rezoning area. The text amendment would establish a 3.0 Floor Area Ratio (FAR) bonus for participation in the IHDA program. Under current state law, which caps residential FAR at 12, the 3.0 FAR bonus could be comprised of additional residential FAR of up to 2.0, and additional community facility FAR of at least 1.¹ The maximum allowable community facility FAR would remain at 10.

¹ The New York State Multiple Dwelling Law, Section 26(3), limits the floor area ratio of residential buildings on all lots to 12. The legislature enacted the law in 1961 in coordination with New York City’s adoption of its amended Zoning Resolution. The legislative report accompanying the law’s passage states: “In conformity with the provisions of the projected new zoning ordinances the law sets a new standard now in use in many of our largest cities that relates the physical dimensions of a building directly to the lot on which it is erected.” The law thus states: “The floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0.” See N.Y.S. Multiple Dwelling Law Section 26. Legislation was introduced in 2016 in both houses of the State legislature to lift the 12.0 FAR cap, to give the City of New York “broad flexibility to determine the maximum FAR for residential buildings” See A07807/S05469.

Background

The East River Fifties Area is virtually the only residentially-zoned neighborhood in the City still subject to an R10 zoning designation without contextual protections,² making it uniquely vulnerable outside the City's central business districts to as-of-right construction of very tall towers through zoning lot mergers. Such supertalls were not contemplated in 1961 when the R10 zoning was adopted and are not consistent with the existing community character. The affordable housing regulations for the area are also out-of-date, permitting developers to claim a 20 percent density bonus in exchange for designating only 4.76 percent of new units as affordable, in contrast to the higher affordability commitments required through current City programs.

Description of the Surrounding Area

The Project Area is located in Manhattan Community District 6 within an area labeled as Sutton Place on the Department of City Planning's NYC Neighborhood Map. It is part of the larger East Side neighborhoods. The Turtle Bay and Beekman Place neighborhoods are to the south and the Lenox Hill neighborhood is to the north.

The Project Area is surrounded by a number of notable features along its edges. To the east is the Franklin Delano Roosevelt (FDR) Drive, an arterial highway which borders the East River. Part of the FDR Drive is located under the easternmost blocks of the Project Area from East 54th Street in the south to just north of Sutton Square (an extension of East 58th Street) with apartment houses and street end parks over it. A small subsection of the study area (Sutton Square) is developed with low-rise residential use buildings on narrow lots including some zoned R8B that are excluded from the Project Area and privately owned open space which is partly excluded. Across the west branch of the East River is the southern portion of Roosevelt Island.

To the north of the Project Area is block 1370 between East 58th Street and East 59th Street excluding the Sutton Place frontage zoned R10 with a C2-5 commercial overlay that permits Use Groups 5 – 9 and Use Group 14 with a maximum commercial FAR of 2.0. R10 zoning permits development of up to 12 FAR for residential development by providing affordable housing pursuant to the 1987 R10 Inclusionary Housing Program. Community facilities are permitted a 10 FAR but may not use the Inclusionary Housing bonus. R10 zoning permits towers of unlimited height and developments pursuant to the Quality Housing Program. First Avenue is mapped with a C1-5 commercial overlay that permits Use Groups 5 -6 with a maximum commercial FAR of 2.0.

² Other R10 areas are mapped R10A (see, e.g. West End Avenue south of 97th Street), protected by R10 Infill (Community Board 7), are within historic districts (see, e.g. Tudor City and Fifth Avenue within the Carnegie Hill Historic District), or are on wide streets and therefore subject to tower-on-a-base. Outside the East River Fifties area there are less than a handful of partial blocks still subject to R10 zoning without any of these contextual protections .

This block is characterized by high-rise apartment houses, ground floor retail and a plaza on East 58th and East 59th streets. The Ed Koch Queensboro Bridge is located on the blocks north of East 59th Street. The bridge runs through the midblocks on these blocks with other low-rise and open space uses including parkland – the Queensboro Oval and 14 Honey Locust parks. The iconic Roosevelt Island Tram runs just north of the bridge. North of the bridge blocks there are other parks – Twenty-Four Sycamores Park and Andrew Haswell Green Park – east of York Avenue (which is a continuation of Sutton Place). Between York and First Avenue, the block is characterized by high-rise apartment houses with C4-7 districts on the avenues and C6-2 and C6-3 mapped on the midblock. C4-7 districts are an R10 equivalent district that permits a commercial FAR of 10.0 bonusable to 12.0 and permits Use Groups 5, 6, 8, 9, 10 and 12. C6-2 districts are an R8 equivalent district while C6-3 districts are an R9 equivalent district. Both districts have a bonus available that permits a maximum commercial FAR of 7.2. C6 districts permit Use Groups 5 – 12. On the block between First and Second Avenue to the west, the area is characterized by low rise buildings within a C8-4 zoning district that also encompasses the Queensboro Bridge blocks. C8-4 districts do not permit residential use. C8-4 districts permit a maximum commercial FAR of 5.0 and a maximum community facility FAR of 6.5. C8 districts permit community facility uses in Use Group 4 and commercial uses in Use Groups 5 – 13 and Use Group 16.

To the west of the Project Area, First Avenue frontages are dominated by high-rise and low-rise residential buildings with commercial ground floors and the Terrance Cardinal Cook office building between East 55th and East 56th streets. The midblocks west of First Avenue are mostly low-rise residential buildings with a substantial compliment of overbuilt mid-rise buildings within the mapped mid-block R8 B districts mapped between East 49th and East 55th Street and along East 58th Street. A high-rise avenue/midblock apartment house dominates the non-contextual R8 district between the north sides of East 55th and East 56th streets. Streetwall, R10A-type apartment houses dominate both sides of East 57th Street west of First Avenue.

To the south is the Beekman Place community an area of town houses and R10A-type apartment houses zoned R8B (permitting an FAR of 4.0) where approximately 68 percent of the frontage is occupied by R10A-type buildings.

Landmarks within 600 feet of the Project Area include the Ed Koch Queenboro Bridge, Landmark designated street lamps in Sutton Square, the East 54th Street Free Public Baths and the Abigail Adams Smith House on East 61st Street, the Paul Rudolph Penthouse and Apartments at 23 Beekman Place, the Panhellenic Tower at 3 Mitchell Place and the Landmark designated street lamps at Beekman Place. 314 East 53rd Street House, a townhouse, is just to the west of the 600-foot distance.

The nearest subway stop is the E and M at Lexington and East 53rd Street. At some unspecified future date, it is anticipated that the Third Phase of the Second Avenue Subway will extend south from the soon to open First Phase. This would run one block west of the Project Area.

The Roosevelt Island Tram, connecting Roosevelt Island to a terminal at Second Avenue, runs just north of the Ed Koch Queensboro Bridge but does not stop within the Project Area. The M 57 approaches and leaves the Project Area along East 57th Street and runs up First Avenue, west on East 60th Street, south on York Avenue/Sutton Place, west on East 55th Street and back up First Avenue to East 57th Street. The M31 runs along East 57th Street and up Sutton Place/York Avenue. The M15 runs north on First Avenue and south on Second Avenue. The M 50 generally runs on East 49th and 50th streets except from First to Second avenues where it runs on East 48th and East 49th streets and along that one block of First Avenue.

Description of the Proposed Project Area

The proposed Project Area consists of all or portions of 10 tax blocks (98 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.³ The affected lots are either completely zoned R10 or split between R10 and R8B. R10 districts permit all residential and community facility uses (Use Groups 1 through 4) at a maximum FAR of 10.0 with a residential bonus of up to 2.0 FAR pursuant to the 1987 R10 Inclusionary Housing Program. Buildings are allowed to penetrate the sky exposure plane under standard tower and tower-on-a-base regulations but are constrained to maximum heights of 185 feet on narrow streets and 210 feet on wide streets under optional Quality Housing regulations. Currently, within the Project Area, 74 percent of the buildings are at or below the maximum height permitted by Quality Housing regulations (185 feet on narrow streets and 210 feet on wide streets), and 82 percent have heights below the proposed maximum height of 260 feet.⁴

The proposed Project Area is predominantly residential, developed with a mixture of multi-family residential and mixed commercial and residential mid- and high-rise buildings on large lots. A small subsection of the study area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with low-rise residential use buildings on narrow lots. Mid-rise residential buildings predominate throughout the rezoning area, particularly along Sutton Place and East 57th Street. Street wall height and building scale are fairly consistent along east-west running cross streets. There are five highrises in the Project Area. The two tallest were built on through blocks with plazas - one located on First Avenue and one on a mid-block. The other high-rises are set back from the street line and range from 318 to 335 feet. In total, the five highrises account for nine percent of the street frontage in the Project Area. Mixed commercial and residential use buildings are more prevalent on First Avenue adjacent to the rezoning area while Sutton Place is almost entirely developed with exclusively residential use buildings. On the area's east side, cross streets generally end in cul-de-sacs, many of which are developed with a series of vest pocket parks called Sutton Parks,

³ The rezoning would not include a portion of the midblock on the north side of East 58th Street between First Avenue and Sutton Place and the portions of the area that are currently zoned R8B.

⁴ Of the eight buildings exceeding that height, two are sited on First Avenue, and one, between 52nd and 53rd, is predominantly contextual with a 25 percent tower.

and a larger park known as Sutton Place Park, all of which border the FDR Drive and are managed by the NYC Department of Parks and Recreation. Multifamily residential buildings generally vary from 8.0 to 14.0 FAR while low-rise row houses around the Sutton Square area are built to FARs between 2.5 and 5.0. Within the proposed Project Area buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures.

Description of the Proposed Project

The applicants are proposing the Project to prevent out of scale development and strengthen affordability requirements for new developments. As discussed above, the East River Fifties area is unique in its vulnerability to the construction of very tall towers built pursuant to the existing R10 zoning that would exceed the typical neighborhood building height by a factor of more than four. Such construction does not reflect the existing community character of the residential neighborhood. Over 74 percent of existing buildings have heights lower than R10 quality housing height limits of 185 feet on narrow streets and 210 feet on wide streets. The current zoning also does not promote affordable housing at high rates on par with other zoning districts, as developers are entitled to a 20 percent density bonus in exchange for designating only 4.76 percent of floor area as affordable as per ZR 23-154(a).

The applicants are therefore seeking a Zoning Text Amendment to create special rules to modify the application of existing R10 zoning to the rezoning area (Text Amendment). The Text Amendment would maintain the base residential and community facility FAR of 10.0 and would permit maximum buildings heights without an inclusionary housing bonus of 210 feet for buildings fronting on narrow streets and 235 feet for buildings fronting on wide streets.

The applicants are also proposing to replace the existing 1987 R10 Inclusionary Housing Program for the Project area with a more robust program modeled closely on the City's existing 2005 Inclusionary Housing Designated Area Program. The Text Amendment would permit an FAR bonus up to 13.0 FAR in exchange for a commitment of up to 20 percent of floor area for affordable units. The bonus FAR could be achieved with an additional 2.0 FAR for residential use and 1.0 FAR for community facility use for a total maximum residential FAR of 12.0 and an overall total allowable FAR of 13.0. The maximum allowable community facility FAR would remain at 10.0. To encourage and facilitate use of the bonus FAR, the maximum height limit for projects with an inclusionary bonus would be 260.

Actions Necessary to Facilitate the Project

2) Specific Zoning Text Amendments

The applicants are seeking several zoning text amendments to establish an IHDA and to facilitate the proposed height and design requirements of the proposed Text Amendment. These amendments are further described below.

New Base Height limits

The Text Amendment to Zoning Resolution (ZR) Section 23-675 would create special height regulations in the rezoning area with parallel language in Sections 24-161 and 35-65. The new district would allow for height limits of 210 feet for buildings with frontage on narrow streets and 235 feet for buildings with frontage on wide streets. Base FAR for residential or community facility buildings would remain at 10.0. Heights could be increased to 260 feet for buildings that provide affordable housing pursuant to (ZR) Section 23-154.

Façade Articulation

A proposed text amendment to ZR Section 23-625 would also create façade articulation requirements in the rezoning area. To reduce the potential development of long, flat façades under the proposed zoning, a regulation would be written to require façade articulation at intervals along the streetwall of segments of development sites on sites wider than 80 feet.

Inclusionary Housing Designated Area

The proposed text amendment to Appendix F of the Zoning Resolution would establish an IHDA coterminous with the rezoning area (see Appendix 3). Additionally, amendments to (ZR) Section 23-154 and cross reference in (ZR) Sections 23-932, 24-161 and 35-31 would establish specific IH bonuses for the IHDA. In exchange for reserving 20 percent of total units as affordable at or below 80 percent Area Median Income (AMI), developers would (a) receive a 3.0 FAR bonus and (b) a height limit of 260 feet. The 3.0 FAR bonus would be provided with 2.0 FAR of residential and 1.0 FAR of community facility for a total allowable FAR of 13.0. Buildings that take advantage of the IH bonus could build up to 260 feet on both narrow and wide streets.

(ZR) Section 24-161 would set the maximum community facility FAR at 10.0, the maximum residential FAR at 12.0 and the total maximum FAR at 13.0.

Conclusion

In summary, the proposed amendments are designed to protect community character by setting reasonable height limits based on contextual development in the East River Fifties Area, encourage the development of more affordable housing than would be developed under current law by mapping the Project Area as an IHDA, and allow responsible development by raising the maximum allowable FAR to 13.0 with the IHDA program. These changes are needed to protect neighborhood character and improve affordability. The East River Fifties area is essentially the only residentially-zoned neighborhood in the City still subject to an R10 zoning designation without contextual protections, making it uniquely vulnerable outside the City's central business districts to as-of-right construction of very tall towers through zoning lot mergers. Such supertalls were not contemplated in 1961 when the R10 zoning was adopted and are not consistent with the existing community character. The text amendments are also needed because the affordable housing regulations for the area are out-of-date; the current zoning permits developers to claim a 20 percent density bonus in exchange for designating only 4.76 percent of new units as affordable, in contrast to the much higher affordability commitments required through the City's Inclusionary Housing Designated Area and Mandatory Inclusionary Housing programs.