



CITY PLANNING COMMISSION

January 28, 2008/ Calendar No. 15

N 060273 NPM

IN THE MATTER OF a plan concerning Community District 6, submitted by Community Board 6, for consideration under the rules for the processing of plans pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called the **“197-a Plan for the Eastern Section of Community District 6.”**

BACKGROUND

Manhattan Community Board 6 started its extensive community outreach to develop a 197-a plan in 2003. On March 3, 2004, in accordance with the City Planning Commission’s adopted 197-a rules, Manhattan Community Board 6 notified the Department of its intent to submit a 197-a plan. After a public hearing and adoption by the Board on June 9, 2004, the plan was submitted to the Department for preliminary review in June 2004. In response to DCP’s comments, Community Board 6 submitted a revised plan on August 11, 2005 in accordance with the City Planning Commission’s *Rules for the Processing of Plans Pursuant to Charter Section 197-a* (197-a rules). The plan was referred out for public review on April 3, 2006. On October 23, 2007, Community Board 6 re-submitted the plan which included updated information and some revisions in response to comments by affected City agencies.

PLAN DESCRIPTION

The plan covers the eastern section of Manhattan’s Community Board 6, an area generally bounded by the East River, East 59th Street, a line 100 feet west of Second Avenue, and East 14th Street. Most of this area is zoned for residential and commercial uses with a mix in the northern portion and a predominance of residential zoning in the southern part. There are two areas zoned for central commercial districts, intended for regional office and retail uses: the East River Science Park (C6-2, east of First Avenue between 28th and 30th streets) and the United Nations campus and some adjacent areas (C5-2 between 41st and 49th streets). There are commercial overlays along the avenues which permit local retail uses. Several areas along the East River are zoned for manufacturing uses (M1-1, M1-5, M2-3, and M3-2).

The plan is organized into several sections. The “Introduction” includes a statement of the goals of the plan, a brief description of the Study Area’s history and community character, an overview of the Community Board’s planning process and the plan’s consistency with city policies and planning initiatives. The chapters “Development History” and “Community Profile” describe the historical background of the Study Area and give a detailed analysis of existing conditions covering population; land use and zoning; urban design and historic resources; streets and transportation; and open space and waterfront access. The “Recommendations” section provides proposals to address issues identified in the existing conditions section. Appendices include additional 197-a plan goals, related Community Board 6 resolutions, and additional documentation about the need for affordable housing.

Goals

The plan’s primary goals are to (i) increase the amount of useful open space, (ii) improve access to the waterfront and complete the East River Esplanade, (iii) enhance and reclaim the street network to restore the street grid and improve transportation systems and access to the waterfront, (iv) implement land use policies consistent with historical trends in the area, and (v) preserve significant residential developments and individual buildings. The 197-a plan addresses ongoing changes in a part of Manhattan that is experiencing substantial transformation and growth. The major changes currently planned for this area include the rebuilding of portions of the FDR Drive, the redevelopment of the Bellevue/NYU medical center campus area, the redevelopment of the Con Edison-Waterfront sites south of the United Nations, the construction of the Second Avenue Subway, the rehabilitation of the United Nations campus, the addition of ferry terminals, the construction of the Third Water Tunnel, and new residential development. The substantial redevelopment of this area underscores the importance of planning policies to guide the future in this part of the city.

Summary of Key Recommendations

To attain these goals, the plan recommends that the City

- map contextual districts to maintain the residential character of neighborhoods, map tower-on-base zoning districts and restrict zoning lot mergers, and eliminate certain zoning provisions for community facilities in R7 and R8 districts;

- develop a policy to prohibit additional high-density office development east of the midline between Second and Third avenues;
- designate the area from First Avenue to the waterfront and from 14th to 59th streets as a Special Public Access District that would encourage private contributions for new open space improvements or affordable housing in exchange for floor area bonuses;
- designate the area that includes NYU Medical Center, Bellevue Hospital, the Veterans Administration Hospital, Hunter College-Brookdale campus; and the East River Science Park as a Special Hospital Use District;
- amend Article I, Chapter 3 of the Zoning Resolution to change accessory parking in R10 districts within the Study Area from up to 20 percent of apartment units to 10 percent;
- provide for the needs of the United Nations without significantly displacing or disrupting surrounding neighborhoods;
- restrict height and floor area, remap or reopen street extensions, provide publicly accessible open space and ground floor retail for new development on the former Con Edison-Waterside sites;
- support the development of affordable housing, public daycare and new public school facilities in the Study Area;
- consider preservation options for Stuyvesant Town / Peter Cooper Village and the remaining original buildings of the Bellevue Hospital Campus;
- complete the waterfront esplanade in the Study Area, provide new open space through city acquisition or other means, facilitate access to the waterfront in new locations with nine new pedestrian bridges, support the redesign of sections of the FDR Drive to permit pedestrian connections to the waterfront, and, if feasible, provide parks on decks above these sections, encourage the MTA (with DPR and NYCDPT) to consider designing and mapping park decks above Queens Midtown Tunnel portals, and remap or reopen streets in superblocks to restore the street grid and public access to the waterfront;
- eliminate all parking located directly on the waterfront such as the 23rd Street Skyport parking facility, the 34th Street parking lot, and the Con Edison parking pier;
- and facilitate improvements to the transportation network in the Study Area by developing intermodal transfer points at key locations along the East River, providing

additional transfers between planned Second Avenue Subway stops and No. 7 and E / V lines, and installing traffic calming measures in appropriate locations.

THRESHOLD REVIEW AND DETERMINATION

Pursuant to Section 3.010 of the 197-a rules, Department staff conducted a threshold review of the plan's consistency with standards for form, content and sound planning policy. On January 23, 2006 the City Planning Commission determined that the *197-a Plan for the Eastern Section of Community District 6* complied with threshold standards for form, content and sound planning policy as set forth in Article 4 of the *Rules for Processing 197-a Plans*.

A number of the Community Board 6 197-a plan recommendations are for the same area that the East River Realty Corporation proposes to redevelop and which is subject to several applications (C 070522 ZMM, C 070523 (A) ZSM, C 070525 ZSM, C 070529 ZMM, N 070530(A) ZRM, C 070531 (A) ZSM, C 070533 ZSM, C 070534 ZSM) being considered concurrently with this application. The East River Realty Corporation is proposing to develop office and residential uses, with ground floor retail, for the former Con Edison-Waterside properties, known as 616 First Avenue, 685 First Avenue and 700/708 First Avenue. The proposal includes several residential towers, a community facility space, a high density office tower, ground floor retail along First Avenue, and 4.8 acres of publicly accessible open space.

Since Community Board 6 and East River Realty Corporation had differing recommendations for the same area, the City Planning Commission, to ensure that both proposals would be afforded equal treatment in the public review process, decided to consider both proposals at the same time and invoked Section 7.012 of *Rules for the Processing of Plans Pursuant to Charter Section 197-a*. Section 7.012 states that "if the Commission finds that it is unable to vote" within 60 days after its public hearing on a 197-a plan, "it shall give a written statement of explanation to the sponsor." Under this provision, the Commission has extended its time for consideration of other 197-a plans (Red Hook, Greenpoint and Williamsburg) in order to facilitate a better planning process. The Commission's decision was conveyed to Community Board 6 in letter dated October 25, 2006.

ENVIRONMENTAL REVIEW

This application (N 060273 NPM) 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, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP088M. The lead is the City Planning Commission.

After a review of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 31, 2006.

PUBLIC REVIEW

On April 3, 2006 the plan was duly referred to Manhattan Community Board 6 and the Manhattan Borough President for review and comment, in accordance with Article 6 of the *Rules for the Processing of Plans Pursuant to Charter Section 197-a*.

COMMUNITY BOARD PUBLIC HEARING

As the sponsor of the “197-a Plan for the Eastern Section of Community District 6” Community Board 6, in a letter dated June 16, 2006, and pursuant to Section 6.020 of the New York City Charter, *Rules for the Processing of Plans Pursuant to Charter Section 197-a*, Community Board 6, waived its public hearing on this application, noting that the full community board had held a public hearing on the plan on June 9, 2004, and that the plan was approved (see attachment).

BOROUGH PRESIDENT RECOMMENDATION

This application (N 060273 NPM) was considered by the Manhattan Borough President, who sent a letter on August 9, 2006 stating his support of the plan, observing that the 197-a plan Study Area’s major existing and planned infrastructure, new development possibilities along the East River, and an influx of new residents as a result of many new residential buildings underscore the importance of the 197-a plan which provides “a framework for the consolidation of these efforts into one overall vision.” The Borough President offered specific comments on the following aspects of the plan:

Land Use and Zoning

- The 197-a plan articulates bulk, use, and urban design principles for the development of the former Con Edison First Avenue properties that are shared by all the community's elected officials and are evident in CB 6's recently proposed text and map amendments for the properties. The 197-a plan will be reviewed in conjunction with the developer's rezoning plan for the First Avenue properties, but it is important to recognize that the Board's recommendations for the development of the site fit within the context of a larger vision for the area.
- The 197-a plan wisely calls for providing day care facilities and public schools in new development in the area. It is important that the City plan in advance for the amenities and neighborhood infrastructure that new development demands. To that end, it may be advisable to require other types of local infrastructure to be sited as development proceeds, such as police, fire, and public utility services.
- The proposed Public Access District is an innovative way to meet this community's specific needs through zoning policy. Through bonuses, the Special District would channel development energy to create affordable housing and provide access to the waterfront, two elements that are essential to the preservation and improvement of the East Side community.

Waterfront and Open Space

- The plan's detailed proposals to complete a waterfront esplanade on the East River would further stated City policy as well as my office's priority of ensuring an entirely walkable rim around the island of Manhattan.
- In an area with such a dearth of public parkland, every conceivable possibility for open space must be explored thoroughly, including the plan's suggestion for decks over the Queens Midtown tunnel portals and incorporating parkland into the reconstruction of the FDR Drive. The City should avoid relying on "publicly accessible private open space" as mitigation for large-scale development projects, because such space often fails to be truly public.

Urban Design and Preservation

- The plan recommends contextual controls to ensure that development respects the neighborhood's existing street walls and its residential character. This recommendation

echoes calls for contextual zoning that are made in neighborhoods in every corner of the borough. As the City grows, the Zoning Resolution must evolve to meet the new challenges that growth presents.

- The plan's goal of maintaining and restoring the City street grid, and its goal of preserving Peter Cooper Village and Stuyvesant Town, are related. Large superblocks derive a benefit from demapped streets, which give sites distorted development potential. In addition to landmarking and the Special Planned Community Preservation District designation, the City and the 197-a plan proponents should be open to new and creative policy proposals that could provide public oversight over development on superblocks.

Streets and Transportation

- The plan's recommendations on accessory and public parking garages mirror concerns that my office has raised about the City's parking policy. We should make every effort to encourage mass transit usage over car travel in this area. The City should work generally to implement comprehensive analysis and reform of its public and accessory parking garage policies.

CITY PLANNING COMMISSION PUBLIC HEARING

On September 13, 2006 (Calendar No. 2), the City Planning Commission scheduled September 27, 2006 for a public hearing on this application (N060273 NPM). The hearing was duly held on September 27, 2006 (Calendar No, 16). There were several speakers at that hearing as described below and the hearing was continued pursuant to Section 7.012 of the *Rules For The Processing of Plans Pursuant to Charter Section 197-a* in order to facilitate the concurrent review with the East River Realty Corporation's proposed redevelopment of the former Con Edison-Waterside sites (C 070529ZMM *et.al*). On November 14, 2007 (Calendar No. 15), the City Planning Commission scheduled December 5, 2007 for a continued public hearing on this application (N 060273 NPM). The continued public hearing was duly held on December 5, 2007 (Calendar No. 42). There were several speakers at the continued hearing as described below.

September 27, 2006 (Calendar No. 16)

There were a total of 20 speakers at this public hearing. Of this group, 18 were in favor of the 197-a plan, one speaker opposed the plan, and one speaker did not state a specific position on the plan.

Those who spoke in favor of the 197-a plan included a number of elected officials including the Public Advocate; the Manhattan Borough President; New York City Council members for the 2nd, 4th and 5th Council Districts; the State Senator for the 26th District; the State Assemblyperson for the 74th District; a representative for the U. S. Representative for the 14th District; members of Community Board 6 and their consultants; and members of local civic groups.

Many of the speakers in favor of the 197-a Plan urged the City and the Commission to respect the community planning process and ensure that the 197-a plan goals be part of any decision-making process related to zoning and land use proposals for the area. Many speakers stated that the 197-a plan should be adopted as a comprehensive framework for future development, especially for the redevelopment of the Con Ed-Waterside sites, and urged that it be adopted in advance of any applications for rezoning in the area.

Several speakers spoke in favor of the 197-a plan's recommendations to prevent high density office buildings east of Third Avenue, remap streets to restore the street grid and improve public access to the waterfront, and preserve the largely residential character of the area while meeting the needs of its important institutions.

Several of the speakers noted the importance of developing permanent affordable housing opportunities in the area, observing that the area was experiencing a rapid loss of existing affordable housing units with the privatization of Mitchell Lama developments and the pending sale of Stuyvesant Town and Peter Cooper Village. Several speakers also stated the importance of the 197-a plan's recommendations for developing appropriate neighborhood infrastructure such as public schools, daycare facilities and ground floor retail establishments that serve local neighborhood needs.

A number of speakers noted that Community District 6 has the lowest ratio of open space per capita of the Manhattan community districts, and applauded the 197-a plan's recommendations to improve waterfront access, complete the waterfront esplanade and add new park space through acquisition or by creating park decks above the FDR Drive in key locations.

A local resident with an interest in youth baseball spoke in opposition to the 197-a plan's focus on public acquisition of land for parks, particularly for an expansion of Murphy's Brother's Playground at Avenue C and 18th Street, located near the Con Edison ball fields that are used exclusively by local baseball and soccer youth leagues. The speaker noted that Con Edison provides a safe and secure facility, and that he did not want the City to take over this facility.

The East River Realty Corporation's Director of Development urged the Commission to consider both the 197-a Plan and the ERRC 197-c application concurrently. He also stated that ERRC's representatives have met numerous times with Community Board 6, and that they were confident that they could resolve outstanding issues to everyone's satisfaction.

December 5, 2007 (Calendar No. 42)

There were a total of 50 speakers at this public hearing. Of this group, 36 were in favor of the 197-a plan, one speaker opposed the plan, and the remaining speakers did not state a specific position on the plan.

A member of CB 6, the 197-a plan sponsor, gave an opening presentation, stating that the Community Board's 197-a plan planning process formally started in 2003, but had its roots in numerous Community Board 6 resolutions concerning growth and development in the Study Area dating back to 1985. The sponsor noted that Community Board 6 is supportive of new development, provided that new developments fit in with the existing context of the area, and that the Board hopes that the 197-a plan will provide a framework for future development activities in the area. The sponsor further noted that the Board had submitted a 197-c application to the Department that formalized some of the 197-a plan recommendations into a specific zoning proposal.

A member of CB 6, the 197-a plan sponsor, observed that while a small portion of Community District 6 is in the Midtown central business district, most of the district is residential in character, with a number of institutional uses, including major medical centers and the United Nations. These institutional uses are primarily located within the 197-a plan Study Area, east of Second Avenue. The sponsor explained that while the United Nations campus and the adjoining area is commercially zoned, the Board considers the UN and its related organizations to be institutional uses. Community Board 6 hopes to retain the largely residential character of the Study Area and has recommended that high-density commercial office space be prohibited outside of the Midtown CBD.

A member of CB 6, the 197-a plan sponsor, reiterated that Community District 6 has the lowest ratio of open space per capita of the Manhattan community districts, and noted that of the approximately 45 blocks of waterfront in the district, only 18 blocks could be considered to have a “legitimate” waterfront edge, and that there are only six streets in the district that reach the waterfront. The sponsor noted that many of the 197-a plan recommendations concern completing the waterfront esplanade and improving access to the waterfront, including restoring “missing” streets by reopening or remapping them and providing pedestrian bridges over the FDR Drive in key locations. The sponsor also noted that the 197-a plan has recommendations for creating new open space on decks over the Queens Midtown Tunnel portals and portions of the FDR Drive.

In addition to the plan’s sponsor, those who spoke in favor of the 197-a plan included New York City Council members for the 2nd, 4th and 5th Council Districts; the State Senators for the 26th and 29th Districts; the State Assemblyman for the 74th District; a representative for the Manhattan Borough President; a representative for the U.S. Representative for the 14th District; members of Community Board 6 and their consultants; representatives of local civic groups; and residents of the area.

Several speakers stated that they believed that the Commission should adopt the 197-a plan in advance of any proposals for new development in the area, noting that the 197-a plan provides a framework for appropriate development balanced with consideration of neighborhood

infrastructure needs. A number of speakers noted that the Board had worked extensively with community groups and elected officials in their 197-a plan planning process and that the plan represents a consensus among these groups.

Many of the speakers in favor of the 197-a plan approved of the plan's recommendations to restrict height and density for new developments, and encourage new developments to provide on-site affordable housing, open space (including active open space) and new school and daycare facilities. Several speakers also urged that streets be remapped to open up superblocks and restore public access.

A number of speakers approved of the 197-a plan's recommendations to add new open space and improve access to the waterfront; at the same time, many speakers urged that existing open space resources be protected from shadows created by new development.

Many speakers stated that they approved of the 197-a plan's recommendation to prohibit the development of commercial office towers in the Study Area and preserve the residential character of the area, noting that new high-density office development would exacerbate congested traffic conditions, particularly for areas adjacent to the United Nations.

Several speakers, including the vice-president of the Municipal Art Society, urged that new developments take steps now to facilitate future access to the waterfront if the FDR Drive is eventually reconfigured to allow decks and/or pedestrian bridges over the Drive to the waterfront edge.

A past president of a local youth baseball league expressed opposition to the Board's recommendation to incorporate the Con Edison East River plant's ball fields into Murphy's Brother's Playground, noting that these ball fields cannot accommodate the existing need, and urged the Board to amend the plan to include recommendations for more athletic facilities, particularly in conjunction with proposed new development.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (N 060273 NPM) was reviewed by the Department of City Planning 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 13, 1999 and by the New York State Department of State on May 28, 2002, 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 WRP# 06-013M.

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

CONSIDERATION

The Commission believes that this application for the *197-a Plan for the Eastern Section of Community District 6*, (N 060273 NPM) as modified, is appropriate.

Since part of the CB 6 197-a Plan covers the same area proposed for rezoning by the East River Realty Corporation (ERRC) and because both plans propose different views for that area, the Commission has been guided by the principle that the two plans should be reviewed in parallel and afforded equal treatment in the public review process. The Commission believes that the parallel consideration of the two plans has been thorough and that, through this review process, the Commission has gained a detailed understanding of the two plans, and of the respective view points of the applicants.

The Commission has carefully reviewed and considered the Manhattan Community Board 6 197-a Plan as submitted on October 23, 2007. The Commission applauds the Board and its 197-a Plan Committee for their extensive outreach to residents, businesses and local organizations as well as city agencies, and for addressing issues raised by affected parties. As a result of this effort, the plan as modified should result in a useful guide for city policy in keeping with the purpose and intent of 197-a plans.

In general, the Commission concurs with the plan's goals and broad strategies to increase publicly accessible open space; improve public access to the waterfront; complete the waterfront esplanade; maintain neighborhood character; enhance public transportation; and preserve historically significant buildings.

Based upon careful examination of the ERRRC proposal and the CB 6 197-a Plan during the public review process, the Commission has modified both plans to make them more consistent with each other. The Commission's consideration of the 197-a plan is set forth below.

Waterfront Improvements

The Commission applauds CB 6's goals for the improvement and completion of the waterfront esplanade from East 14th Street to East 59th Street. The Commission enthusiastically supports the 197-a plan's objectives to provide public access to the waterfront. The city's shorefront is a vital resource which should be enjoyed by the public where feasible. New or improved waterside public spaces provide access for adjacent communities and provide visual relief in densely developed areas. The enhancement of waterfront open space is particularly important for CD 6 which has the lowest amount of open space per capita of Manhattan community districts.

Access to the 2.5 mile long waterfront on the eastern side of CD 6 is challenging because the FDR Drive separates upland areas from the shoreline. Portions of the drive, including some entrance/exit ramps, are elevated in some locations. There are a number of gaps in the waterfront esplanade. The longest stretch without an esplanade is between East 38th and East 51st streets. There are two pedestrian bridges (25th Street, 51st Street) and five at-grade crossings (18th, 20th, 23rd, 34th and 37th streets) from the inland to the waterfront.

Waterfront Esplanade

CB 6 advocates for a continuous esplanade along East River waterfront from 14th Street to 59th Street. The 197-a plan addresses specific segments of the shoreline.

The plan recommends a feasibility study for a park on a deck above FDR Drive between 38th and

42nd streets; the realignment of the FDR Drive; and shortening or eliminating the 42nd Street northbound FDR exit ramp. The Commission notes that between 34th and 42nd streets, waterfront conditions vary. Between 34th and 36th streets, there is a public walkway area which EDC plans to improve in conjunction with the existing ferry landing there. This area connects to Glick Park which has a public waterfront esplanade from 36th to 38th Street. The esplanade ends at 38th Street. The City owns the waterfront platform between 38th and 41st streets which has been used for parking utility vehicles. Between 38th and 42nd streets, the FDR Drive is at grade and approximately 100 feet wide with an elevated northbound exit ramp to 42nd Street.

The creation of a waterfront esplanade between 38th and 42nd streets with a deck over the FDR Drive, stairs or ramp from the deck to the esplanade and the relocation and/or reconfiguration of the FDR Drive exit ramp would require a number of city, state and federal agency approvals, and would be subject to a number of contingencies. This would be an extremely long-term effort that would likely require significant government funding. The Commission believes that the City should work with appropriate federal and state agencies to explore the feasibility for decking over of a portion of the FDR Drive, the relocation or reconfiguration of the northbound FDR exit ramp at 42nd Street, and the creation of a continuous waterfront esplanade between 34th and 42nd streets. Development on the First Avenue Properties (former Con Edison sites) should be compatible with, and not preclude future off-site waterfront improvements.

CB 6 recommends that the City study the possibility of a park on a deck above FDR Drive between 28th and 30th streets in coordination with remapping 29th Street. The Commission believes that, if the FDR Drive were to be relocated to grade so as to permit a deck above the drive, the option of a park on a deck above the FDR Drive between 28th and 30th streets should be studied, within the context of the reconstruction of the FDR Drive by NYSDOT.

The 197-a plan calls for the consideration of a narrow esplanade walkway between 53rd and 63rd streets on a cantilever on the outboard side of the existing FDR Drive. The Commission believes that the feasibility of constructing such a walkway should be explored.

CB 6 recommends that the gates at Waterside Plaza should be reopened so that the existing waterfront esplanade can be used by the public. The Commission notes that past agreements between the developer of Waterside Plaza and the City specified that this walkway be open to the public. Waterside Plaza management has contended that the esplanade has had to be closed because bulkhead repair work is needed. The Commission believes that the City should pursue measures to ensure that the waterfront esplanade at Waterside Plaza is publicly accessible. This issue will be referred to the City's Law Department for consideration and appropriate action.

The 197-a plan recommends that the heliport at 34th Street should allow a continuous and safe waterfront esplanade. The 34th Street heliport site currently does not allow for a safe public walkway at the water's edge; helicopter activity is too close. The Commission supports safe pedestrian connections between sections of the esplanade; inland connections are necessary for areas with uses that preclude direct pedestrian access along the waterfront.

CB 6 calls for the creation of small neighborhood piers for water taxis at 23rd and 42nd Streets. The Commission agrees that the City should explore the feasibility of creating such piers for water taxis at these two locations.

The Commission endorses the 197-a plan recommendation that alternatives to relocate all parking located directly on the waterfront such as the 34th Street lot, the 23rd Street Skyport parking garage, and the Con Edison parking pier (38th to 41st streets) should be explored. The relocation of parking from waterfront sites would free up those sites for public enjoyment. The Commission notes however that the elimination of waterfront parking facilities without appropriate off-street replacements could affect parking availability for residents and institutions.

The Commission endorses the 197-a plan recommendations to explore with Con Edison, NYCDOT and NYSDOT opportunities to widen the esplanade between 13th and 15th Streets by replacing the existing pump with a smaller pump. The Commission also supports 197-a plan recommendations to improve the area around the 35th Street ferry landing, and to accommodate pedestrians, joggers, cyclists, and skaters on new esplanades and greenways.

Streets and Pedestrian Bridges to Waterfront

To provide additional public access to the waterfront, the 197-a plan recommends the remapping or reopening of certain demapped streets and the addition of pedestrian bridges to cross the FDR Drive.

CB 6 recommends that public streets be extended toward the waterfront to disperse large-scale development, create waterfront access and views, limit floor area, ensure height and setback controls and restore the street grid. The 197-a plan calls for the reopening or remapping of 16th Street (east of Ave C), 26th, 27th, 29th, 30th, 39th and 40th streets east of First Avenue.

The Commission acknowledges that demapped streets generate FAR because these spaces become part of the zoning lot. The Commission observes, however, that the demapping of streets to create large sites can allow for superior site design which is not constrained by the street grid. Major open spaces may be provided and large floor plate buildings can be accommodated. Housing complexes such as Stuyvesant Town, Peter Cooper Village, East Midtown Plaza and Phipps Plaza and institutional uses such as Bellevue Hospital Center and NYU Medical Center have benefited from the creation of large sites made possible through the use of demapped streets.

The Commission strongly supports the goal to improve public access to the waterfront but notes that the extension of public streets toward the waterfront is not always feasible because of existing development and/or street configurations. In particular, the Commission notes that the FDR Drive separates all the specified streets from the waterfront. Crossing the Drive, either above or below, is necessary to reach the water's edge from these streets or their extensions. The Commission also notes that the existing conditions for each street vary and the potential for each street's connection to the waterfront differ.

Three of the 197-a plan's proposed streets/extensions (39th, 40th and 29th) are likely to be open for public access in the near future although they will not be remapped as streets. The former

39th and 40th streets are part of the proposed development that is subject to several actions requested by ERRC. The restrictive declaration, entered into in association with the ERRC applications, provides that these extensions will remain open to the public for pedestrian access as part of the site's publicly accessible open space. The new development includes an overlook esplanade along its eastern edge and does not preclude a connection to the waterfront if the FDR Drive were reconfigured and if a waterfront esplanade were constructed at this location.

In conjunction with the development of the East River Science Park (ERSP), the extension of East 29th Street is temporarily closed. After construction is completed, this extension will be open for vehicular traffic and pedestrians. The special permit for ERSP (C 010712 ZSM) specifies that open space be provided on the plaza level and integrated with an esplanade situated along the eastern edge of the site. The plaza level open space would allow for a future pedestrian connection over the FDR Drive to the waterfront if this section of the FDR Drive is relocated to grade. Spanning the FDR Drive at this location would be particularly challenging because the Drive is approximately 175 feet wide; the southbound lanes are above grade; the northbound lanes are near grade; and there are exit and entrance ramps. There is an existing 20-foot wide waterfront esplanade east of the FDR Drive at this location.

30th Street is an open street east of First Avenue where it runs into a service road that provides access to the Bellevue Hospital ambulance emergency room entrance at 28th Street. It also services the NYU Medical Center. The FDR Drive is approximately 175 feet wide at this location. There is no esplanade at this location because a restaurant is situated directly on the water. A walkway that connects portions of the waterfront esplanade is on the western edge of the restaurant site.

Near First Avenue, Bellevue Hospital buildings are located on the area that would have been an extension of 27th Street east of First Avenue. Near the FDR Drive, 27th Street serves as hospital ambulance parking. The FDR Drive is above grade at this location and Waterside Plaza is on the east side of the FDR Drive; access through Waterside Plaza is provided to a waterfront esplanade (currently closed – as previously discussed).

26th Street east of First Avenue is open with Bellevue Hospital on the north side and Hunter College Brookdale campus on the south side. The FDR Drive is also above grade and Waterside Plaza is on the east side of the Drive at this location. The existing 25th Street pedestrian bridge, one block away, already provides access across the FDR Drive to Waterside Plaza.

East of Avenue C, the west portion of 16th Street is open and the east end terminates in a Con Edison parking lot. The Con Edison ball fields are on the south side of 16th Street. The FDR Drive is approximately 100 feet wide at this location, and east of the Drive, the existing waterfront esplanade is quite narrow, about 10 to 15 feet wide.

In light of these diverse conditions and differing possibilities for linkage to the waterfront for the 197-a plan's specified streets, the Commission supports a more general recommendation than that made by CB 6 – that, where appropriate and physically feasible, the City should create the opportunity for public access to the waterfront by allowing pedestrians to use streets or their extensions that have been remapped, reopened or otherwise made publicly-accessible. The Commission also notes that, in addition to mapping actions, there are other legal measures to ensure public access toward the waterfront and/or the preservation of view corridors such as easements and restrictive declarations. The Commission believes that to preserve and create waterfront views and facilitate public access to the waterfront, appropriate zoning, land use and mapping controls as well as urban design and streetscape improvements should be used.

The 197-a plan recommends that new pedestrian bridges should be built over the FDR Drive at 16th, 27th, 29th, 39th, 40th, 41st, 42nd, 48th and 54th streets. The Commission supports the goals of providing improved public access to the waterfront but notes that new pedestrian bridges must accommodate a long ADA-compliant ramp; it would be difficult to fit in such a ramp at some esplanade locations which are very narrow such as the one near East 16th Street. Some locations currently have no existing esplanade to connect to such as 48th and 54th streets. The need to span the elevated FDR Drive and/or entrance or exit ramps in some locations such as 39th, 40th and 41st streets makes the construction of a pedestrian bridge difficult and costly. In addition, because of the expense, pedestrian bridges should be spaced at reasonably appropriate intervals; for

example, the proposed 27th Street location is only two blocks from the existing 25th Street pedestrian bridge. The Commission generally supports encouraging new pedestrian bridges and other means to provide improved public access to the waterfront in appropriate locations based on engineering feasibility and other criteria.

The 197-a plan recommends making the 25th Street pedestrian bridge handicapped accessible. Currently this pedestrian bridge has long staircases on both ends. The Commission believes that NYCDOT and DPR should explore the feasibility of making the 25th Street pedestrian bridge handicapped accessible.

CB 6 calls for crossings at deck of the Con Edison site from 35th and 36th Streets to East River Esplanade Park if NYSDOT chooses to tunnel the FDR Drive. The Commission supports exploring the feasibility of such pedestrian improvements if a tunnel for the FDR Drive is to be constructed at this location.

Other Open Space Improvements

The Commission supports the 197-a plan recommendation to encourage the MTA (with DPR and DOT) to consider park decks above the Queens Midtown Tunnel portals as part of the ongoing Second Avenue Subway Outreach process. The MTA's operational and security issues would need to be addressed.

The 197-a plan proposes that the City acquire open space at Con Edison East River Plant for the expansion of Murphy Brothers Park to include relocated ball fields. The Con Edison fields between 15th and 16th streets, Avenue C and the FDR Drive are currently utilized by private leagues for various sports. These fields are located about one block from Murphy Brothers Park, with a Con Edison parking lot separating the two. The Commission believes that the City should explore with Con Edison the possible acquisition or lease of open space at the Con Edison East River plant to supplement Murphy Brothers Park.

The 197-a plan recommends that the City encourage increased open space mitigation for large-scale development projects. Given the deficit of publicly-accessible open space in CD 6, the Commission believes that the City should encourage the inclusion of publicly-accessible open spaces where feasible and appropriate as part of large new developments.

CB 6 encourages the public acquisition of property for open space in connection with such developments as Bellevue/East River Science Park Plan; Con Edison Waterfront redevelopment; and the replacement of Robert Moses Playground. The Commission supports the objective of creating more public open space in the Study Area but notes that the opportunities for public acquisition of property for open space in the area are limited and other methods for achieving open space should continue to be pursued. Therefore the Commission can not support this specific recommendation but notes that the Bellevue/East River Science Park includes 61,000 square feet of publicly-accessible open space ensured through a special permit and a restrictive declaration. As part of the ERRC proposal, 4.8 acres of publicly-accessible open space would be ensured through a General Large Scale Development special permit and a restrictive declaration.

Land Use and Zoning

The 197-a plan has a number of land use and zoning recommendations designed to promote a mix of residential and commercial uses while maintaining the residential character in the Study Area. Proposals for specific sites focus on preserving the character of the existing built form. CB 6 encourages the mapping of contextual zoning districts to maintain residential character of the area and proposes the mapping of tower-on-a-base zoning districts to maintain street wall character along avenues and restrict zoning lot mergers where appropriate. CB 6 seeks to prevent extremely high buildings such as the 980-foot high Trump World Plaza building on First Avenue between 47th and 48th streets; this building was achieved with the use of a plaza bonus on a merged zoning lot.

The Study Area is a mix of contextual and non-contextual zoning districts. Many parts of the area have been rezoned to contextual districts (R7B, R8A, R8B, C1-8A and C1-9A) but there are still areas with non-contextual districts (R7-2, R8, C1-7, C1-8, C1-9 and R10). There is a large

area zoned R10 between East 49th and East 59th streets that is primarily residential; Tudor City is zoned R10. A large area with R8 zoning includes residences and the NYU Bellevue Medical Center. The area between East 14th and East 23rd streets, occupied by Stuyvesant Town and Peter Cooper Village, is governed by an R7-2 district. The Commission believes that the Department could explore mapping contextual zoning districts to maintain residential character and neighborhood scale in appropriate locations. The Commission also supports tower-on-a-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-a-base zoning also limits the potential for zoning lot mergers to result in increased building height.

The 197-a plan calls for a prohibition of any additional high-density office development east of the midline between Second and Third avenues. CB 6 aims to protect existing residential neighborhoods and to prevent the Midtown business district from moving east. Currently there is a mix of commercial and residential zoning in the area north of 34th Street with 25 percent of the total floor area occupied by office buildings and 63 percent occupied by residential uses. South of 34th Street, there is mostly residential zoning; residential uses are 70 percent of the total floor area. The Commission believes that the encroachment of high-density office development into existing residential areas should be discouraged and that proposals for new high-density office development east of the midline between Second and Third Avenue should be carefully evaluated and should be discouraged where inappropriate such as in predominantly residential areas. The Commission notes that the ERRC proposed office building between 40th and 41st streets is located in the northern portion of the 197-a plan Study Area which has a mix of residential and office buildings. As discussed below, the Commission believes that a commercial building at 708 First Avenue would be an appropriate use and would be in keeping with the neighborhood context.

CB 6 proposes the mapping of a Special Hospital Use Zoning District for the area from East 23rd Street to East 34th Street, between First Avenue and the FDR Drive. The stated intent of this district would be to provide a comprehensive approach which would anticipate medical center and hospital needs and eliminate the need for special permits and discretionary approvals. It

would provide zoning and urban design controls to overlay existing R8 and C6-2 districts. Currently the existing zoning in this area is mostly R8 with a small C2-5 overlay on one site that permits local retail and general office use. In 2001, the East River Science Park area between East 30th and East 28th streets, east of First Avenue, was rezoned to a C6-2 district which allows commercial development and a special permit was approved to allow a scientific research and development facility. The Commission notes that the area proposed for the Special Hospital Use District is largely built out with long-term uses in place. In addition to the East River Science Park which is under construction, the area includes the NYU medical center, the NYC Office of the Chief Medical Examiner, the Bellevue Psychiatric Building, the NYC Administration for Children's Services, Bellevue Hospital, the NYC DNA Forensics Laboratory, Hunter College's Brookdale Campus, the Veteran's Administration Hospital and a NYC Department of Education 75 Annex. The Commission does not endorse the proposed Special Hospital Use District because it believes that the existing zoning has allowed institutions to develop in an appropriate fashion and that discretionary approval processes for new institutional development have allowed institutions to meet their specific needs through carefully-considered public review procedures.

CB 6 recommends that some of the zoning provisions for community facilities be amended: that the larger floor area ratio for community facilities in R7 and R8 districts be eliminated; that all rear yard encroachments in midblock locations be eliminated; and that wide and narrow street locations be distinguished to allow greater density on wide streets compared to narrow streets. The Commission notes that some of the objectives of this recommendation were partially addressed by the DCP-initiated community facility text amendment which was adopted in 2004. This amendment prohibits the obstruction of required rear yards for most community facilities (including consulates, ambulatory health care facilities – not hospital-related) located beyond 100 feet of a wide street in residential districts that permit multiple dwellings. The text amendment excluded hospitals, schools, houses of worship and colleges, recognizing that the needs of these institutions must be balanced with the needs of residents. Much of CD 6 has been mapped with contextual zoning districts which eliminated the community facility FAR advantage. Therefore the Commission does not support the 197-a plan recommendation for amended community facility zoning.

The 197-a plan recommends that the area bounded by First Avenue, 59th Street, the waterfront, and 14th Street be designated as a Special Public Access District which would allow contributions to a fund for specified open space improvements (either on or off-site) including new portions of the waterfront esplanade, new park areas, new pedestrian bridges or other waterfront access improvements. A floor area bonus on any zoning lot would be given for these elective public open space improvements. An additional bonus would be allowed for the inclusion of affordable housing which would supersede the underlying FAR bonus provisions. Although the Commission strongly supports goals to improve public access to the waterfront and to encourage affordable housing, the Commission does not endorse this recommendation. Properties in the proposed special district (other than the ERRC First Avenue sites) are already planned or developed and opportunities for use of a Special Public Access District are therefore limited. In addition, there are a number of difficulties with a funding commitment for off-site improvements in the area. The implementation of improvements is subject to multi-agency approval process beyond developer control and dependent in large measure on other long range infrastructure improvements such as the rebuilding of the FDR Drive. The scale and complexity of off-site open space improvements would likely require additional government funding and it is unlikely that improvements could be implemented within a timeframe for private development. The Zoning Resolution already includes Inclusionary Housing provisions which the Department has carefully formulated with the City's Department of Housing Preservation and Development and which have been approved by the City Planning Commission and City Council. For the First Avenue sites, Inclusionary Housing is part of the ERRC's revised application, and the large scale plan incorporates 4.8 acres of publicly accessible open space.

The 197-a plan recommends an amendment of Article I, Chapter 3 of the zoning resolution to reduce the maximum number of permitted accessory residential parking spaces in R10 districts from up to 20 percent of units to 10 percent. This proposal aims to prevent new residential developments from illegally converting accessory parking garages to commercial public parking garages, and to discourage traffic and congestion. While the Commission supports the goal of reducing traffic volumes and congestion, it does not endorse this recommendation because the proposed parking regulations raise issues applicable to an area broader than a portion of one

community district. As part of PlaNYC's objective to improve air quality, the city is evaluating traffic congestion reduction options, including the potential for modifications to parking regulations.

Specific Sites

The CB 6 197-a Plan has recommendations for the United Nations (UN) and UN-related sites; for the First Avenue (ERRC) properties; and for the East River Science Park.

United Nations

The plan recommends that the needs of the United Nations be provided for without significant displacement or disruption. The Commission agrees. New York City is privileged to host the UN and should continue to work to accommodate this extremely important international institution. The plan recommends that the sale of the three United Nations Development Corporation (UNDC) buildings to private developers should give priority to UN-related uses. The UNDC, a public benefit corporation, is responsible for developing offices, residential and other facilities for UN personnel, UN-related organizations, missions to the UN and visitors to the UN within the United Nations Development District which is located on the west side of First Avenue between East 43rd and East 45th streets. One and Two UN Plaza are office towers with office space for UN agencies and missions and a privately owned hotel. The hotel portions of One and Two UN Plaza have already been sold; the office and retail space continue to be owned by the city. Three UN Plaza is a mixed use building that contains the headquarters of the United Nations Children's Fund (UNICEF) and apartments for UN and mission staff. Three UN Plaza is unlikely to be sold because the building reverts to UNICEF ownership upon repayment of bonds in 2026. The Commission believes that it is premature to determine priorities for the sale of the UNDC buildings. Any proposed sale of these buildings should be evaluated at the time a proposal is made in order to determine the extent to which the needs of the UN and related entities should be accommodated.

The 197-a plan has a number of open space recommendations related to the UN and UN-associated buildings. A proposal, supported by the Administration, would consolidate UN space

in a new building on the Robert Moses Playground site at First Avenue between 41st and 42nd streets. This proposal, on which the UN has not taken a position, would require the state legislature to authorize the alienation of the Robert Moses Playground site for this UN-related use. CB 6 proposes that, to mitigate for the closure of Robert Moses Playground, an esplanade along east edge of the UN and outboard of the FDR Drive with connections to Glick Park at 37th Street and to the north at 48th Street should be constructed; also that a replacement park should be created within the immediate community. The 197-a Plan suggests that if the Robert Moses Playground is utilized by the UN, 685 First Avenue site should be designated for active recreation (assuming that City Council does not adopt a rezoning plan for this location). The Commission generally concurs that if Robert Moses Park is developed with a UN or UN-related building, the city should support the replacement of this park space with appropriate public open space in the nearby community.

First Avenue Properties

The 197-a plan has a number of recommendations for the former Con Edison properties along First Avenue between East 35th and East 41st streets (685 First Avenue, 700 First Avenue, 708 First Avenue and 616 First Avenue). The Con Edison facilities have been demolished and the properties are currently vacant. The East River Realty Company (ERRC) proposes major new mixed-use development on the First Avenue properties: 5 million square feet with six predominantly residential towers (approximately 4,200 new dwelling units), one commercial tower of 1.37 million square feet, and approximately 4.8 acres of publicly-accessible open space.

The Commission recognizes that several provisions and/or recommendations in the ERRC applications and the CB 6 197-a Plan conflict. Based on its concurrent review of both proposals, the Commission is modifying aspects of each to be more compatible with the other. The Commission believes that in determining the appropriate bulk and heights for the development of the First Avenue Properties sites, the scale and density of existing development near the ERRC sites, the potential for the provision of substantial publicly accessible on-site open space on the larger 700/708 parcel, and site planning elements relating to circulation and the placement of buildings are relevant factors.

CB 6 believes that new development on the First Avenue Properties should maintain the neighborhood's historical and residential character and should respect the scale and importance of the UN buildings. CB 6 recommends that the bulk on the First Avenue Properties be capped, as exemplified by Rivergate, Manhattan Place and Horizon buildings which have FARs of approximately 10 to 10.5. In addition, CB 6 proposes that the extensions of 39th and 40th streets should either be remapped or reopened to restore the street grid, allow for waterfront public access and not be used to generate FAR. As an alternative to remapping, CB 6 proposes that easements be provided on the roadbeds and the extensions should be treated as streets for zoning purposes and provide pedestrian and vehicular access.

As originally proposed by ERRC, the buildings on the 700/708 First Avenue site could have achieved an FAR of 12, via use of a plaza bonus. In response to issues raised during the public review process, the application was modified. The Commission believes that the bulk of the 1.37 million-square foot office building at 708 First Avenue should be reduced (from 12 FAR to 10 FAR on its portion of the 700/708 zoning lot) to be more comparable with commercial densities in the area. The resulting building could be up to 1.14 million square feet. This FAR modification is consistent with the 10 to 10.5 FAR favored by CB 6. The Commission is also reducing the office building's east/west width from 320 feet to 280 feet to be comparable with other large commercial buildings in Manhattan. The three residential buildings would remain at 12 FAR, with the increment between 9 and 12 FAR achievable through the inclusionary housing bonus.

The 197-a plan recommends that the height of buildings on the First Avenue Properties should be capped at 400 feet to respect the scale of the UN Secretariat building which rises to 503 feet. New buildings in the area include the 358-foot Rivergate at 34th Street, the 512-foot Corinthian at 38th Street and the 980-foot Trump World Plaza at 47th Street. The plan also recommends that the height of a building at 685 First Avenue not cause shadows to be cast on Tudor City parks. The heights of buildings in the ERRC proposal range from 433 to 721 feet. The Commission notes that the ERRC proposal EIS analysis found a significant adverse shadow impact for the ERRC proposal during the December analysis period only, when shadows are longest. The Tudor City open spaces are already heavily shadowed by other nearby buildings and by the

Tudor City buildings themselves. The analysis indicates that the shadows on Tudor City open spaces would not be eliminated unless the building at 685 First Avenue was reduced to only 320 feet in height and if the commercial building at 708 First Avenue was reduced to 360 feet. While the Commission believes that height reductions on this scale are not appropriate, it thinks that the height of the 685 First Avenue building should be lowered to be more consistent with the scale of the surrounding neighborhood. Therefore, the building's height of 721 feet would be reduced to approximately 600 feet. Depending on the type of floor plate the developer selects for the office building at 708 First Avenue, the 688-foot height might be lower because the Commission is reducing the FAR of this building from 12 FAR to 10 FAR. The Commission believes that the 197-a plan recommendation about building heights should be more general to allow building envelope flexibility.

The 197-a plan calls for the mapping of tower-on-a-base zoning districts to maintain street wall character along avenues and restrict zoning lot mergers where appropriate. All the buildings proposed by ERRC for the First Avenue properties are tower/slab forms rising straight up from street level. The Commission believes that the massing for the building at 685 First Avenue should be modified from a sheer-rising tower to a tower-on-base-like building form to reduce building height, better align with the Tudor City streetwall, improve access to ground floor retail uses and eliminate the pedestrian unfriendly bi-level open space in front of the building. This modification would make the 685 First Avenue building more consistent with the 197-a plan recommendation. The Commission supports tower-on-a-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-a-base zoning also limits zoning lot mergers. However, the Commission believes that, in the case of the ERRC proposal, tall sheer rising towers are appropriate for the 700/708 First Avenue site which is a 277,145-square foot superblock site with no possible future adjacent development on its east side. Because the site is near the East River, there is a sense of openness which can accommodate the towers. The sheer rising buildings permit a large open space on the site and result in more expansive views through the site to the river than tower-on-a-base buildings.

As mentioned earlier, CB 6 proposes that no new high-density office buildings be constructed east of the midline between Second and Third Avenues. The ERRC proposed office building at

708 First Avenue falls within this area. The Commission believes that an office building at this site is appropriate; there is a mix of commercial, institutional and residential buildings in the immediate surrounding neighborhood. The 708 First Avenue office building is close to the 42nd Street corridor and a group of high rise commercial buildings in the C5-2 district to the north.

The Commission endorses the CB 6 197-a Plan's recommendation that permanent affordable housing should be encouraged in new developments. As modified, the ERRC development proposal could generate 611 affordable units, on-site and/or off-site, utilizing an Inclusionary Housing bonus. The Commission is further modifying the ERRC proposal to encourage the early provision of affordable housing. CB 6 prefers that the affordable housing be provided on-site. While the Inclusionary Housing program allows for affordable units to be provided both on-site and off-site, given the limited number of housing sites in the area and the incentives for on-site housing created under the 421-a program, it is likely that a number of affordable units would be provided on-site.

The 197-a plan recommends that ground floor retail be required on First Avenue to accommodate the needs of local residents and enhance pedestrian activity. The Commission generally endorses the inclusion of ground floor retail. However, a requirement that the retail meet the needs of local residents cannot be "legislated." ERRC proposes to provide 74,000 gsf of retail space as part of the total development; all the buildings would include retail space on First Avenue, but not for the entire First Avenue frontage. The Commission is modifying the ERRC proposal for 685 First Avenue by increasing the required retail space from 30 to 50 percent of the First Avenue frontage, a revision more in line with CB 6's recommendation.

Regarding the extensions of 39th and 40th streets, the Commission believes that because these extensions are privately owned and are part of ERRC's proposed General Large Scale Development (GLSD), FAR generated by these extensions may appropriately be included in the bulk calculations for the development. The special permit for the general Large Scale Development Plan does, however, allow the Commission to reduce FAR where appropriate, as in the case of the 708 First Avenue commercial building. The Commission supports the provision of publicly-accessible space and view corridors on the extensions of 39th and 40th streets and

believes that the ERRC restrictive declaration and the General Large Scale Development plan ensure these provisions for the new development. The extensions, as modified by the Commission, would be publicly accessible from 6:00 a.m. to 1:00 a.m. To ensure the public access, the Commission is requiring that no barriers be allowed and that closure is accomplished only with signage. While the street extensions would not be open 24 hours, this modification furthers the objective of the 197-a plan to keep the spaces open to the public.

The 197-a plan calls for large easily accessible public space on portions of the First Avenue site. The Commission generally supports this recommendation. The ERRC proposal would provide 4.8 acres of publicly-accessible open space, including a large plaza with a pavilion; and a 5,500 square foot playground. The Commission, to ensure public activity and amenities, is modifying the ERRC proposal to require take-out food service at the pavilion; signs stating that no purchase is necessary to sit at the outdoor tables; and signs indicating public access to the pavilion's roof top overlook. The Commission is also adding one public restroom (for a total of four) and requiring that all public restrooms be directly accessible from the plaza. These modifications advance the 197-a plan's goals for public access. The Commission is also modifying the ERRC proposal to increase the useable playground space from 5,500 square feet to 10,000 square feet and to require unobstructed views into the playground. Both these revisions further the goals of the 197-a plan.

The Commission supports CB 6's recommendation that the development include overlook parks along the FDR Drive. The ERRC proposal includes an approximately 30 to 40-foot wide overlook esplanade, integrated within the publicly accessible open space, that stretches for approximately 735 feet along the eastern edge of the 700/708 First Avenue site and is accessed from the 39th and 40th street extensions.

The 197-a plan proposes that the First Avenue Properties developer be encouraged to provide an easement along the eastern edge of the property to better accommodate future off-site waterfront improvements. The Commission generally supports this recommendation because a publicly-accessible waterfront esplanade along the river between East 38th and East 42nd streets would connect to the existing esplanade at Glick Park on the south end and would be a much-needed

improvement. As previously discussed, implementation of this improvement would be a complex process. The elevated northbound 42nd Street exit ramp of the FDR Drive would have to be relocated or reconfigured and a deck or pedestrian bridge would need to be constructed over the FDR Drive. These long-range improvements would require approvals from city, state and federal agencies and likely require government funding.

The 197-a plan recommends that a new school facility be provided either on the First Avenue Properties sites or at some other location within the 197-a plan's Study Area. The Commission supports the development of new school facilities where the New York City Department of Education (DOE) and the New York City School Construction Authority (SCA) finds that there is a need. The Commission notes that the DOE and SCA have determined that new residential development in Community School District 2, coupled with projections for increased enrollment over the next ten years in that school district, will result in overcrowded conditions in existing school facilities and that a new facility will be needed. The SCA has agreed that a First Avenue Properties site would be suitable for a PS/IS (grades K-8) program and is working with the First Avenue Properties developer to plan for a new facility within its development. The ERRC proposal designates a site on the 616 First Avenue parcel for an approximately 92,000-square foot school building. The Commission notes that ERRC is modifying its construction schedule to ensure timely construction of the school building to meet anticipated demand for school seats so that the school can open in 2012. The school site is part of the ERRC General Large-Scale Development plan.

East River Science Park

The 197-a plan recommends the implementation the Cooper Eckstut Study for the East River Science Park (ERSP) for the northern portion of the Bellevue Campus. This study proposes that the buildings on the south side of 29th Street should be aligned with the ACS building; that footprints of the buildings should be shifted westward to allow for a wider pedestrian walkway along the private service road than currently provided; that 29th Street east of First Avenue should be remapped or reopened; that a pedestrian bridge be constructed over 30th Street to improve north/south access through the complex, and that the development accommodate the possible future connection from 29th Street to the waterfront via a deck or pedestrian bridge over

the FDR Drive.

Some of the 197-a plan objectives are met by that plan. The ERSP rezoning and special permit applications were approved by the Commission in Fall 2001 and adopted by the City Council on December 19, 2001. Phase 1 of ERSP has been designed and is under construction (two 16-story biomedical research buildings, a 6,000 square foot publicly accessible Winter Garden with a café and restrooms at the plaza level, and a below-grade accessory parking garage). Buildings will be aligned with the ACS building's fence line, permitting an unobstructed view corridor on 29th Street, as recommended in the 197-a plan, although the approved building footprints will not accommodate a wider pedestrian path along the service road. 29th Street will have sidewalks and a vehicular turnaround. The street will not be remapped but it will function as a publicly accessible pedestrian and vehicular way, meeting the 197-a plan objective. The Commission is modifying the recommendation regarding ERSP to encourage a dialogue between CB 6, EDC, DCP, and the developers and users of the East River Science Park sites for elements of the ERSP which have not yet been decided on. For example, CB 6 is particularly concerned about the pedestrian access across the FDR Drive to the waterfront from the eastern ERSP plaza.

Transportation

The 197-a plan includes a number of transportation recommendations that the Commission endorses. The Commission supports the CB 6 proposal that the Department of City Planning and the Department of Transportation continue to work with the community to determine placement of traffic calming measures at the most appropriate side street locations, including neckdowns, wider sidewalks, and landscaping treatments. NYCDOT responds to requests for traffic calming devices by evaluating specific locations as recommended by the community.

The Commission supports the 197-a plan's endorsement of the identified locations for Second Avenue subway stations and entrances at 14th, 23rd, 34th, 42nd, and 55th streets. Subject to financing availability, the Commission supports the consideration of pedestrian transfers via an underground tunnel from Second Avenue Subway stations to the #7 line at Grand Central Station; E and V Lines at 53rd Street from the proposed 55th Street station; and an Avenue A

entrance to the First Avenue station on the L Line.

The 197-a plan calls for the re-routing of buses and the creation or relocation of bus stops to support new development in the Study Area. The Commission supports an assessment of bus stop locations, routes and service to accommodate new development and notes that this is standard NYCT practice. CB 6 recommends that bus stops be located to facilitate intermodal transfer points for buses, ferries, subways and water taxis at 23rd, 34th and 42nd streets. The Commission generally supports efforts to facilitate intermodal transfer points at main east/west connector streets to the waterfront by providing upland connections where feasible and appropriate. The Commission notes that at 34th Street, intermodal connections have been achieved with ferry, water taxi, and bus and taxi service. Upland connections to the East River near 23rd Street are provided with nearby bus stops and at-grade pedestrian and vehicular crossings at 23rd Street. There are no upland connections at 42nd Street because of the configuration of the FDR Drive at that location, and currently there are no plans for ferry or water taxi service there. The UN's location at 42nd Street raises security issues.

CB 6 calls for the exploration of sites for black car and bus layovers, parking, and rest stops. The Commission endorses this recommendation assuming that CB 6 will propose specific locations to DOT. The Commission supports the 197-a plan recommendations that endorse a network of dedicated and safe bicycle routes and encourage bicycle parking in private garages. PlaNYC advocates the use of bicycles instead of cars to improve the air quality in the city.

CB 6 calls for the development of uniform standards for security barriers or other security measures such as landscaping and street furniture. The necessity for private security structures on public sidewalks must be confirmed first by the Police Department and requires review by an interagency security structures committee as well as a revocable consent from DOT. Bollards are now the primary security structure utilized. The Commission recognizes CB 6's desire for uniform standards but believes this to be impractical. Therefore the Commission does not support this 197-a plan recommendation.

Preservation

The 197-a plan contains some specific recommendations to landmark or utilize other preservation options for Stuyvesant Town and Peter Cooper Village, as well as for the original buildings at Bellevue Hospital, such as the former Psychiatric Building, currently housing a Department of Homeless Services (DHS) men’s shelter and a McKim, Meade and White building that was renovated by the City in 2001 to house an Agency for Children’s Services (ACS) intake center and other ACS functions. The ACS building is listed on the National Register of Historic Places.

The Commission supports the consideration of the original buildings at Bellevue Hospital for landmark status to preserve the historic character and campus setting of the Bellevue Hospital campus, noting that the Landmarks Preservation Commission has indicated that the Psychiatric Building and the ACS building are “eligible as potential landmarks.”

The 197-a plan recommendation for preserving Stuyvesant Town and Peter Cooper Village suggested several preservation “tools” for preserving the “integrity, built character and urban design qualities” of these communities, including designation as a NYC landmark, placement on the National Register of Historic Places, or designation as a Special Planned Community Preservation District. The Commission defers to the Landmarks Preservation Commission regarding the eligibility and suitability of Stuyvesant Town and Peter Cooper Village for landmark status or other historic designation. The Commission encourages the Landmarks Preservation Commission and CB 6 to enter into a dialogue on issues relating to landmark designations for the original Bellevue Hospital buildings and for Stuyvesant Town and Peter Cooper Village.

The Commission does not endorse the recommendation to consider designation of Stuyvesant Town and Peter Cooper as a Special Planned Community Preservation District. The Commission notes that the protections of this special district are more rigid than landmark protections, subjecting all structural alterations to buildings, landscape and topography, even those elements that do not have architectural significance, to special permit review.

Housing

The Commission shares the CB 6 197-a plan goal to encourage permanent affordable housing and discourage the demolition or conversion of affordable housing (i.e. Mitchell-Lama) to market-rate housing. The Commission notes that the city aims to retain units in the city's affordable housing stock, including those in the low-income housing tax credit program, those developed through the Mitchell-Lama program, and those in the federal Department of Housing and Urban Development's (HUD) multi-family programs. HPD and HDC have developed a refinancing strategy for Mitchell-Lama developments to restructure mortgages and procure funds for capital improvements, which would be tied to commitments to stay in the program for an additional 15 years. HPD is also working with HDC to develop a program that would allow Mitchell-Lama rental developments to convert to cooperatives structured to be affordable to Mitchell-Lama tenants, with developers continuing to receive tax abatements. HPD is also working on a series of federal and state legislative proposals to ensure tenant protections and provide incentives for owners to remain in the program.

The Commission observes that there are limited opportunities for new affordable housing within Community District 6 and enthusiastically supports the plan's recommendation to encourage the development of new low and moderate income housing in new residential developments in Community District 6 that would be permanently affordable. The Commission notes that the proposed ERRC development, as modified, could result in 611 affordable housing units using the Inclusionary Housing program.

Community Facilities

The 197-a plan recommendation about a school is discussed above in the section about the First Avenue properties.

The Commission supports the 197-a plan recommendation that the Agency for Children's Services Division of Child Care and Head Start (CCHS) monitor daycare demand and availability of slots in Community District 6 and that CCHS promote the construction of day care facilities in new private office and residential developments. The Commission notes that ACS and CCHS have indicated to the Commission that they are committed to promoting "partnerships

with developers and others within the economic development community to assist programs.” The Commission further notes that the FEIS for ERRC's First Avenue Properties proposal determined that the project would have a significant adverse impact on publicly funded daycare in the area. The restrictive declaration entered into in association with the ERRC applications provides that ERRC will coordinate with the Agency of Children's Services to determine the appropriate mitigation for this impact.

RESOLUTION

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will be consistent with WRP policies, and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-a of the New York City Charter, that the 197-a plan, *197-a Plan for the Eastern Section of Community District 6, Borough of Manhattan, New York City* submitted by Manhattan Community Board 6 on December 22, 2005 and revised on October 23, 2007, is approved with modifications:

Whereas, approved 197-a plans guide the future actions of public agencies; and

Whereas, approved 197-a plans cannot preclude subsequent actions by the City Planning Commission and the City Council in their review of possible future applications under other charter-described processes; and

Whereas, some of the zoning and land use recommendations in this 197-a plan will require subsequent approval of 197-c zoning map change applications, which have their own defined review procedures; and

Whereas, the recommendations and proposals contained in the Recommendations section of the “Community Board 6 197-a Plan for the Eastern Section of Community District 6,” Borough of Manhattan, New York City” are hereby replaced and modified as follows:

Note: an asterisk * indicates minor modifications, a double asterisk ** indicates major modifications.

Waterfront Related Improvements

1. Explore with Con Ed, NYCDOT and NYSDOT opportunities to widen Esplanade between 13th and 15th Streets by replacing the existing pump with a smaller pump.
2. Explore with NYCDOT and DPR the feasibility of making the 25th Street pedestrian bridge handicapped accessible.*
3. If the FDR Drive is to be relocated to grade, which would permit a deck above the drive, the option of a park on a deck above the FDR Drive between 28th and 30th streets should be studied, within the context of the reconstruction of the FDR Drive by NYSDOT.*
4. Improve area around 35th Street ferry landing.
5. Explore the feasibility of creating smaller neighborhood piers for water taxis at 23rd and 42nd streets.*
6. Explore the feasibility of constructing a narrow esplanade walkway between 53rd and 63rd streets on a cantilever on the outboard side of the existing FDR Drive.*
7. Explore alternatives to relocate all parking located directly on the waterfront such as the 34th Street lot, the 23rd Street Skyport parking garage, and the Con Edison Parking pier (38th to 41st streets).
8. Accommodate pedestrians, joggers, cyclists, and skaters on new esplanades and greenways.
9. The city should work with appropriate federal and state agencies to explore the feasibility for decking over a portion of the FDR Drive, the relocation or reconfiguration of the northbound FDR exit ramp at 42nd Street, and the creation of a continuous waterfront esplanade between 34th and 42nd streets. Development on the First Avenue Properties (former Con Edison sites) should be compatible with, and not preclude, future off-site waterfront improvements.**

10. Pursue measures to ensure that the waterfront esplanade at Waterside Plaza is publicly accessible.**
11. Facilitate safe inland pedestrian connections between sections of the waterfront esplanade for areas with uses that preclude direct pedestrian access along the waterfront.**
12. Encourage new pedestrian bridges and other means to provide improved public access to the waterfront in appropriate locations based on engineering feasibility and other criteria.**
13. Explore the feasibility of providing pedestrian crossings from 35th or 36th streets to the East River Esplanade Park if a tunnel for the FDR Drive is to be constructed.**
14. To preserve and create waterfront views and facilitate public access to the waterfront, appropriate zoning, land use and mapping controls as well as urban design and streetscape improvements should be used.**
15. Where appropriate and physically feasible, create the opportunity for public access to the waterfront by allowing pedestrians to use streets or their extensions that have been remapped, reopened or otherwise made publicly accessible.**

Other Open Space Improvements

16. Encourage the MTA (with DPR and DOT) to consider park decks above Queens Midtown Tunnel portals as part of the ongoing Second Avenue Subway Outreach process.
17. The city should explore with Con Edison the possible acquisition or lease of open space at the Con Edison East River plant to supplement Murphy Brothers Park.*
18. Given the deficit of publicly-accessible open space in CD 6, the city should encourage the inclusion of publicly accessible open spaces where feasible and appropriate as part of large new developments.*

DELETED:

- Encourage public acquisition for open space for such developments as Bellevue/East River Science Park Plan; Con Edison Waterfront redevelopment; replacement of Robert Moses Playground.

Land Use and Zoning

19. Explore mapping contextual zoning districts to maintain neighborhood scale and residential character in appropriate locations.*
20. Support tower-on-the-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-the-base zoning also limits zoning lot mergers.*
21. Carefully evaluate proposals for high-density office development east of the midline between Second and Third avenues, and discourage such development where inappropriate, such as in predominantly residential areas.**

DELETED:

- Map a Special Hospital Use District (includes Bellevue, NYU, and VA Hospital Medical Centers).
- Eliminate zoning preferences for community facilities in the Study Area: eliminate larger floor area ratio for community facilities in R7 and R8 districts; eliminate all rear yard encroachment in midblock locations; distinguish definitions between wide and narrow street location to allow greater density on wide streets compared to narrow streets.
- Designate the area bounded by First Ave., 59th Street, waterfront, and 14th Street as a Special Public Access District; provide additional floor area bonus on any zoning lots that provides elective public open space improvements either on or off-site; an additional bonus would be allowed for the inclusion of affordable housing which would supersede the underlying FAR bonus provisions.
- Amend Article I, Chapter 3 of the zoning resolution to change accessory parking in R10 districts from up to 20% of apartment units to 10%.

Specific Sites

United Nations:

22. Provide for needs of UN without significantly displacing or disrupting the surrounding neighborhoods.
23. If Robert Moses Park is developed with a UN or UN-related building, the city should support the replacement of this park space with appropriate public open space in the nearby community.**

DELETED:

- Sale of three UNDC buildings to private developers should give priority to UN-related uses.

First Avenue Properties:

24. Provide overlook parks along the FDR Drive.
25. Require ground floor retail on First Avenue in order to enhance pedestrian activity.*
26. Provide publicly-accessible space and view corridors on the extensions of 39th and 40th streets.**
27. Consider the scale and density of existing development near the ERRC sites, the potential for the provision of substantial publicly accessible on-site open space on the larger 700/708 parcel, and site planning elements relating to circulation and the placement of buildings in determining the appropriate bulk and heights for the development of the First Avenue Properties sites. **
28. Encourage the developer of the First Avenue properties to provide an easement along the eastern edge of the property so as to not preclude future off-site waterfront improvements.**
29. Include a large, publicly accessible open space in the First Avenue properties development.**
30. Facilitate the inclusion of an elementary or elementary/intermediate school on the First Avenue properties site.**

DELETED:

- 39th and 40th streets (extensions) be remapped.

East River Science Park:

31. Encourage a dialogue between CB 6, EDC, DCP and the developers and users of the East River Science Park sites for elements of the ERSP which have not yet been decided on.**

Transportation

32. Determine (DCP and DOT) placement of traffic calming measures at appropriate side street locations, including neckdowns and wider sidewalks, and creation of landscaping treatment.
33. Endorse the identified locations for Second Avenue subway stations and entrances at 14th, 23rd, 34th, 42nd, and 55th streets.

34. Encourage MTA to consider providing pedestrian transfers via underground tunnel from Second Avenue subway station stop to: No. 7 line at Grand Central Station and E and V lines at 53rd Street from the proposed 55th Street station.*
35. If resources are available, consider an Avenue A entrance to the First Avenue station on the L line.*
36. Assess bus stop locations, routes and service to accommodate new development.*
37. Facilitate intermodal transfer points at main east/west connector streets to the waterfront by providing upland connections where feasible and appropriate.*
38. Explore sites for black car and bus layovers, parking and rest stops, with CB 6 proposing specific locations.*
39. Endorse a network of dedicated and safe bicycle routes.
40. Encourage bicycle parking in private garages.

DELETED:

- Develop uniform standards for security barriers or other security measures (landscaping, street furniture) within the Study Area.

Preservation

41. Encourage LPC and CB 6 to enter into a dialogue on issues relating to landmark designations for the original Bellevue Hospital buildings and for Stuyvesant Town and Peter Cooper Village.**

Housing

42. Encourage permanent affordable housing.
43. Discourage demolition or conversion of affordable housing (i.e. Mitchell Lama) to market-rate housing.
44. Encourage low and moderate income housing in new developments which would be permanent and could not be converted to market value.

Community Facilities

45. Encourage NYC Division for Child Care and Head Start (CCHS) to monitor daycare demand and availability of slots in CD6.
46. Encourage CCHS to promote construction of day care facilities in new private office and residential development.

The above resolution (N 060273 NPM), duly adopted by the City Planning Commission on January 28, 2007 (Calendar No. 15), 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.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO, RICHARD W.

EADDY, NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,

Commissioners

Shirley A. McRae, Commissioner, Abstaining