

The East River Fifties Alliance Sets the Record Straight About  
Mega-Tower Buildings on Quiet Side Streets

East River Fifties Alliance  
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[www.erfa.nyc](http://www.erfa.nyc)

## **Introduction**

An accident of history occurred on the narrow residential side streets in Manhattan's East River Fifties. The community, roughly the area between 52nd and 58th/59th Streets east of First Avenue, is the only residential neighborhood in the entire city zoned R10 without any type of contextual protection against super high-rise development. It was an accident that made this community uniquely vulnerable to the development of supertall towers.

Today, elected officials including Manhattan Borough President Gale Brewer, New York City Councilmembers Dan Garodnick and Ben Kallos, and New York State Senator Liz Krueger have joined with the East River Fifties Alliance (ERFA) in our mission to rectify this accident of history and preserve the character of our diverse neighborhood before it's too late.

The elected officials have co-signed our application to the New York City Department of City Planning to begin a public review process that would lead to the enactment of a zoning text change to halt the development of 1,000-foot-tall buildings on our residential side streets. Our proposal calls for contextual height limits. It also addresses the city's need for more affordable housing. We are not asking for a special favor; we're only asking the City to modify and correct the existing aberrant zoning.

In 1961, when the R10 district was created, the thought of "super-scrappers" would have been dismissed as science fiction. But now, enabled by 21<sup>st</sup> century structural engineering technology, the super-scrappers of Billionaire's Row are on the march to the East River.

In this document, ERFA defines the clear and present threat and offers a sound strategy to overcome it. We show why the developer of a planned 850-foot-tall, pencil-like tower on East 58th Street would like to avoid the full public discussion of our proposal that would commence when the Department of City Planning certifies our application. The developer would like us to go away. We are not going away.

## **Build it right**

The East River Fifties Alliance and our co-signatory elected officials are not against development. On the contrary, we are all for contextual development. We believe that a building that is the same height as 30 Rockefeller Plaza has no place on a 60-foot-wide lot on the mid-block of East 58th Street – or on any of the so called soft sites in our community. Every rezoning by every administration, including the de Blasio administration, has included height limits for residential areas. Notable examples of this are the East New York and East Harlem re-zonings. The ERFA proposal embraces growth. Height limits do not stop growth.

Also, other neighborhoods have height limits, many much lower. A quick look at the side streets between First and Third Avenues reveals that ERFA's proposed 260-foot limit is high by comparison, and the neighborhoods directly north and south of ours have height limits lower than 260 feet as well. An additional way our proposal would encourage growth is by allowing developers to build at least as much floor area as is permitted under current zoning, and MORE than is allowed under current zoning if they include affordable housing in their developments.

Our proposed zoning amendment is supported by thousands of individuals who live within and outside the district. Our fight is not about the blocked views of a handful of rich people in the neighborhood. On

the contrary, it's about preventing aberrant development from occurring -- and proliferating -- throughout the R10 zoned East River Fifties.

### **Safe deposit boxes in the sky or real housing for New Yorkers?**

Numerous recent published accounts in the New York Times and other media reveal that residential super-scrapers are designed for the ultra-wealthy -- the "one percent of the one-percenters." The proposed 3 Sutton Place super tower on East 58<sup>th</sup> Street will contain only one or two apartments per floor, or about 120 units in a building that is over 800 feet tall.

In many, if not most cases, the buyers of these units will be absentee owners. The apartments are, for the most part, real estate investments, or "safe deposit boxes in the sky."

Ironically, we also believe that the developer of 3 Sutton Place already realizes that he has made a bad business decision and a bad investment by backing another developer who declared bankruptcy over this project. We think that he's stuck with a 60-foot-wide mid-block location, with no frontage on Sutton Place, and that the project's height and scale are highly inappropriate for this or any residential neighborhood.

### **Diversity and Affordable Housing**

R10 zones throughout the city only create about 4-5% affordable units with each new development. In return for this small contribution to affordability, developers receive a 20% boost in floor area. This scheme does not meet the city's needs and gives away too much to developers for too little housing. ERFA embraces the Mayor's goal of creating affordable housing in new developments, and ERFA's new zoning plan supports that goal. Generally perceived as an enclave for the wealthy, the East River Fifties is instead home to families and individuals of all ages and income ranges. If fully implemented, the ERFA plan would more than double the amount of affordable housing in new developments in the East River Fifties neighborhood.

### **Where we stand with the Department of City Planning**

We understand that the Department of City Planning ("DCP") has three concerns about this proposal. We respectfully differ, for the reasons noted briefly below:

**Context:** DCP has advised that it does not believe the rezoning area is appropriate for a contextual rezoning because it includes some buildings that exceed the proposed height limits. However, the height of over 86% of the buildings in the rezoning area (as measured by street frontage) is equal to or less than the proposed 260-foot maximum limit, a compliance rate that in past Planning Commission practice has typically supported contextual rezoning.

Moreover, many of the purportedly non-complying buildings are located on or close to the wide commercial corridors of First Avenue or East 59th Street, which are expressly excluded from the proposal in keeping with the City's practice of allowing more height and density on such corridors.

**Housing Construction:** DCP suggests that the proposed contextual height limits would discourage housing construction in the Rezoning Area. However, our proposal is expected to generate 823 units of new housing, almost as many as projected under the existing R10 zoning (888 units) using the Planning Commission's required assumptions. If the 888-unit projection is adjusted to reflect the ACTUAL plan filed by the developer for the 58<sup>th</sup> St. site (which provides for luxury-sized apartments), only 708 units would be projected for the Rezoning Area under the existing zoning -- which is actually LESS than the

amount projected under our proposal. “Supertall” luxury buildings typically provide fewer (and larger) units than more modestly scaled buildings with similar floor area.

**Affordable Housing:** DCP believes that our affordable housing requirement was structured in such a way that developers would conclude they would be financially better off by foregoing the use of bonus Floor Area Ratio (FAR) and not build any affordable housing at all.

In other words, the DCP’s view was that our proposal was a disincentive, rather than an incentive, for developers to build affordable housing. We disagreed with that assertion, but chose to revise our proposal anyway to remove that obstacle to certification.

Our proposal previously would have required developers to build 20% affordable housing in exchange for receiving bonus FAR and now requires them to build only 13% affordable housing in exchange for receiving bonus FAR. But even with that change, full implementation of our plan would still more than double the amount of affordable housing in new developments in our neighborhood.

### **Conclusion**

Manhattan Borough President Gale Brewer, Councilmembers Daniel Garodnick and Ben Kallos, State Senator Liz Krueger and the East River Fifties Alliance are confronting the threat posed by the development of out-sized, super tall buildings on quiet residential side streets. Those elected officials and ERFA – which itself represents 45 member buildings, civic groups and over 2,000 individual supporters from 279 buildings within and beyond the rezoning area -- have proposed a rezoning that would establish contextual protections and advance the City's affordable housing goals by increasing the number of affordable units required of developers seeking bonus floor area for new developments in the district.

We are hopeful that this proposal, which we have been discussing with the Department of City Planning for almost two years, will be certified for public review as soon as possible.