



IN THE MATTER OF an application submitted by the East River Fifties Alliance, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying the bulk regulations of Article II, Chapter 3, Article II, Chapter 4 and Article III, Chapter 5, and related Sections, within R10 Districts located in Community District 6 east of First Avenue and north of East 51st Street, Borough of Manhattan, Community District 6.

This application for an amendment of the Zoning Resolution was filed by the East River Fifties Alliance, Inc., and co-applicants the Manhattan Borough President, the City Council Member representing District 4, the City Council Member representing District 5, and the State Senator for New York's 28th district (collectively the “applicant”) on September 13, 2017. The zoning text amendment would establish tower-on-a-base regulations along narrow streets in the R10 District located east of First Avenue and north of East 51st Street in Manhattan Community District 6.

BACKGROUND

The applicant seeks approval of a zoning text amendment that would apply a modified version of tower-on-a-base regulations to zoning lots fronting on narrow streets beyond 125 feet of a wide street on 10 blocks in the R10 District roughly defined by the Ed Koch Queensboro Bridge to the north, First Avenue to the west, East 51st Street to the south, and the East River to the east (the “project area”).

The project area is predominantly residential in nature with a limited number of mixed residential-commercial buildings. The built environment has an undulating character generally comprised of mid- and high-rise buildings. Distinct from many residentially-zoned parts of the city, this area is characterized by tall towers, ranging from 315 to 485 feet high, situated in the midblocks and set back from the street line, and relatively lower scale four- to twelve-story

buildings built to the street line along the midblocks and avenues. R10 districts permit towers of unlimited height and allow a residential and community facility floor area ratio (FAR) of 10.0, bonusable to 12.0 through the Inclusionary Housing program. Portions of the area along East 59th Street and First Avenue are zoned R10/C2-5 or R10/C1-5, which allow up to 2.0 FAR of the maximum FAR permitted to be for commercial use.

Residential buildings within 125 feet of north-south wide streets such as First Avenue and Sutton Place, and within 100 feet of east-west wide streets such as East 57th Street, must be built pursuant to tower-on-a-base or Quality Housing regulations. Tower-on-a-base regulations mandate that the street wall be a minimum height of 60 feet and a maximum height of 85 feet, that at least 70 percent of the building's base be located within eight feet of the street line, that the building be set back 10 feet from the base on wide streets and 15 feet on narrow streets, that the building's tower have a maximum coverage of 40 percent and minimum coverage of 30 percent, and that 55 to 60 percent of the building's total floor area be below 150 feet. Tower-on-a-base rules do not specify a height limit, but buildings typically are about 300 to 500 feet in height. Quality Housing regulations produce high lot coverage buildings set at or near the street line, require base heights between 125 and 150 feet on wide streets and 60 to 125 feet on narrow streets, and when including inclusionary housing, have height limits of up to 235 feet on wide streets and 215 feet on narrow streets.

Buildings on narrow streets (less than 75 feet in width, which encompasses the east-west one-way streets in the project area) are permitted to use basic height and setback requirements pursuant to sky exposure plane parameters, standard tower regulations, or Quality Housing regulations. Standard tower regulations permit the tower portion of a building to penetrate the sky exposure plane, do not require a base but do require the building to be set back at least 15 feet from a narrow street, and permit the tower's footprint to be no more than 40 to 50 percent of the lot, depending on lot size. R10 districts are infrequently mapped on narrow streets, as they are within in the subject area.

This proposal was initiated following the announcement of plans to construct a 900-foot tall tower along the narrow street of East 58th Street, a height the applicants believed was out-of-scale for a largely residential neighborhood. The intent of the proposed zoning text amendment is to promote stronger street walls and appropriate scale in new developments along the project area's narrow streets. To achieve this, the applicant seeks to extend the applicability of tower-on-a-base rules, which produce buildings with both towers and street walls, and to remove the option to develop according to the standard tower rules, which generally produce taller towers with no street wall. In contrast with the current height and setback regulations, the heights of towers would, in a de facto sense, be limited to a range of 300 to 500 feet rather than having no effective constraints on height. The tower-on-a-base rules would also have the effect of limiting the number of zoning lots with existing buildings that could be merged with a development site into a single zoning lot, reducing the transfer of unbuilt floor area.

The zoning text amendment would establish a narrow street version of tower-on-a-base regulations that, like the tower-on-a-base rules for wide streets, would include minimum and maximum tower coverage requirements, bulk packing rules, and base height and setback rules. This zoning text amendment would make four slight modifications to tailor tower-on-a-base rules to narrow streets. The primary change would be a requirement that 45 to 50 percent of a lot's floor area be below a height of 150 feet, as compared to 55 to 60 percent for lots along wide streets. The change in percentage would help to account for the rear yard requirements of interior lots, which are rules that do not apply to corner lots along wide streets.

The second change would account for the different wide and narrow street setbacks. Generally, towers are required to be set back 10 feet along wide streets and 15 feet along narrow streets. This zoning text amendment would permit tower setbacks along narrow streets to be reduced by one foot for every foot that the street wall is located beyond the street line after a required seven-foot minimum tower setback. This approach is consistent with the setback regulations

established for contextual envelopes under Zoning for Quality and Affordability (N 160049 ZRY), which were established to avoid disincentives for building setbacks at the street line.

The last two changes would incorporate appropriate text from tower-on-a-base rules for wide streets to make them applicable on narrow streets. These include a requirement that at least 70 percent of the building base be within eight feet of the street line, street wall matching rules, and the allowance of dormers to enable new buildings to better integrate with existing buildings.

The zoning text amendment would maintain the R10 district's existing maximum allowable FAR, existing permitted uses, and the options to develop pursuant to basic height and setback requirements or Quality Housing regulations. New developments on wide streets would continue to be subject to tower-on-a-base or Quality Housing regulations.

The applicant filed a separate application (N 170282 ZRM) that was referred into public review on June 5, 2017, and an amended application (N 170282(A) ZRM) that did not come before the City Planning Commission. The prior application sought approval of a zoning text amendment to create contextual zoning regulations that would impose height limits of 210 feet for buildings fronting on narrow streets and 235 feet for buildings fronting on wide streets, and to establish a bespoke voluntary inclusionary housing program to replace the area's existing R10 Inclusionary Housing program. The geographic boundary of the prior applications (N 170282 ZRM and N 170282(A) ZRM) and this application (N 180082 ZRM) are similar. The prior applications were withdrawn by the applicant subsequent to the Commission's public hearing but prior to the Commission's vote.

ENVIRONMENTAL REVIEW

The application (N 180082 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations (NYCRR), Section 617.00 et seq. and the City

Environmental Quality Review (CEQR) Rules Procedure of 1991 and Executive Order No. 91 of 1997. The designated CEQR number is 18DCP039M. The lead agency is the City Planning Commission.

After a study of the potential impacts of the proposed action in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on October 2, 2017. The Negative Declaration includes an (E) Designation (E-449) related to hazardous materials and air quality to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials would apply to the following sites:

Block 1369, Lots 22, 29, 30, 34, 35, 36, 129 and 133 (Projected Development Site 1)

The (E) designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after

completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

The (E) designation requirements related to air quality would apply to the following sites:
Block 1369, Lots 22, 29, 30, 34, 35, 36, 129 and 133 (Projected Development Site 1)

The (E) designation text related to air quality is as follows:

Block 1369, Lots 34, 35, 36, and 133 (Projected Development Site 1a)

Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 392 feet above grade, and at least 50 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.

Block 1369, Lots 29, 30 and 129 (Projected Development Site 1b)

Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 369 feet above grade, and

at least 45 feet from the lot line facing First Avenue, and at least 25 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.

Block 1369, Lot 22 (Projected Development Site 1c)

Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stack(s) must be located at the highest tier and at least 208 feet above grade, at least 30 feet from the lot line facing East 58th Street, and on the lot line facing Sutton Place to avoid any significant adverse air quality impacts. Additionally, any new residential development on the above-referenced property must ensure that fossil fuel-fired equipment meets applicable Department of Building Code provisions regarding the placement of exhausts to ensure they are equal to or taller than operable windows or air intakes on adjacent buildings, provided that this measure may be modified, or determined to be unnecessary, based on new information or technology, additional facts or updated standards that are relevant at the time the site is ultimately developed.

PUBLIC REVIEW

On October 2, 2017, this application (N 180082 ZRM) was referred for information and review to Community Board 6 and the Borough President in accordance with the procedures for referring non-ULURP matters.

Community Board Recommendation

Manhattan Community Board 6 submitted a letter waiving review of this application (N 180082 ZRM) on September 13, 2017. The letter stated that Community Board 6 had previously expressed its support for the stated purposes and objectives of the applicant's withdrawn zoning text amendment application (N 170282 ZRM).

Borough President Recommendation

The Manhattan Borough President submitted a letter waiving review of this application (N 180082 ZRM) on September 14, 2017. The letter stated that the Borough President, a co-applicant, had previously reviewed and approved the applicant's withdrawn zoning text amendment application (N 170282 ZRM) and believes that this application (N 180082 ZRM) is substantively similar.

City Planning Commission Public Hearing

On October 4, 2017 (Calendar No. 1), the City Planning Commission scheduled October 18, 2017, for a public hearing on this application (N 180082 ZRM). The hearing was duly held on October 18, 2017 (Calendar No. 27). There were 18 speakers in favor of the application and 18 speakers in opposition.

Speakers in favor included representatives and members of the East River Fifties Alliance; a representative for the City Council Member representing District 4; the City Council Member representing District 5; a representative of the Borough President of Manhattan; a representative of the U.S. Representative for New York's 12th congressional district; a representative of the Municipal Art Society of New York; and local neighborhood residents.

Speakers in opposition included representatives of a developer with a building in construction within the project area; the Construction & General Building Laborers' Local 79 union; the Real Estate Board of New York; More New York; and local neighborhood residents.

A representative of the applicant testified in support of the zoning text amendment. She described how the current R10 zoning district was mapped in 1961 at a time when construction practices produced buildings in the 250- to 500-foot range and not the towers over 800 feet tall that are now possible through technological advances in construction methods. The representative stated that the ability to construct standard towers in this residential neighborhood is unique since other R10 districts throughout the city have contextual protections such as an historic district designation, the contextual regulations of an R10A district, or the tower-on-a-

base controls that exist for buildings along wide streets in R10 districts. The representative stated that the area's predominant built form is mid-rise apartment buildings of 14 to 20 stories, and that the area also includes lower-rise residential buildings of less than six stories and taller towers ranging from 315 to 485 feet. The representative stated that the applicant spent over two years exploring and studying land use options to address its concerns.

The Council Member representing Council District 5, a representative of the Council Member representing Council District 4, and a representative of the Manhattan Borough President all spoke in support of the proposal. They stated that after two years of effort, a proposal had been produced that would update rules put in place in 1961 by establishing tower-on-a-base regulations that are appropriate for the existing built form in the area.

A representative of the Municipal Art Society of New York (MAS) spoke in support of the proposal and stated that the proposal would be an improvement to the current zoning, since the tower-on-a-base regulations would produce significantly shorter buildings than those permitted pursuant to standard tower rules. The representative stated that MAS, however, favored the height limits in the applicant's withdrawn application (N 170282 ZRM) and urged the CPC to find a way to incorporate the Mandatory Inclusionary Housing regulations into the proposal.

The U.S. Representative for New York's 12th Congressional district and eleven neighborhood residents spoke in support of the proposal. The prevailing theme was that towers substantially higher than the area's existing towers, which range from approximately 300 to 500 feet, would be an inappropriate building form for this area.

Representatives of a developer with a building in construction along East 58th Street within the project area, in an area where the proposed new tower-on-a-base rules would apply, spoke in opposition to the proposal. The representatives expressed concern that the zoning text amendment would be a spot zoning since they did not believe that the proposal was part of a comprehensive plan and the applicant had publicly stated its opposition to the height of the

building in construction along East 58th Street. The representatives stated that the existing built context in the area was varied and that there were no consistent street wall heights or street wall locations to provide a rationale for introducing tower-on-a-base regulations along narrow streets. The representatives expressed concern that the public review period did not provide sufficient opportunity to review and comment on the proposal. The representatives described concerns related to the completeness of the Environmental Assessment Statement. The representatives expressed concern about modifying the rules that apply to building during that building's construction, and said that they believed that this would set a dangerous precedent for as-of-right development. The representatives also noted that the proposal would result in a reduction of market rate and affordable residential units and a decrease in the number of construction jobs.

A representative of the Real Estate Board of New York (REBNY) spoke in opposition to the proposal. He stated that the proposal was an attempt to burden a particular property owner and that it was necessary for property owners to have a reasonable degree of certainty about zoning regulations in order to undertake complex, multi-year development projects. The representative stated that the proposal would introduce a building form that did not currently exist in this neighborhood. The representative expressed REBNY's opposition to the truncated public review period and its belief that the proposal contradicts the City's policy goals of increasing housing production and providing good-paying jobs.

A representative of a former architecture critic stated that the proposal would create an artificial zone not supported by context, precedent, or a direct planning logic, and that would meaningfully apply to only one site. He stated that the proposal should take into account all of Midtown, if not all of Manhattan. He also stated that the architectural quality of the building in construction along East 58th Street would be appropriate for the area and a graceful addition to the skyline.

Two neighborhood residents and a local business owner spoke in opposition of the proposal. One board member of a cooperative apartment building in the area stated that his board was not clear

about the purpose of the zoning text amendment and that he believed that Community Board 6 and Borough President should not have waived their review periods. Another resident said that the area suffered from a lack of recent construction that had stagnated the area's property values. A local business owner supported the building in construction along East 58th Street, noting a lack of construction in recent years, and opposed the expedited public review period.

Three other speakers spoke in opposition of the proposal. Two speakers representing More New York, an organization advocating for more permissive regulation of new housing development, stated that the proposal would reduce the production of residential housing by limiting the ability to transfer development rights. A member of the Construction & General Building Laborers' Local 79 union stated that, if this proposal stopped construction of the building along East 58th Street, it would cause the loss of jobs and negatively impact construction workers.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (N 180082 ZRM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 et seq.) The designated WRP number is 17-125.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the proposed zoning text amendment (N 180082 ZRM), as modified herein, is appropriate.

The Commission acknowledges the effort undertaken by the neighborhood residents-led coalition to prepare a zoning text amendment. The Commission notes that the applicant withdrew its prior applications (N 170282 ZRM and N 170282(A) ZRM) after concerns were raised regarding the appropriateness of height limits in an area with a varied built context, and how the new voluntary inclusionary housing program may have disincentivized the production of affordable units within the project area. The Commission further notes that the applicant's modified proposal achieves the overarching goal of in-scale development through a different mechanism.

Wide streets in the project area are currently subject to tower-on-a-base regulations, which effectively limit tower heights and require street walls. The requested action would extend the applicability of these rules by establishing a narrow street version of tower-on-a-base regulations in the project area. The Commission recognizes that the midblock character in the project area is unlike other residential neighborhoods, in that the majority of narrow streets include at least one tall tower set back from the street line, adjacent to lower scale four- to twelve-story buildings built to the street line. The Commission views the extension of the tower-on-a-base regulations to narrow streets as appropriate for this area since the resulting tower heights and street walls of the tower-on-a-base buildings will appropriately tie together the varied built forms that currently exist.

The Commission heard concerns that the proposal amounted to a spot zoning, and that the environmental assessment statement (EAS) confirmed this, since the only identified projected development sites were on the lot assembled for the building in construction along East 58th Street. The Commission notes that spot zoning is defined as a legally impermissible manipulation of the City's power to enact zoning regulations in accordance with a well-considered plan. The Commission believes that the proposal to extend tower-on-a-base rules that are currently applicable on wide streets to the adjacent narrow streets, in an effort to appropriately integrate future development with the area's existing built form, serves a sensible

land use goal. The Commission further notes that an EAS is intended to provide a reasonable possible development scenario based on a variety of assumptions and available information, but that it is not a predictor of all future development that may occur in the area. The identification of three projected development sites on the lot assembled for the building in construction along East 58th Street is therefore not to be understood as the only development that could occur in the future if the zoning text amendment were approved. The Commission has therefore determined that the zoning text amendment does not constitute a spot zoning.

The Commission heard concerns that the EAS contained errors and faulty assumptions, and failed to provide the necessary technical analyses. The Commission notes that no concerns raised were material, and that they would not affect the conclusion of no significant adverse impact. The Commission further notes that the CEQR Technical Manual's soft site criteria are not meant to be applied mechanistically. The lead agency, in this case the Department of City Planning on behalf of the City Planning Commission, is required to exercise its expert judgment when determining appropriate soft site criteria for environmental review. The Commission believes that the soft site criteria identified in the EAS are appropriate to the project area. The Commission further notes that all appropriate technical analysis was conducted pursuant to the CEQR Technical Manual.

The Commission heard concerns that the public review process was flawed and inadequate. The Commission believes that the public review process met all legal requirements, and notes that the New York City Charter (the "Charter") does not obligate community boards or borough presidents to hold public hearings or prepare and submit written recommendations for zoning text amendments, nor does the Charter grant the Commission the power to require community boards or borough presidents to do so. When community boards or borough presidents choose not to take advantage of the informal opportunity to hold public hearings and submit written recommendations, the Commission typically asks them to submit written waivers, though there is no obligation under the Charter to do so. In this instance, Community Board 6 and the Manhattan Borough President have submitted written waivers. The Commission further notes that the

applicant's prior application (N 170282 ZRM) was referred into public review on June 5, 2017. Community Board 6 and the Borough President both held public hearings on the prior application. While the prior application was ultimately withdrawn by the applicant, the content and geography of the application started a public dialogue that is relevant to this current application (N 180082 ZRM).

The Commission heard concerns that the proposal is inconsistent with the City's housing policy. The City's current housing policy seeks to sustain substantial overall housing production while increasing the pace at which new affordable housing is preserved and created. This policy highlights the importance of sustaining the feasibility of new housing production in neighborhoods throughout the city, but it does not dictate individual decisions about the appropriate density or building form at any particular location; such decisions are at the heart of the Commission's purview. The Commission believes that the proposal supports reasonable growth in the area and recognizes that the zoning text amendment does not change the permitted floor area ratio (FAR) for the project area, which is already the highest permitted under State law, or modify the inclusionary housing program. The Commission acknowledges that the tower-on-a-base height and setback rules limit development rights transfers from multiple properties onto one small development site. The Commission believes that the tower-on-a-base form is appropriate going forward, and concurs with the applicant that it will allow for reasonable growth.

The Commission acknowledges the concerns raised by representatives of the owner of the building in construction along East 58th Street, and is sympathetic to these concerns. The Commission acknowledges that real estate projects require a significant amount of investment and that resources are secured, in part, based on the regulatory certainty provided by the Zoning Resolution. The Commission believes that a level of certainty with regard to as-of-right development is a reasonable expectation of the development community and benefits the public. The use of zoning to undermine this predictability would be detrimental to the investment necessary to support the city's building stock and its needs for growth, and would be of grave

concern to the Commission. The Commission therefore modifies the proposed zoning text amendment to enable construction to proceed under the previously applicable regulations of buildings for which permits have been issued and foundations commenced prior to the effective date of the new zoning, provided that foundations are completed within one year of such date. Under the normal procedures, as enumerated in Section 11-331 of the Zoning Resolution, if foundations have commenced construction but have not been completed on the date of enactment of a change in applicable zoning, the building permit would lapse and the permit holder would need to make application to the Board of Standards and Appeals for its reinstatement. The Commission finds this measure permitting construction to continue without lapse to be reasonable given the construction requirements of a substantial and complex building.

The Commission also modifies the zoning text amendment with some minor technical clarifications to ensure that the intent of the text is clear to the reader.

RESOLUTION

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

RESOLVED, that the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

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

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE II: RESIDENCE DISTRICT REGULATIONS

Chapter 3 - Residential Bulk Regulations in Residence Districts

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23-60

HEIGHT AND SETBACK REGULATIONS

23-61

Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

* * *

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

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23-67

Special Height and Setback Provisions for Certain Area

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23-675

Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan

Except as set forth in Paragraph (c) of this Section, in Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-

65 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#. However, for #zoning lots# with #narrow street# frontages, such provisions shall be modified in accordance with the provisions of this Section.

(a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

- (1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total #building floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>45.0</u>
<u>39.0 to 39.9</u>	<u>45.5</u>
<u>38.0 to 38.9</u>	<u>46.0</u>
<u>37.0 to 37.9</u>	<u>46.5</u>
<u>36.0 to 36.9</u>	<u>47.0</u>
<u>35.0 to 35.9</u>	<u>47.5</u>
<u>34.0 to 34.9</u>	<u>48.0</u>
<u>33.0 to 33.9</u>	<u>48.5</u>

<u>32.0 to 32.9</u>	<u>49.0</u>
<u>31.0 to 31.9</u>	<u>49.5</u>
<u>30.0 to 30.9</u>	<u>50.0</u>

(2) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.

(3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply. In lieu thereof, towers shall be permitted on a #narrow street# beyond 100 feet of its intersection with a #wide street#.

(4) For the purposes of determining the permitted tower coverage and the required minimum distance between #buildings# or portions thereof on #zoning lots# with both #narrow street# and #wide street# frontage, that portion of a #zoning lot# located either within 125 feet from the #wide street# frontage along the short dimension of a #block# or within 100 feet from the #wide street# frontage along the long dimension of a #block#, shall be treated as a separate #zoning lot# from that portion beyond, with frontage along a #narrow street#.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

(1) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 125 feet of its intersection with a #wide street#, the #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.

(2) For #buildings#, or portions thereof, fronting on a #narrow street# beyond 100 feet of its intersection with a #wide street#, the height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.

(3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers on #narrow streets# beyond 70 feet of its intersection with a #wide street#.

(c) Vesting modifications

In the event that a building permit has been issued authorizing construction pursuant to the regulations of this Resolution in effect prior to [date of adoption], and foundations were commenced but not completed before [date of adoption], such construction may continue, provided that all foundations have been completed prior to [date of adoption + 1 year]. Such date shall be the effective date for applying the provisions of Section 11-332 (Extension of period to complete construction).

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Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

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24-56

Special Height and Setback Provisions for Certain Areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building# or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

~~(b)~~(c) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings# or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

~~(c)~~(d) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

24-57

Modifications of Height and Setback Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) ~~and~~ through ~~(e)~~(d) of Section 24-56, relating to height and setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

* * *

ARTICLE III: COMMERCIAL DISTRICT REGULATIONS

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-61

Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

* * *

35-66

Special Height and Setback Provisions for Certain Areas

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

* * *

ARTICLE VII – ADMINISTRATION

Chapter 3 – Special Permits by the Board of Standards and Appeals

* * *

73-641

Integration of new buildings or enlargements with existing buildings

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) ~~and~~ through (e)(d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

The above resolution (N 180082 ZRM), duly adopted by the City Planning Commission on November 15, 2017 (Calendar No. 12), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, Esq., *Vice Chair*
RAYANN BESSER, MICHELLE DE LA UZ, JOSEPH DOUEK,
RICHARD W. EADDY, CHERYL COHEN EFFRON, HOPE KNIGHT,
ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

ALFRED CERULLO, III, *Commissioner, recused*

RICHARD EGGERS
CHAIR

CLAUDE L. WINFIELD, FIRST VICE-CHAIR
MOLLY HOLLISTER, SECOND VICE CHAIR



JESÚS PÉREZ
DISTRICT MANAGER

BEATRICE DISMAN, TREASURER
BRIAN VAN NIEUWENHOVEN, ASST. TREASURER
KATHY THOMPSON, SECRETARY
AARON HUMPHREY, ASST. SECRETARY

THE CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD SIX
P.O. BOX 1672
NEW YORK, NY 10159-1672

VIA E-MAIL

September 14, 2017

Marisa Lago
Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Resolution Waiving Comment Period on the New Text Amendment Application (N 180082 ZRM) by East River Fifties Alliance

Dear Chair Lago:

At the September 13, 2017 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

WHEREAS, in a resolution passed by Manhattan Community Board Six (CB6) on June 27, 2017, CB6 expressed its support for the stated purposes and objectives of the zoning text amendment N 170282 ZRM submitted by the East River Fifties Alliance (ERFA) and co-applicants;

WHEREAS, the resolution further requested that the City Planning Commission reconsider any objection to the proposed text change;

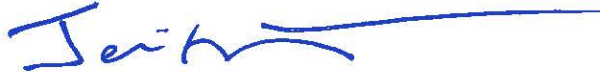
WHEREAS, the City Planning Commission and the East River Fifties Alliance have been in communication on the terms of such text amendment resulting in a new application N 180082 ZRM;

WHEREAS, the procedures for consideration of a text amendment allow for, but do not require, comments by the Community Board during a comment period of 45 days or more, only after which the City Planning Commission will schedule a public hearing on the text amendment;

WHEREAS, CB6 may waive the comment period, resulting in a more expeditious processing of the application and in doing so does not eliminate the opportunity for individuals or CB6 to submit comments as part of the City Planning Commission public hearing;

THEREFORE, BE IT RESOLVED, Manhattan Community Board Six waives its opportunity to comment on application N 180082 ZRM prior to a public hearing.

Best regards,

A handwritten signature in blue ink, appearing to read "Jesús", with a long horizontal line extending to the right.

**Jesús Pérez
District Manager**

**Cc: Hon. Gale Brewer, Manhattan Borough President
Hon. Liz Krueger, State Senator
Hon. Benjamin Kallos, Council Member
Hon. Daniel Garodnick, Council Member
Hon. Dan Quart, State Assembly Member
Sandro Sherrod, Chair, CB6 Land Use & Waterfront Committee**



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Gale A. Brewer, Borough President

September 14, 2017

Marisa Lago
Chair
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10007

Dear Chair Lago,

Having reviewed and approved the prior application (Land Use Application # N 170282 ZRM), which was substantively similar to the new filed application (Land Use Application # N 180082 ZRM.), my office waives its review of the text amendment.

We do this with the understanding that it does not exclude the opportunity for individuals or our office to submit comments as part of the City Planning Commission (CPC) hearing on this application.

Please find the attached recommendation for the earlier Land Use Application # N 170282 ZRM.

If you have any further questions do not hesitate to reach out to myself or Ahmed Tigani of my staff at atigani@manhattanbp.nyc.gov or 212-669-3223.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer

Enclosure: BP recommendation for application ULURP # N 170282 ZRM