

**East River Fifties Text Amendment
Manhattan Community District 6
September 27, 2017
Applicants' Project Description**

I. Introduction

The applicants, East River Fifties Alliance, Inc., 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 6.¹ The entire area affected, the Project Area, consists of all or portions of 10 tax blocks which are bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The area includes lots zoned R10 or split between R10 and R8B, and the R10 lots on First Avenue and 59th Street have C1-5 or C2-5 commercial overlay. The proposal would affect only lots on narrow streets beyond 100 feet of a wide street.

The land use action consists of a zoning text amendment to apply modified tower on a base (“TOB”) rules in lieu of tower zoning regulations for R10 lots on narrow streets in R10 Districts located east of First Avenue and north of East 51st Street in Manhattan Community District 6 (the “Project Area”). In so doing, the Amendment would establish minimum tower coverage requirements (identical to existing TOB), modified packing rules, and base height and set back rules. These rules would deter unlimited zoning lot mergers and the development of 1000 foot towers, while allowing more contextually scaled development and preserving a neighborhood scale street wall.

Background

The Project 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

¹ This application is related to another application, N 170282 ZRM (and N 170282A ZRM) (the proposed East River Fifties/Sutton Place Rezoning), currently pending before the Commission. N 170282 ZRM was subject to environmental review under CEQR reference number 17DCP046M, and on June 5, 2017 the Department of City Planning determined that the application would have no significant effect on the environment, as reflected in its Negative Declaration of the same date. This Project description reflects a new land use application filed in anticipation of the prior application’s withdrawal.

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 Project Area there are less than a handful of partial blocks still subject to R10 zoning without any of these contextual protections .

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.

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, with privately owned open space. Across the west branch of the East River is the southern portion of Roosevelt Island.

To the north of the Project Area, just across East 59th street, lies the Ed Koch Queensboro Bridge. 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 an bonus available that permits a maximum commercial FAR of 7.2. C6 districts permit Use Groups 5 – 12. On the block north of East 59th Street and 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 R8B 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 Queensboro 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 recently opened 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 the R10 portions 10 tax blocks currently zoned R10 or R8B, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The tax lots within these boundaries are predominantly zoned R10, with some 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. Portions of the project area along East 59th Street and First Avenue are zoned R10/C2-5 or R10/C1-5, which also permits a base FAR of up to 10.0, or up to 12.0 FAR with inclusionary housing bonus; up to 2.0 FAR of commercial space is permitted.

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, approximately 87 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). There are 8 buildings in the project area with more than 30 stories.

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 eight highrises (towers over 300 feet) in the Project Area. Two of the three tallest are located on the south side of 59th Street facing the entrance to the Queensboro Bridge, which is a superwide street stretching 320 feet. The Sovereign, at 485 feet is a 1.1 million square foot high-rise apartment house built under plaza rules on an extremely large through-lot. It is aligned primarily along 59th Street with a substantial setback and plaza area on East 58th Street. Immediately next to the Sovereign is a 36-story, 370 foot residential tower. The second and fourth tallest buildings in the area 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. Mixed commercial and residential use buildings are more prevalent on First Avenue 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, 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 that could be built under current R10 zoning in the project area. As discussed above, the Project Area is unique in its vulnerability to the construction of very tall towers built pursuant to the existing R10 zoning that could 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 which is predominated by 10 to 20 story apartment buildings, with pockets of low rise buildings and a handful of 1970's style towers. All but 8 buildings are less than 300 feet, and all but 1 are less than 400. Virtually all other R10 areas are mapped R10A, protected by R10 Infill regulations (Community Board 7), located in historic districts, or are on wide streets and therefore subject to tower-on-a-base regulations.

The applicants therefore propose to apply a modified version of TOB to narrow streets in the project area. Like standard TOB rules, these would include minimum and maximum tower

coverage requirements, bulk packing rules, and base height and setback rules, with slight modifications tailored to narrow streets. These changes include: requiring that 45 to 50 percent of FAR be packed below a height of 150 feet; tower setback and location modifications; establishing narrow street street wall location rules; and small changes to the rules to match adjacent existing buildings. The combination of these rules would more closely align future construction with the existing built environment, while still accommodating reasonable growth.

Actions Necessary to Facilitate the Project

Specific Zoning Text Amendments

The applicant is seeking several zoning text amendments (ZR Sections, 23-61, 23-675, 24-56, 35-61, and 35-66) to facilitate the proposed bulk and design requirements of the proposed Text Amendment.

The proposed amendments would apply a modified version of the standard TOB rules for wide streets (§23-651) to narrow street sites within an area in Community District 6 north of East 51st Street and east of First Avenue (**§23-61 Applicability; §24-56 Special Height and Setback Provisions for Certain Areas; §35-66(a) Special Height and Setback Provisions for Certain Areas.**) Additional minor amendments would update cross-references to the amended § 24-56 (**§ 24-57 Modifications of Height and Setback Regulations; § 73-641 Integration of new buildings or enlargements with existing buildings**).

The proposed text amendments modify the standard wide-street TOB floor area distribution percentages of §23-651 from 55-60% to 45-50%, modify the tower setback and tower location requirements of standard TOB, modify the street wall location and height-matching provisions, and maintain the tower coverage requirements. (§23-675, **Provisions for Certain R10 Districts within Community District 6 in the Borough of Manhattan.**)

Conclusion

In summary, the proposed amendments are designed to protect community character by applying a modified version of wide-street tower-on-a-base rules to narrow streets. Tower on a base rules currently prevent the development of 800 to 1000' towers (or more) on First Avenue and other wide streets zoned R10. By extending a modified version of the existing TOB building form controls to narrow streets, including minimum tower coverage, packing requirements, and matching, low streetwalls not more than 85 feet high, narrow streets would no longer be vulnerable to unrestricted mega towers as permitted by current R10 zoning. At the same time, the proposed modified rules provide sufficient flexibility to facilitate reasonable development.