



Greater East Midtown Proposal

City Council
Public Hearing

June 20, 2017

A Premier Business District with Long-term Challenges

More than **60 million square feet of office space**.

Approximately **250,000 workers**.

Home to some of the city's most **iconic** office buildings, landmarks, and civic spaces.

Regional **transit hub**.

Investment in significant transit infrastructure including East Side Access and Second Avenue subway.

Long-term Challenges

- Outdated building stock
- Limited new development
- Current zoning
- Pedestrian + transit network

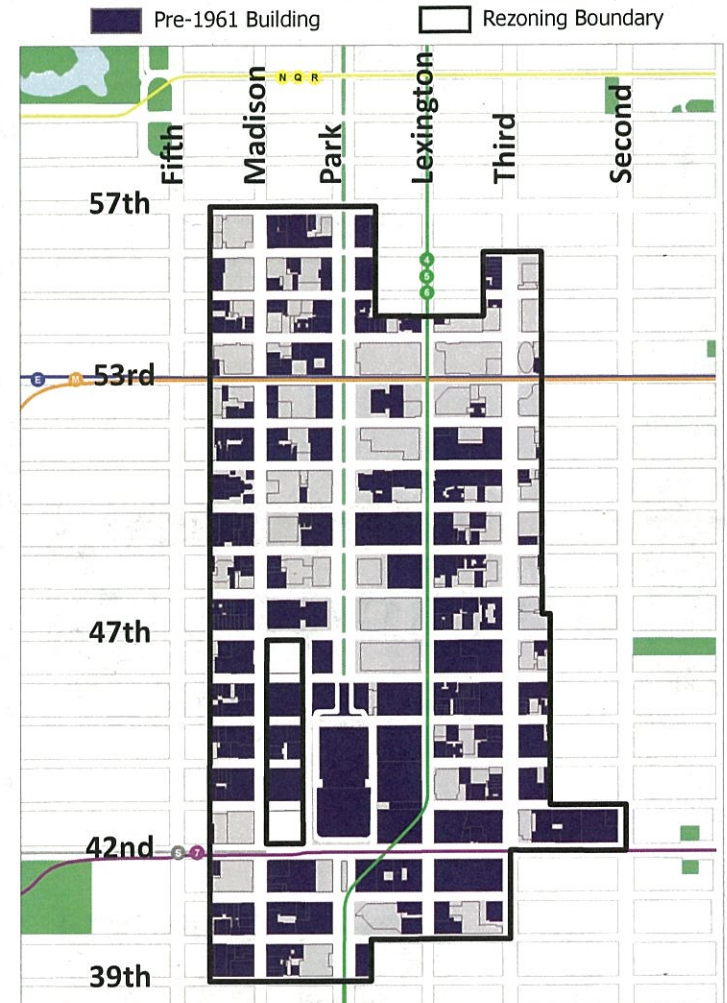
outdated floorplates



narrow sidewalks



long queues



Recent City Initiatives

2013 | East Midtown rezoning proposal

City withdrew proposal prior to a vote by City Council in order to address comments.

2015 | Vanderbilt Corridor rezoning approved

Permits developments to achieve higher densities in exchange for making transit improvements and/or via development rights from nearby landmarks.

2015 | East Midtown Steering Committee

Consensus-driven, stakeholder process that laid the foundation for the current Greater East Midtown rezoning proposal.

Top | View south, rendering of Midtown skyline with One Vanderbilt.

Bottom | View west, rendering of One Vanderbilt building and plaza.

Images | Kohn Pedersen Fox Associates



Individual Landmarks + Historic Districts



Minnie E. Young Residence



Martin Erdmann Residence



18 East 41st Street



Hampton Shops Building



Yale Club



Pershing Square Building



Graybar Building



400 Madison



Shelton Hotel



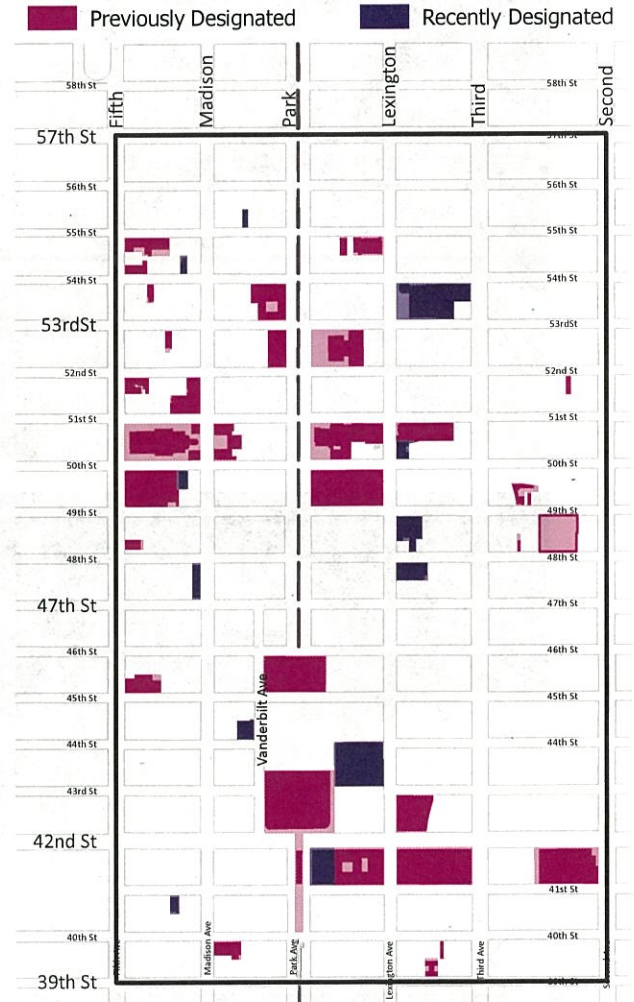
Beverly Hotel



Hotel Lexington



601 Lexington Avenue and St. Peter's Church



An aerial night photograph of a dense urban skyline, likely New York City. The image shows numerous skyscrapers and buildings, many of which are illuminated from within, creating a warm glow against the dark sky. The city extends far into the distance, with lights from other buildings visible on the horizon. A semi-transparent grey rectangular box is overlaid on the bottom portion of the image, containing the text "Zoning Proposal" in a bold, dark blue font.

Zoning Proposal

Proposed Boundary

Subdistrict boundary is informed by current land use and built fabric.

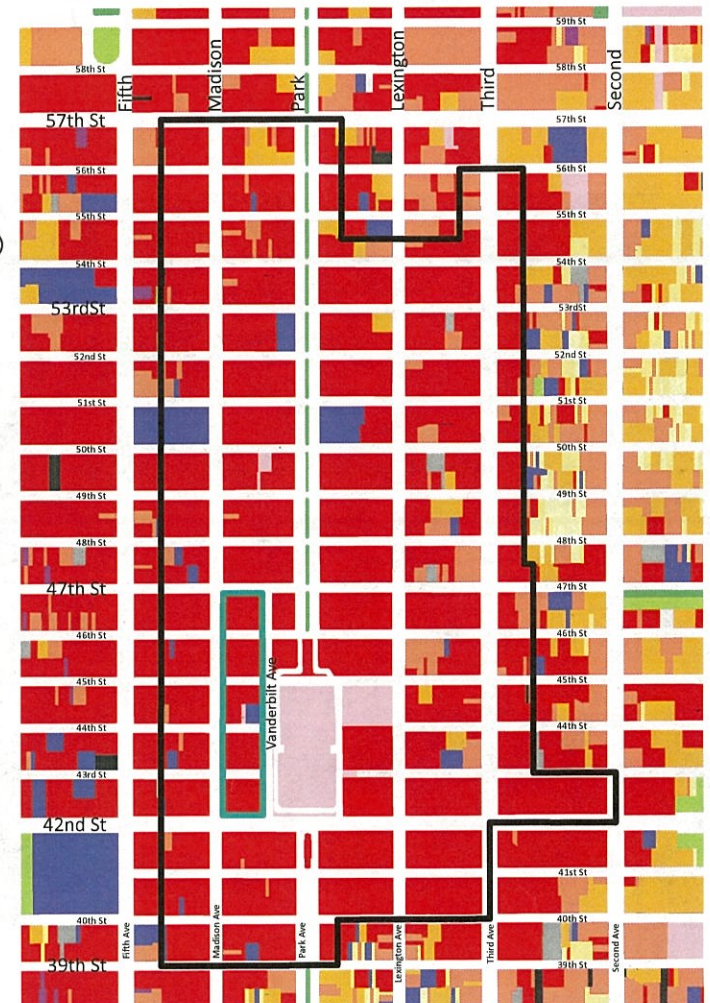
Predominately **commercial** areas included.

Mixed **residential-commercial** areas not included.

Residential districts east of Third Ave not included.

Vanderbilt Corridor remains separate.



- One + Two Family Residence
- Multi-Family Residence (walkup)
- Multi-Family Residence (elevator)
- Mixed Residential + Commercial
- Commercial
- Industrial
- Transportation + Utility
- Public Facilities + Institutions
- Open Space
- Parking
- Vacant
- Subdistrict Boundary
- Vanderbilt Corridor

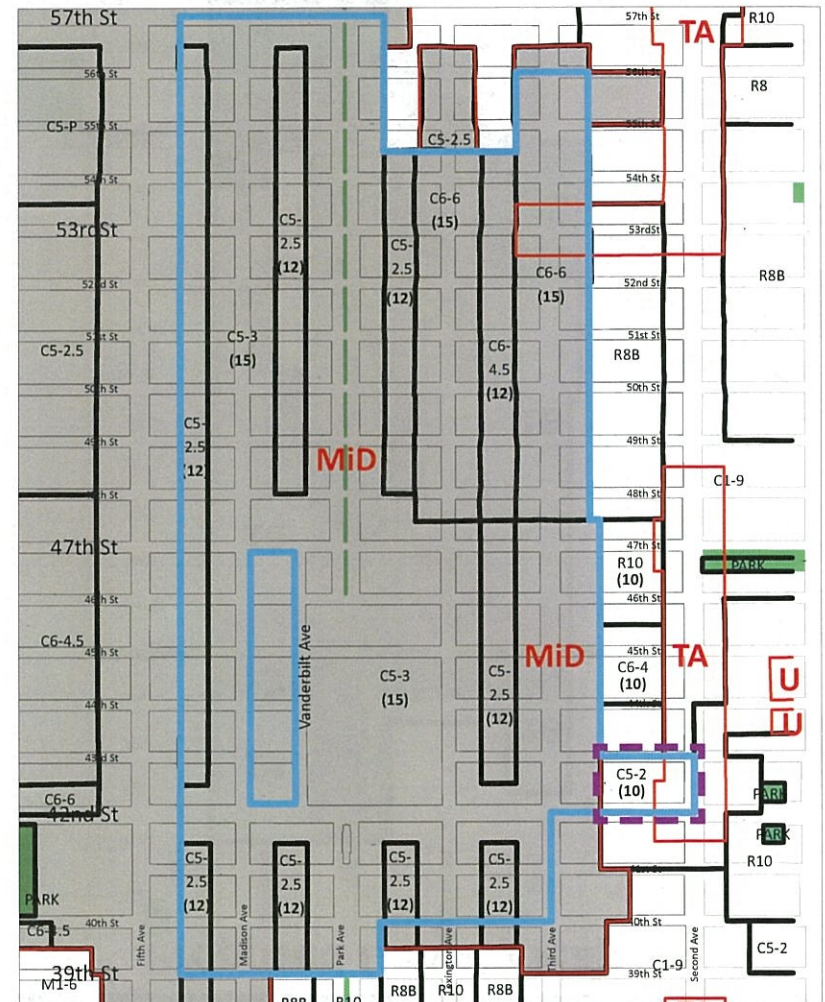


Proposed Text + Map Amendment

Text amendment | Establish the East Midtown Subdistrict within the Special Midtown District (MiD), which will supplant the Grand Central Subdistrict.

Map amendment | Rezone Block 1316.

-  Proposed text amendment
-  Proposed map amendment
-  Zoning District
-  Special District
-  Special Midtown District



Text Amendment Density Framework + Qualifying Site Criteria

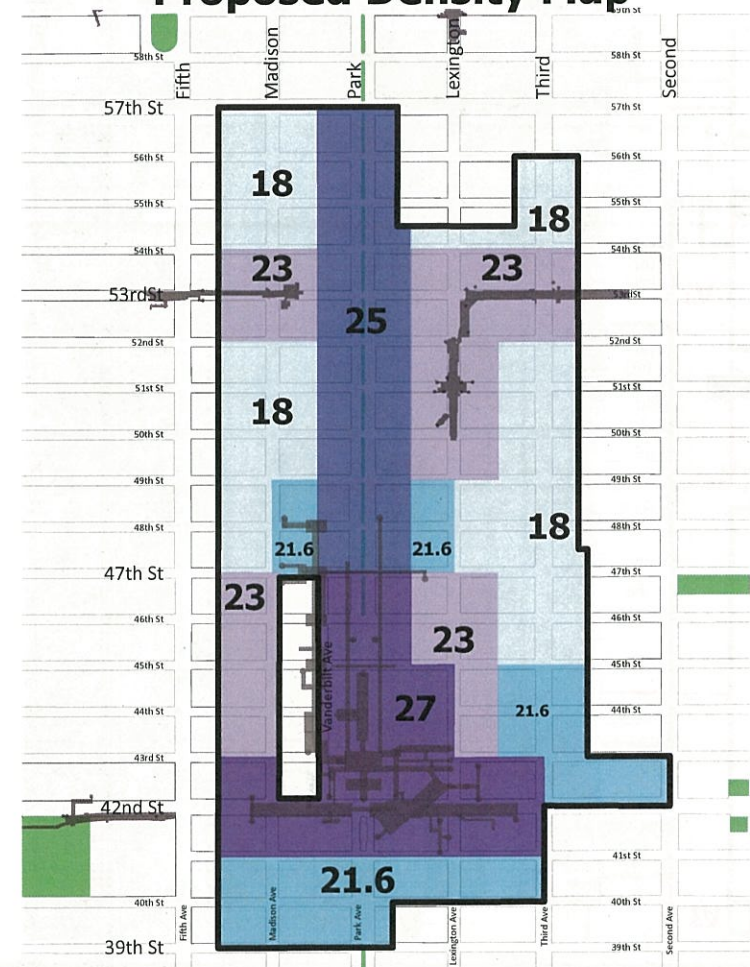
Increased density based on locational criteria

- Near Grand Central Terminal
- Near transit hubs along East 51st and East 53rd streets
- Along Park Avenue
- Along wide streets

Site eligibility criteria in order to use proposed framework

- Cleared frontage, a landmarked building, or a transit easement required along a wide street
- Commercial floor area minimum of 80% of zoning lot
- Building must meet or exceed environmental standards

Proposed Density Map



As-of-Right Mechanisms

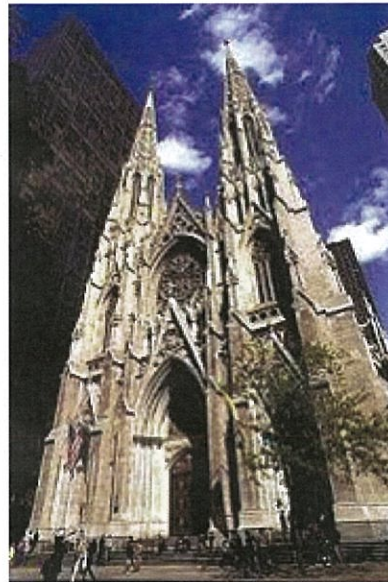
Qualifying sites can achieve maximum as-of-right FAR via **three mechanisms**:

pre-identified transit improvements



Image | Kohn Pedersen Fox Associates

transfer of landmark development rights

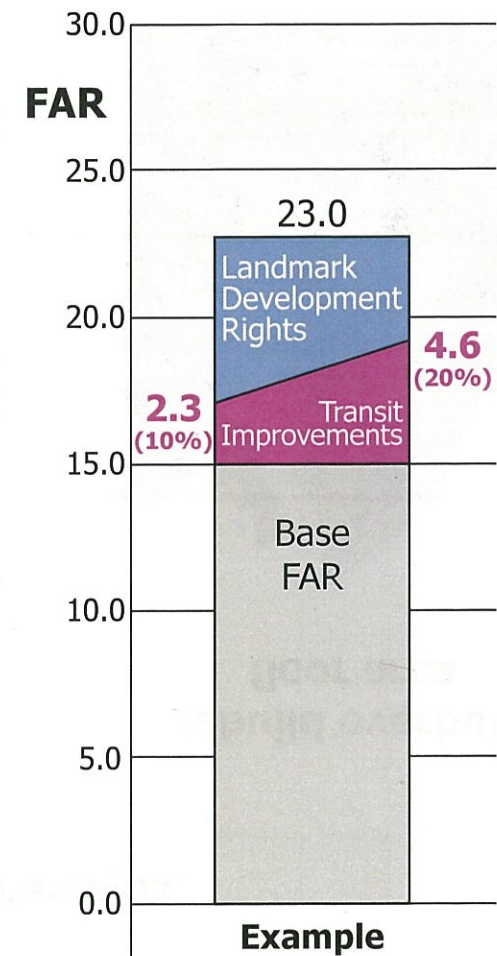
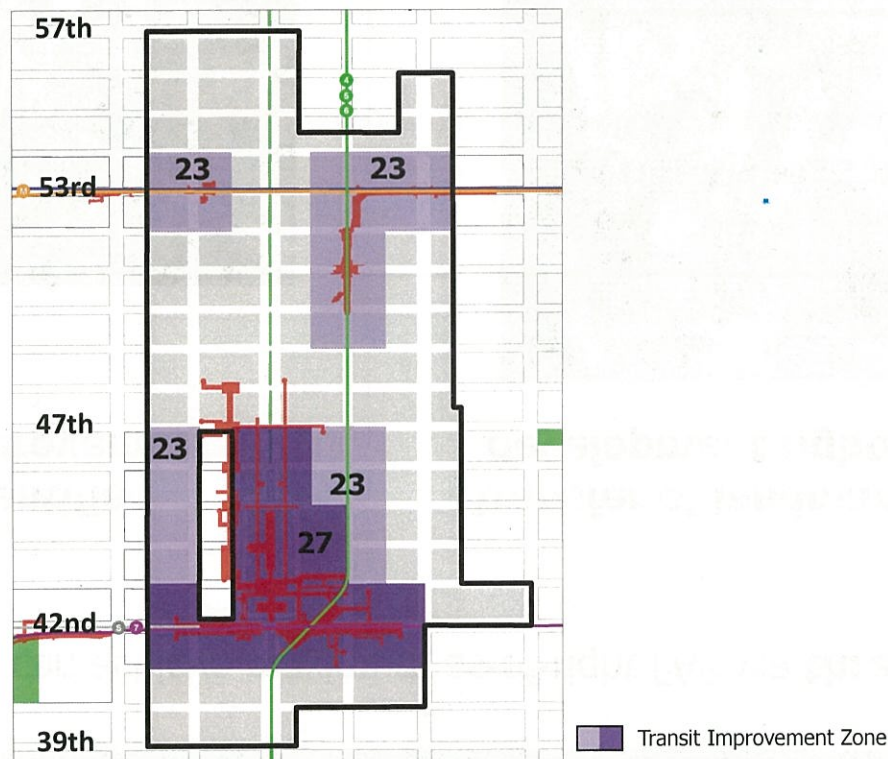


rebuild overbuilt floor area



As-of-Right Transit Improvement Mechanism

Required improvements | Within a Transit Improvement Zone, between 10% and 20% of a development's earned floor area must be generated through the completion of pre-identified transit improvements.

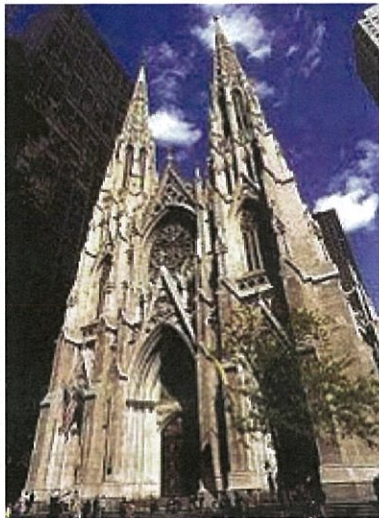


As-of-Right Landmark Transfer Mechanism

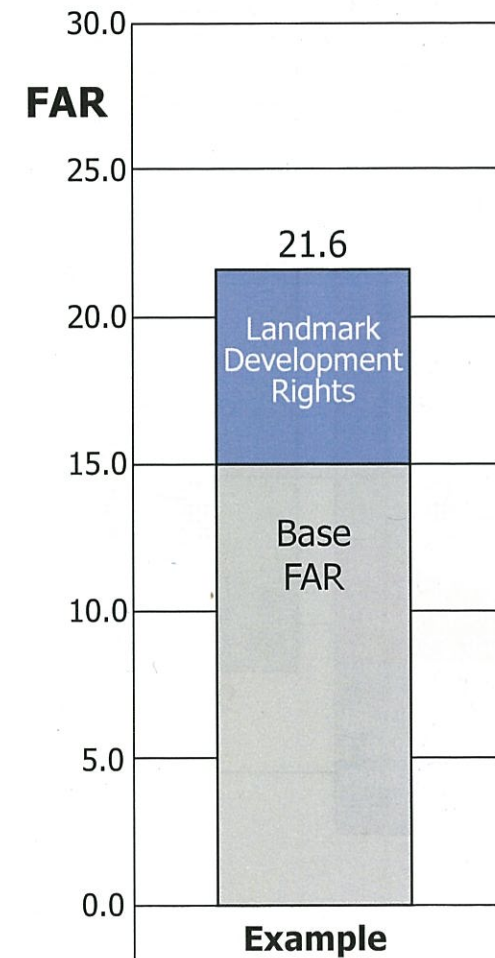
Would permit **district-wide transfer** of landmark development rights.

Continuing maintenance plan for the landmark will be required.

Each transfer requires a **contribution into the Public Realm Improvement Fund** equaling 20% of TDR sale or a minimum contribution of \$78.60 per square foot.



Saint Patrick's Cathedral



As-of-Right Overbuilt Floor Area Mechanism

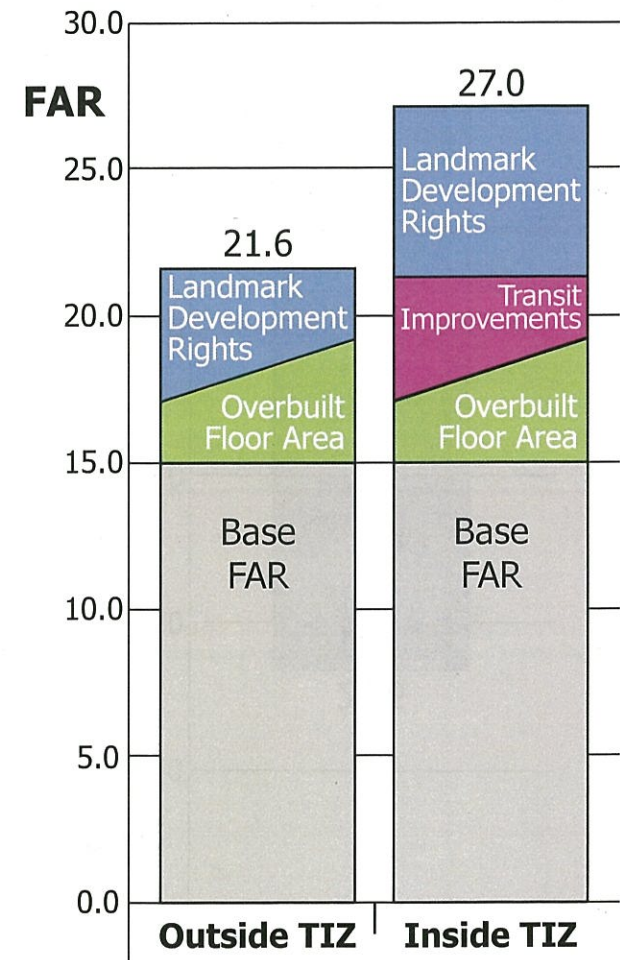
Would permit pre-1961 buildings with **non-complying floor area** to demolish and re-build to their overbuilt density.

Non-complying floor area that is rebuilt would require a **contribution into the Public Realm Improvement Fund** of \$78.60 per square foot.

Qualifying sites **could utilize the transit improvement and landmark transfer mechanisms** to achieve maximum permitted FAR.



570 Madison Avenue



Additional Subdistrict Regulations

Provisions Applicable on Qualifying Sites

- Environmental standards
- Height and setback
- Sidewalk widening
- Retail continuity
- Stacking rules

Special Permits for Additional Floor Area

- Transit improvement special permit
- Public concourse special permit

Discretionary Actions to Modify Qualifying Site Criteria

- Authorization to allow enlargements on qualifying sites
- Special permit to modify qualifying site provisions

Additional Modifications Affecting the Subdistrict

- Hotel use

An aerial night photograph of a city skyline, likely New York City, showing numerous illuminated skyscrapers and a dense urban landscape. A semi-transparent grey rectangular box is positioned in the lower half of the image, containing the text "Public Realm Improvements" in a bold, green, sans-serif font.

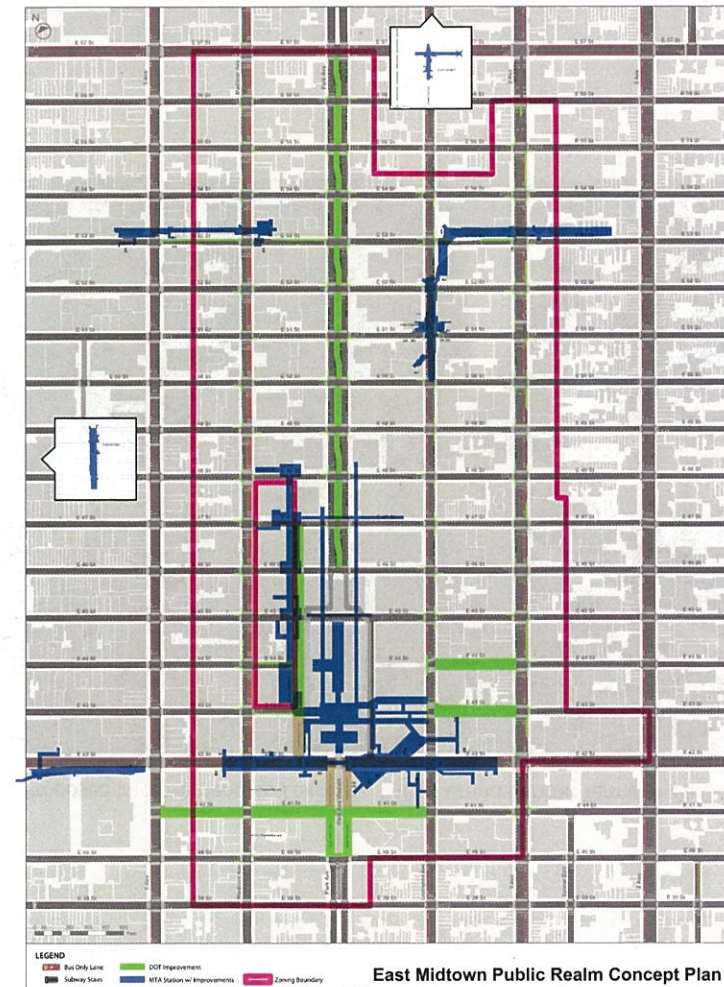
Public Realm Improvements

Public Realm Improvement Concept Plan

Initial public realm improvement concept plan consists of pedestrian realm projects and transit improvements identified by DOT and MTA.

Projects in the concept plan can be modified over time to adapt to changing situations and capitalize on future opportunities.

Principles and project types are incorporated into the Zoning Resolution.



Transit Improvements

Pre-identified transit improvements

- Improvements categorized according to project scope and public benefit.
- Projects completed in conjunction with development that occurs in transit improvement zones.

Floor area + project types

- **Type 1 | 40K sf** - new station entrance, ADA access to one level, small scale widening of stair
- **Type 2 | 80K sf** - new escalators, ADA access to multiple levels, numerous widened stairways
- **Type 3 | 120K sf** - significant station overhauls and significant improvements to station capacity

Proposed improvements to Lexington line at Grand Central Terminal via One Vanderbilt project

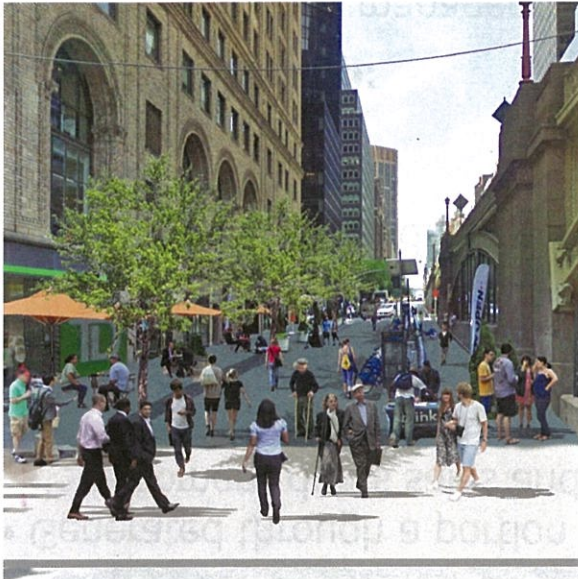


Image | Kohn Pedersen Fox Associates

Pedestrian Realm Toolkit

pedestrian plazas

Rendering of proposed plaza at Pershing Square East



shared streets

Rendering of interim strategy to pilot a shared street treatment



thoroughfares

Bus bulbout at Seventh Avenue and West 34th Street



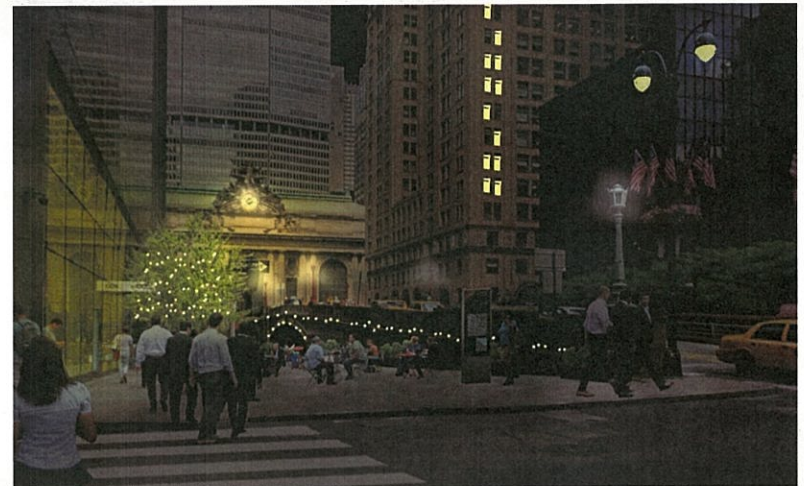
Public Realm Improvement Fund + Governance

The Fund:

- Generated through a portion of the landmark development rights sales and the redevelopment of overbuilt floor area.
- Supports capital improvements identified by DOT and MTA.
- Maintained independent of the City's General Fund.

Governing Group:

- The Fund will be managed by an 11-member governing group.
- Charged with prioritizing improvements to be funded and modifying improvement list based on the area's needs.



Images | Renderings of pedestrian plaza at Park Avenue and 40th Street in daytime and nighttime condition.

Minimum Contribution Function + Methodology

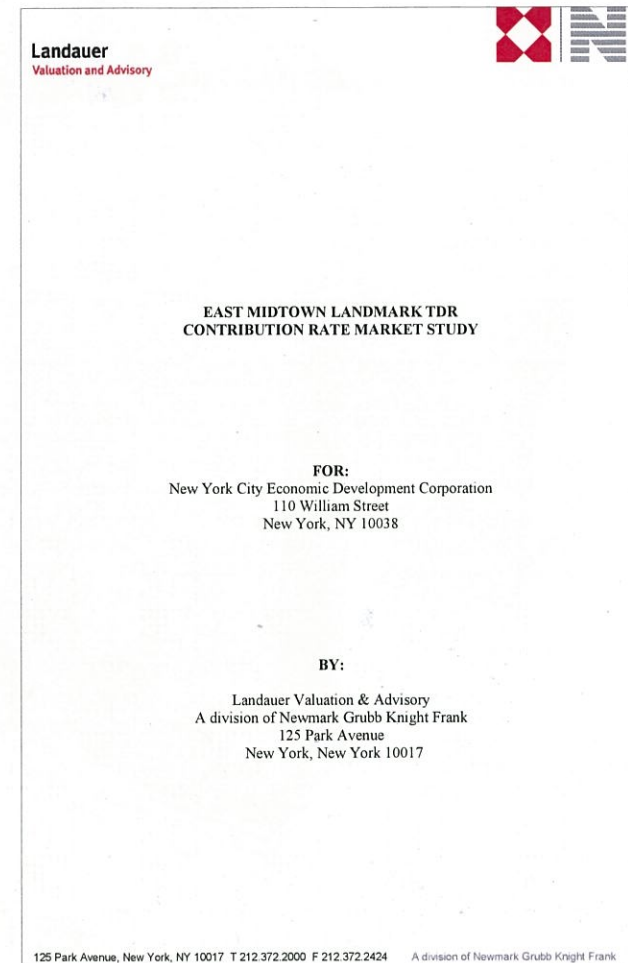
Function

Assures an appropriate minimum level of investment in the public realm, which is mutually beneficial to the public, property owners, and landmarks.

Minimum contribution amount methodology

Based on the results of a market study, the TDR value of the lowest quartile of the 10 most recent land sales in Midtown East and Midtown West was used to determine the minimum contribution amount of \$78.60 per square foot.

Landauer East Midtown Market Study Final Report cover





Concept Plan: Transit Network

Guiding Principles

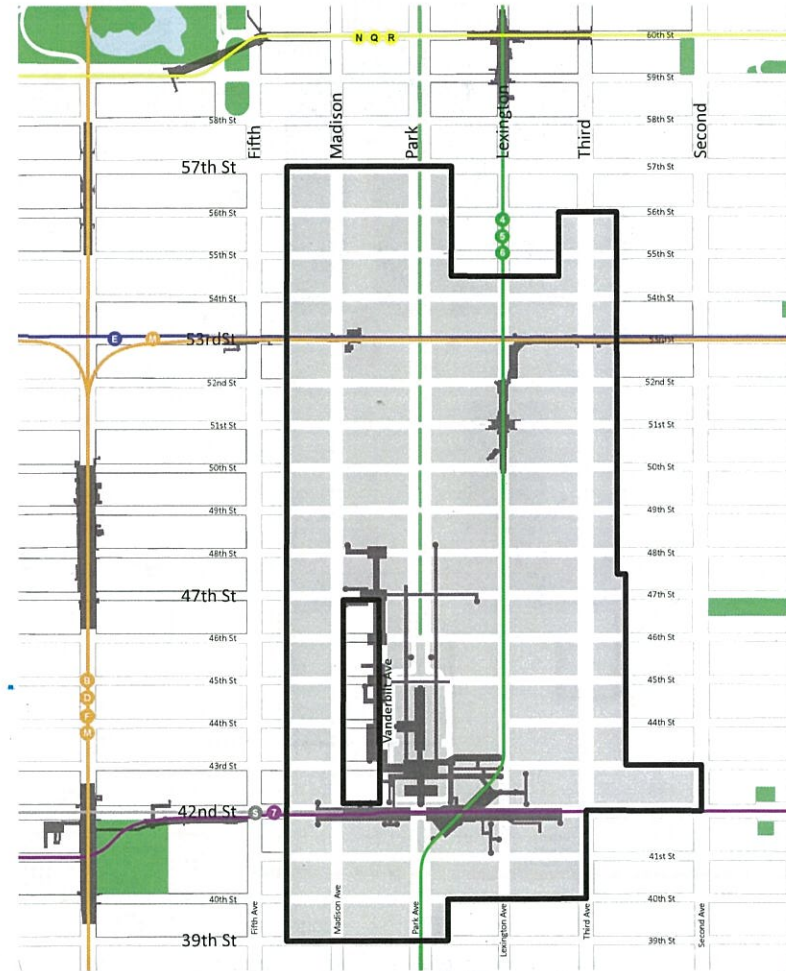
Prioritize stations with highest volume of customers to/from East Midtown

Address stations' customer congestion points by

- Increasing capacity with new or wider stairs/escalators
- Providing new path of travel with a new entrance or stair

Provide ADA accessibility where does not exist

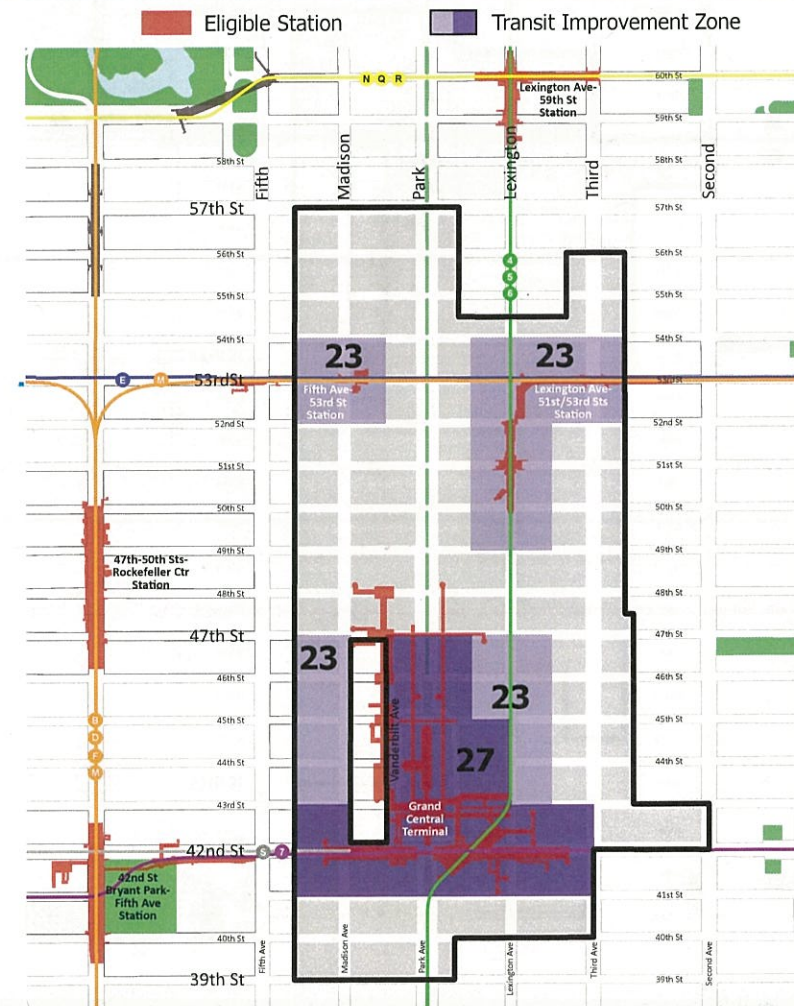
Placemaking to improve circulation, wayfinding and the customer environment



Station Eligibility

MTA identified six stations with significant East Midtown ridership.

- Grand Central
- Fifth Avenue-53rd Street
- Lexington Avenue-51st/53rd Streets
- 42nd Street Bryant Park-Fifth Avenue
- 47th-50th Streets-Rockefeller Center
- Lexington Avenue-59th Street



Pre-Identified Transit Improvements

- Entrances | **four** new entrances
- Stairways | **six** new and **twelve** widened stairs
- Escalators | **one** widened and **two** new escalators
- Elevators | **nine** new elevators
- Completed renovation of Lexington mezzanine





NEW YORK CITY



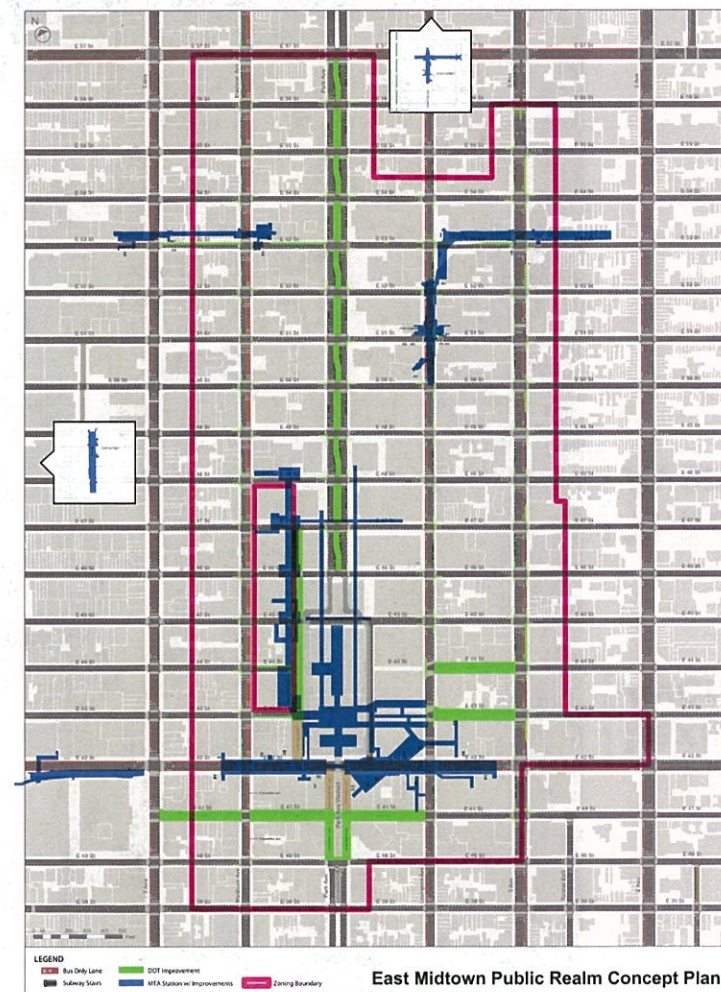
Concept Plan: Pedestrian Realm

Guiding Principles

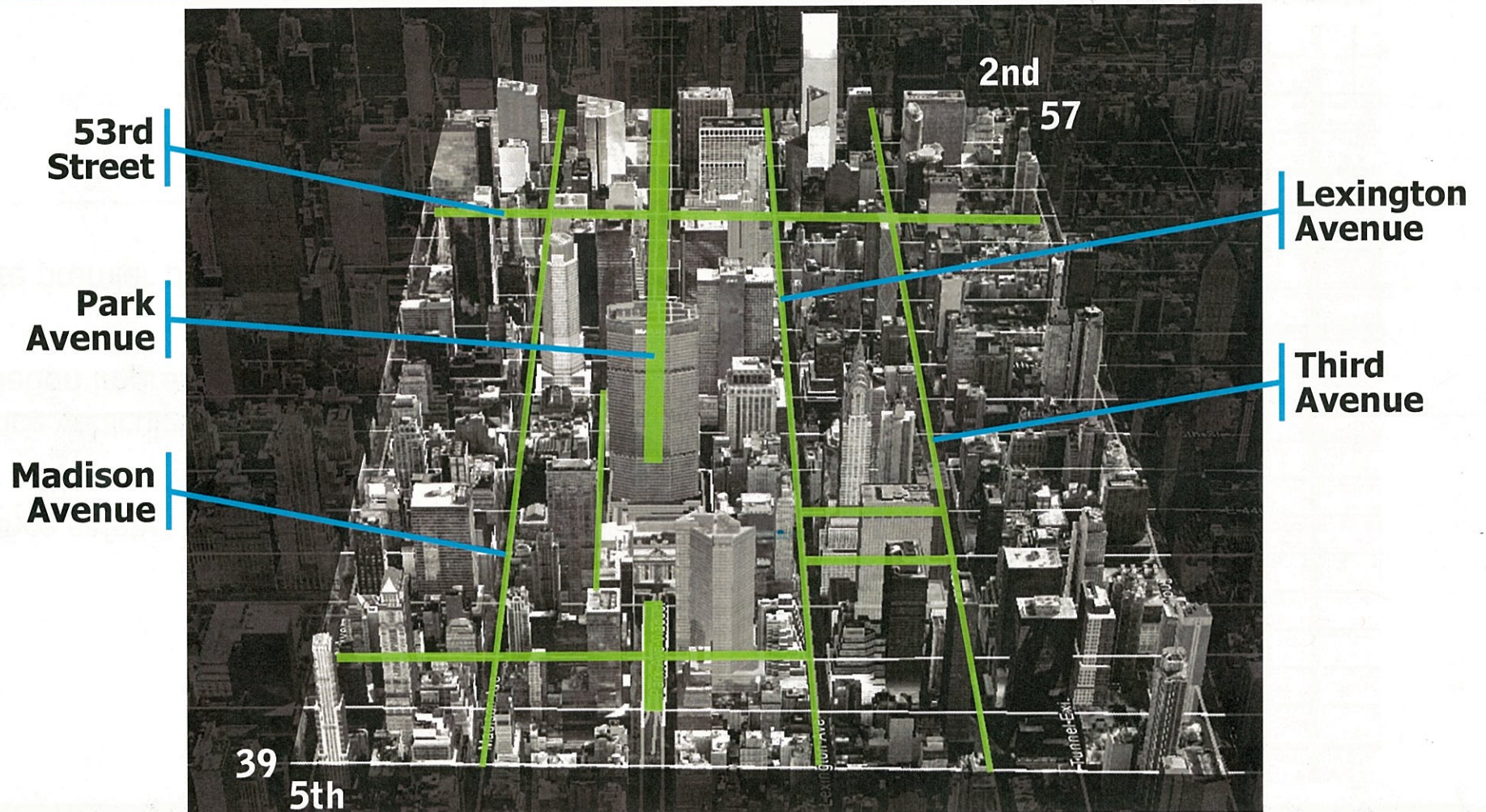
Enhance safety

Balance vehicular mobility and pedestrian circulation improvements

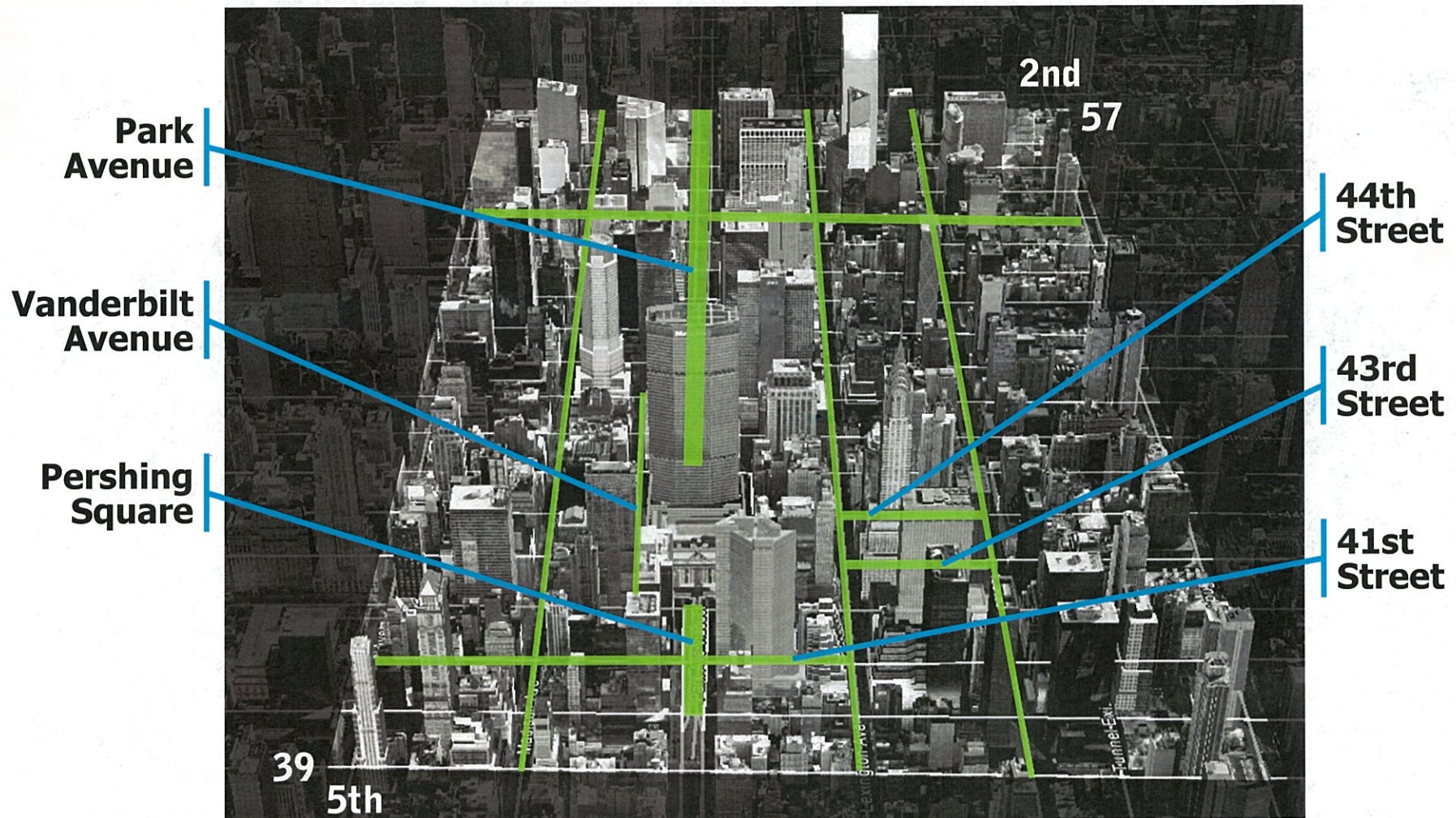
Create premier public spaces



Thoroughfare Improvements



Premier Public Spaces



Plaza Program



Shared Street

A “Shared Street” is a roadway designed for slow travel speeds where pedestrians, cyclists, and motorists all share the right of way.

Vehicles are advised to drive 5MPH and the roadway is flush from building line to building line without the typical curb line grade separation.

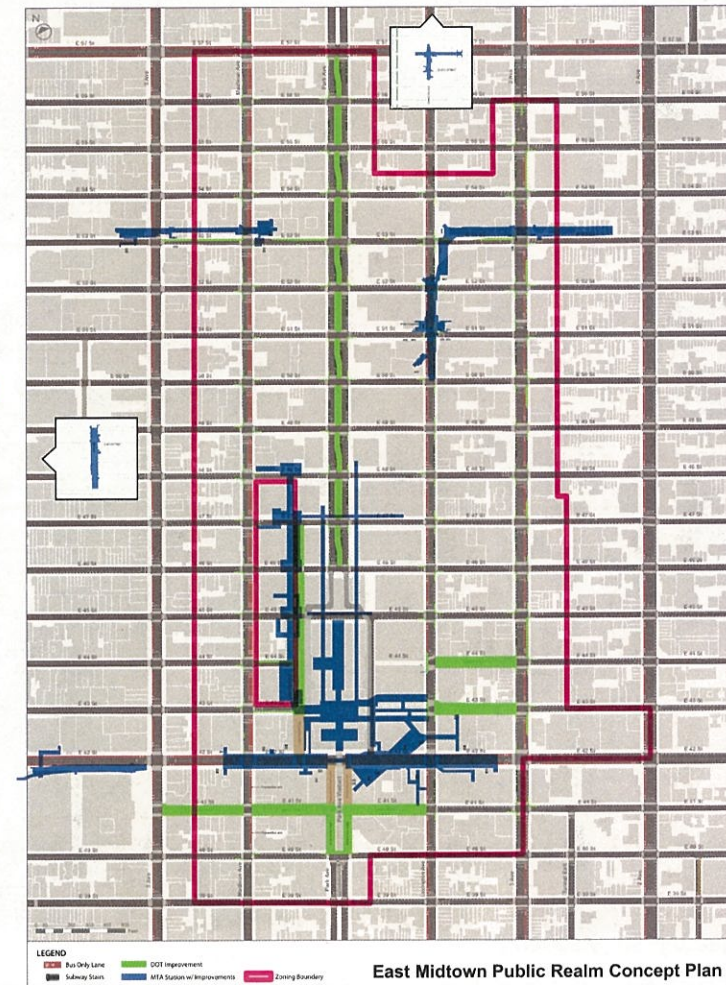
Shared streets can be designed and managed in a variety of different ways to balance the needs of all users while enhancing the safety, aesthetics, and overall experience of the street.

Buenos Aires, Argentina



Process

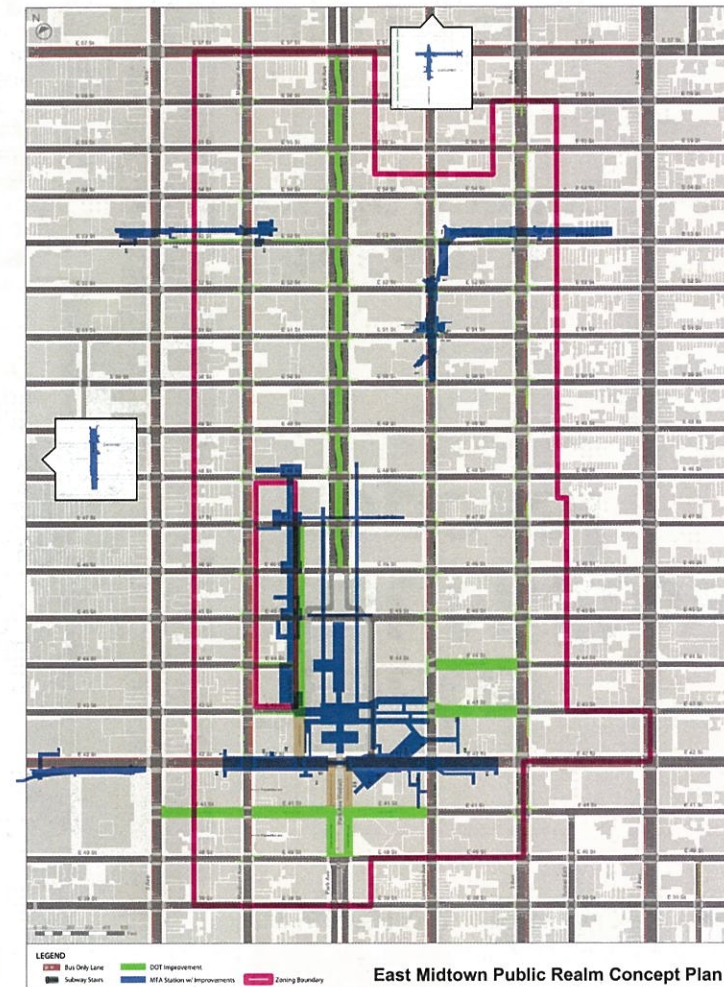
- Funding will become available through development
- Governing Group will select a project
- DOT will work to identify a maintenance partner
- DOT will hold multiple public workshops to develop a design responsive to the needs of local stakeholders
- DOT will present the design to the community board for approval



Early Action Items

DOT will pursue public realm improvements using interim treatments prior to future development. The proposed early action items include:

- 53rd Street corridor enhancements
- Pershing Square East Plaza upgrades
- Park Avenue traffic reconfiguration and safety upgrades
- Shared street pilot project





Greater East Midtown Proposal

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RESILIENT NEIGHBORHOODS:

Broad Channel Resiliency Rezoning

C 170256 ZMQ, N 170257 ZRQ

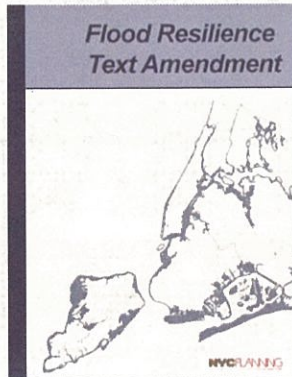
Hamilton Beach Resiliency Rezoning

C 170255 ZMQ, N 170267 ZRQ

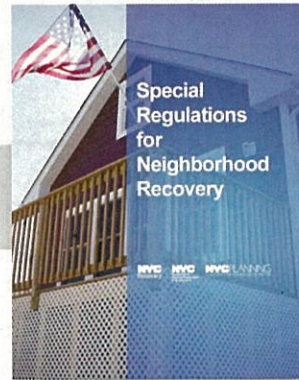
June 20, 2017

DCP Climate Resiliency Initiatives

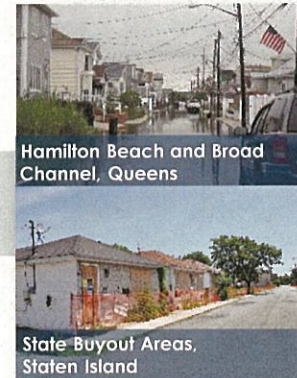
Flood Text (2013) initial, temporary regulations building off EO 230



SRNR (2015) provides additional zoning relief to expedite recovery



Local Rezoning (2017) in vulnerable areas of Queens and Staten Island



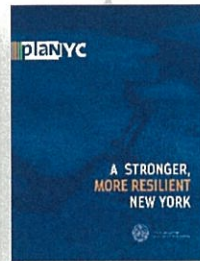
Flood Text II (2018) to be updated and made permanent



Executive Order 230 (2012) mayoral override of zoning



PFIRM + Freeboard (2012) DOB requires most restrictive map; additional elevation



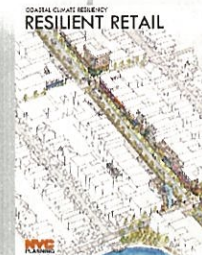
SIRR Report (2013) long-term, citywide resiliency framework



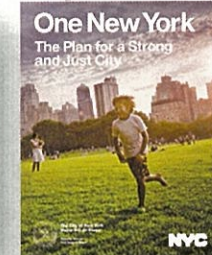
Build it Back (2015) lessons learned in rebuilding effort inform zoning changes



Neighborhood Studies (2014-17) will inform the text and local rezonings



Resilient Retail & Resilient Industry (2014-17) will inform the text

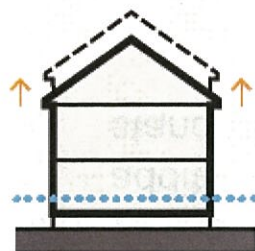


One New York (2015) moves from recovery to future resiliency

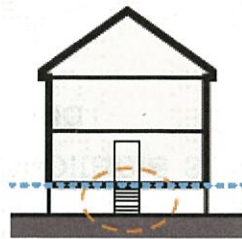
2013 Citywide Flood Resilience Text Amendment

*Intended to be updated based on lessons learned, expires 1 year after adoption of PFIRMs.

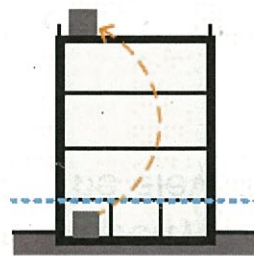
- **Height:** increases the height limit of all buildings in the floodplain by allowing height to be measured from the Design Flood Elevation (DFE), and in some cases, a higher reference point
- **Floor area:** allows discounting of floor space when lost in order to come into compliance with the latest building standards (raised entryways, mechanical space, floodproofed areas)
- **Retrofitting older buildings:** overrides typical zoning rules for non-complying and non-conforming buildings, giving them wide latitude to retrofit and rebuild.
- **Design standards:** requires elevated buildings to mitigate their impact on the streetscape



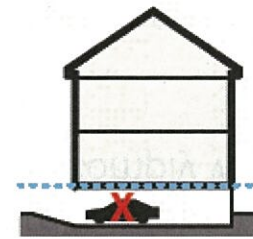
Height
must recognize elevation requirements in flood zones



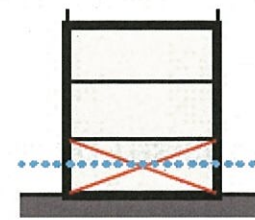
Access
need for stairs/ramps requires imaginative solutions



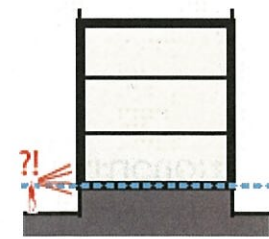
Mechanical Systems
must allow relocation out of flood-prone areas



Parking
may not be possible below ground



Ground Floor Use
buildings may be allowed only limited use of ground floors



Streetscape
limit negative effect of blank walls on streetscape

2015 Special Regulations for Neighborhood Recovery

*Text is intended to be temporary, and expires in 2022.

Special rules for select neighborhoods to accelerate recovery from Hurricane Sandy by:

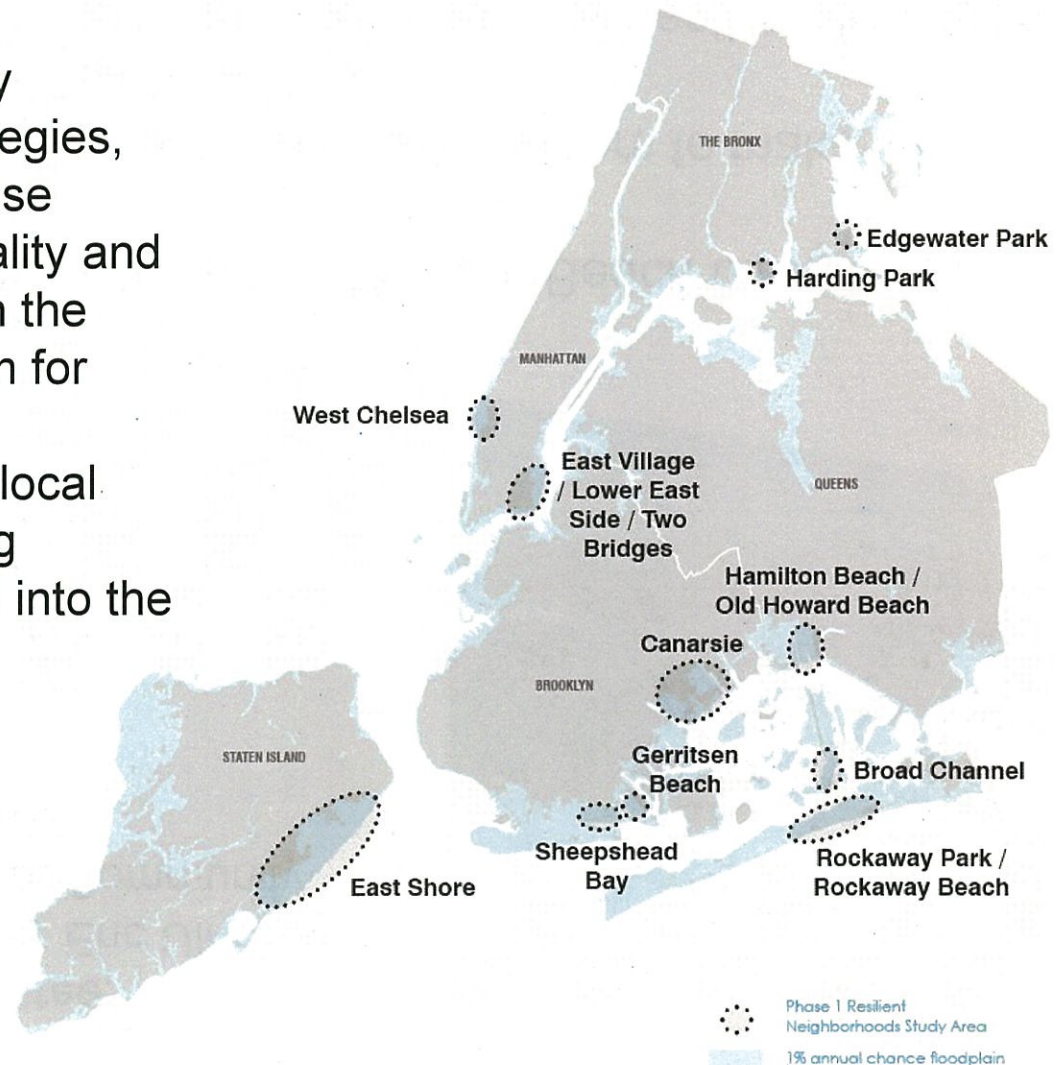
1. **Simplifying the process** for documenting non-compliances for Sandy-damaged homes,
2. **Remove disincentives** for property owners to make resilient investments, by allowing additional habitable space to be elevated to comply with flood-resistant construction standards, and
3. **Establishing a new zoning envelope**, so reconstructed homes more accurately reflect the existing cottage-style neighborhood character.



Resilient Neighborhoods

Neighborhood Studies:

- Planning initiative to identify neighborhood-specific strategies, including zoning and land use changes, to support the vitality and resiliency of communities in the floodplain and prepare them for future storms.
- Recommendations include local zoning changes, and zoning changes to be incorporated into the future citywide text.



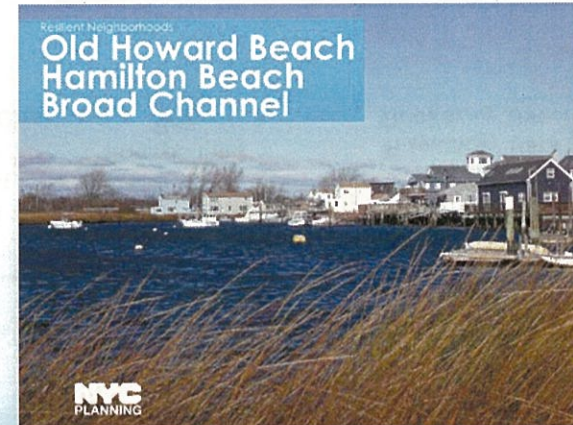
Resilient Neighborhoods

Community Advisory Committee:

- Appointed by Councilmember Eric Ulrich and included representatives from Community Boards and Civic Associations

Public Outreach Summary:

- 5 Community Advisory Committee Meetings
- 4 Community Board Meeting Presentations
- 4 Civic Association Meeting Presentations



Recommendations:

- Reflect neighborhood character in Old Howard Beach through a future rezoning
- Update zoning to make it easier for property owners to make resiliency investments to their buildings
- Advance coordinated infrastructure and coastal protection strategies
- Enact targeted zoning changes to reflect the unique character and long-term vulnerability of Hamilton Beach and Broad Channel

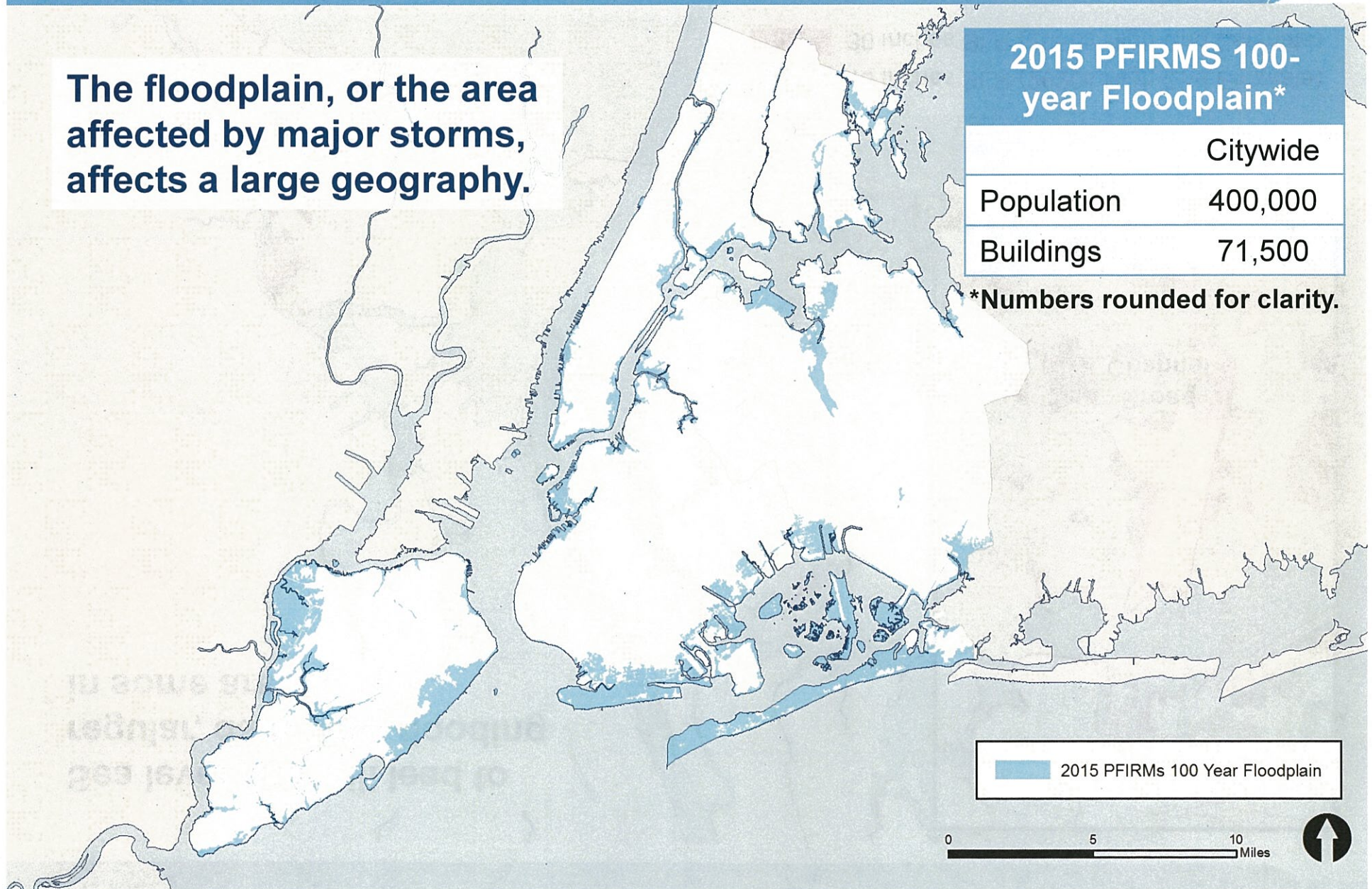
Flood Risk in NYC

The floodplain, or the area affected by major storms, affects a large geography.

2015 PFIRMS 100-year Floodplain*

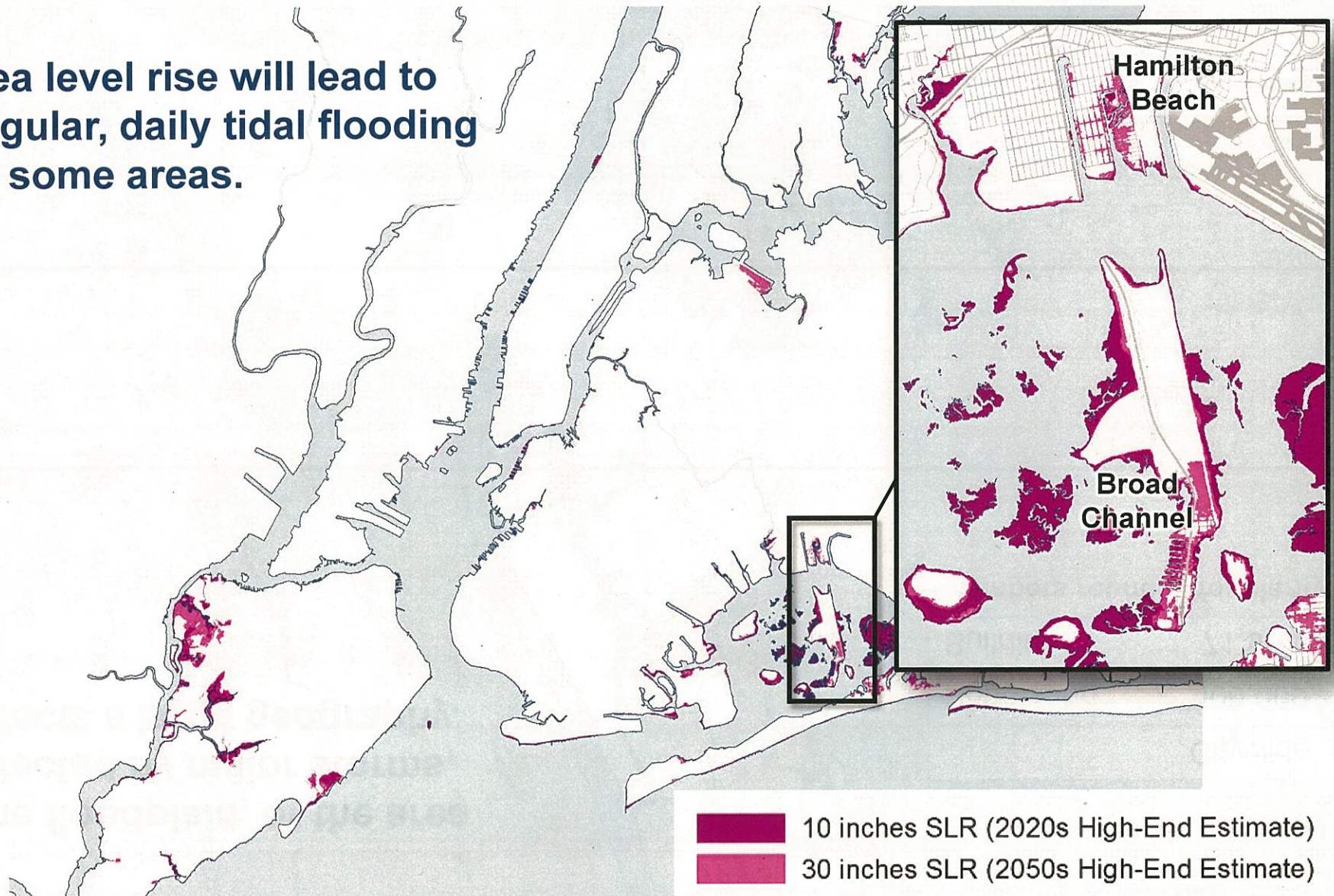
	Citywide
Population	400,000
Buildings	71,500

*Numbers rounded for clarity.



Risks from Sea Level Rise

Sea level rise will lead to regular, daily tidal flooding in some areas.



Approach to future zoning + land use strategies

Where flood risk is exceptional, including where sea level rise will lead to future daily tidal flooding.

Where risk from extreme events can be managed through infrastructure and context can support growth.

Flood risk and local planning considerations

Limit

Zoning and other tools should limit exposure to damage and disruption by limiting the density future development.

Accommodate

Adjust zoning to allow buildings to retrofit, by providing flexibility and removing obstacles to resiliency investments.

Encourage

Encourage construction of new development built to a higher standard of flood protection.

Broad Channel – Existing Zoning and Land Use



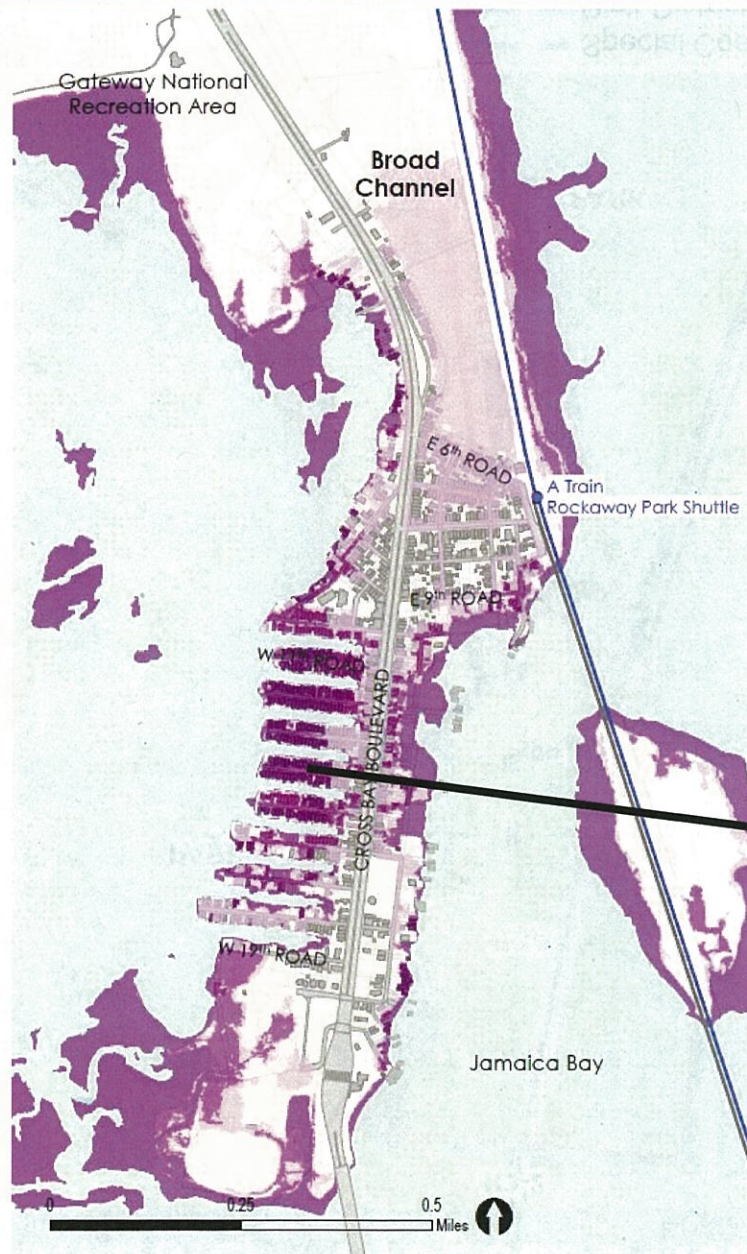
R3-2

- Allows all residential building types
- 0.6 FAR (includes 0.1 attic allowance)
- 40' min. lot width (D); 18' min. lot width (SD, A)
- 5' min. side yard width (D)
- 1 parking space required per unit
- 1.0 FAR for community facilities

C1-2 Overlays

- Permits local commercial uses
- Parking requirements vary by use, but typically one off-street parking space is required for every 300 sq ft of commercial floor area

Broad Channel – Sea Level Rise Projections



Broad Channel: 2050s Sea Level Rise Projections

226 Buildings

MHHW + 11" (25th percentile projection)

368 Buildings

MHHW + 21" (75th percentile projection)

744 Buildings

MHHW + 30" (90th percentile projection)

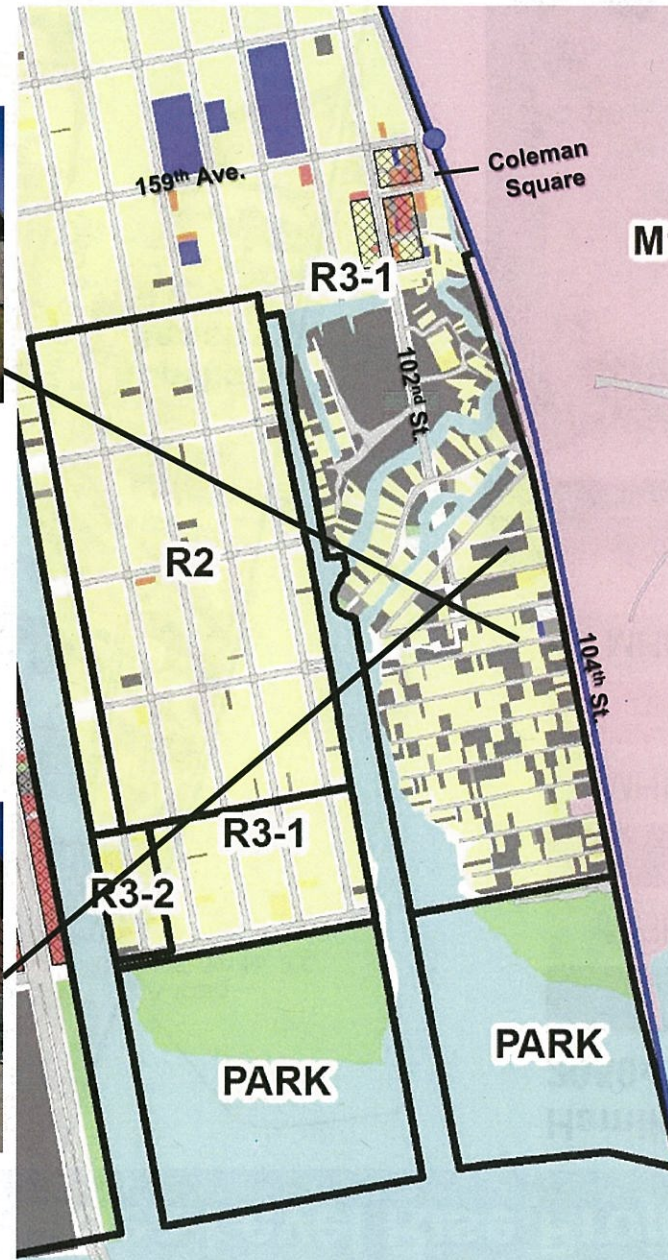
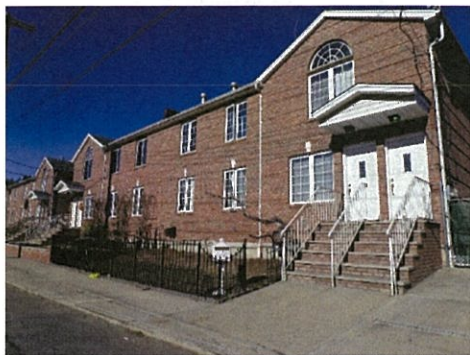


Broad Channel – Proposed Rezoning



- Establishing a new **Special Coastal Risk District** to limit development to single-family residences, and also prohibit community facilities with sleeping accommodations
- Rezoning from R3-2 to **R3A**, to limit new development to detached houses and reflect the area's lot width conditions
- Rezoning from R3-2 to **C3A** on Broad Channel's south-eastern shore to bring existing marinas into zoning conformance
- Rezoning from a C1-2 to **C1-3 overlay** in Broad Channel's commercial node to help reduce the off-street parking requirement

Hamilton Beach – Existing Zoning and Land Use



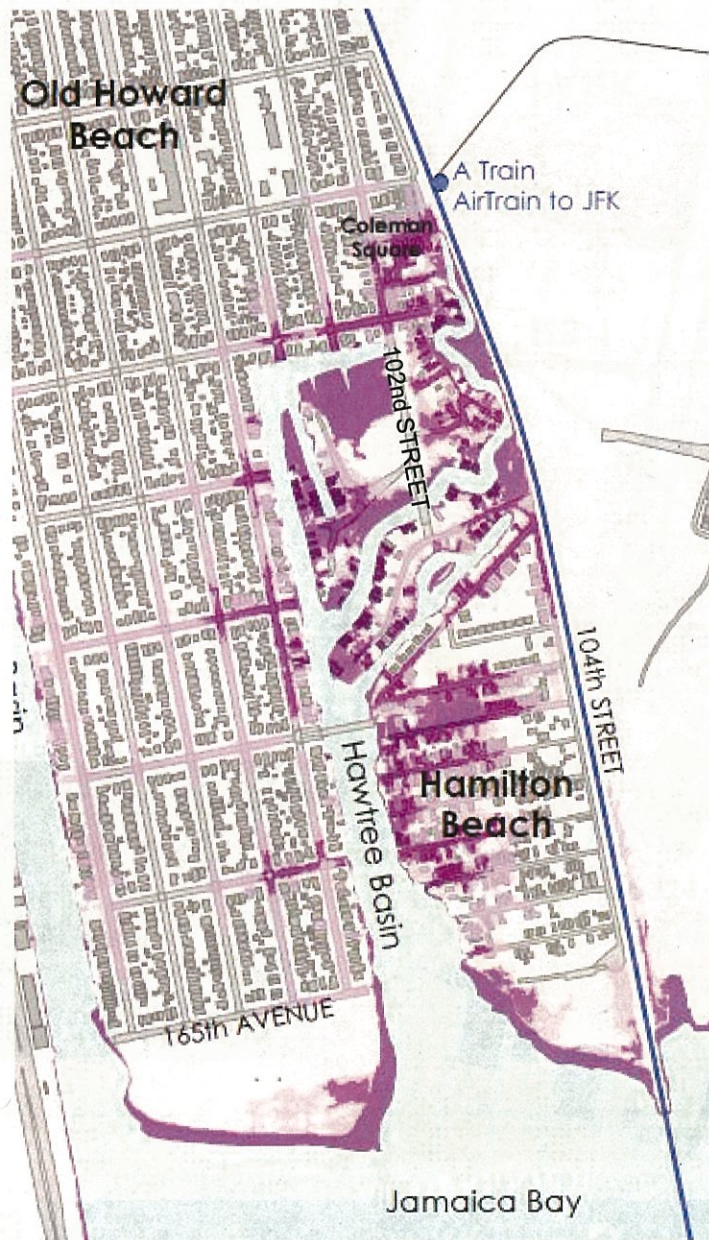
R3-1

- Allows one- and two-family detached and semi-detached residences allowed
- 0.6 FAR (includes 0.1 attic allowance)
- 40' min. lot width (D); 18' min. lot width (SD)
- 5' min. side yard width (D)
- 1 parking space required per unit
- 1.0 FAR for community facilities

C1-2 Overlays

- Permits local commercial uses
- Parking requirements vary by use, but typically one off-street parking space is required for every 300 sq. ft. of commercial floor area

Hamilton Beach – Sea Level Rise Projections



Hamilton Beach: 2050s Sea Level Rise Projections

65 Buildings

MHHW + 11" (25th percentile projection)

178 Buildings

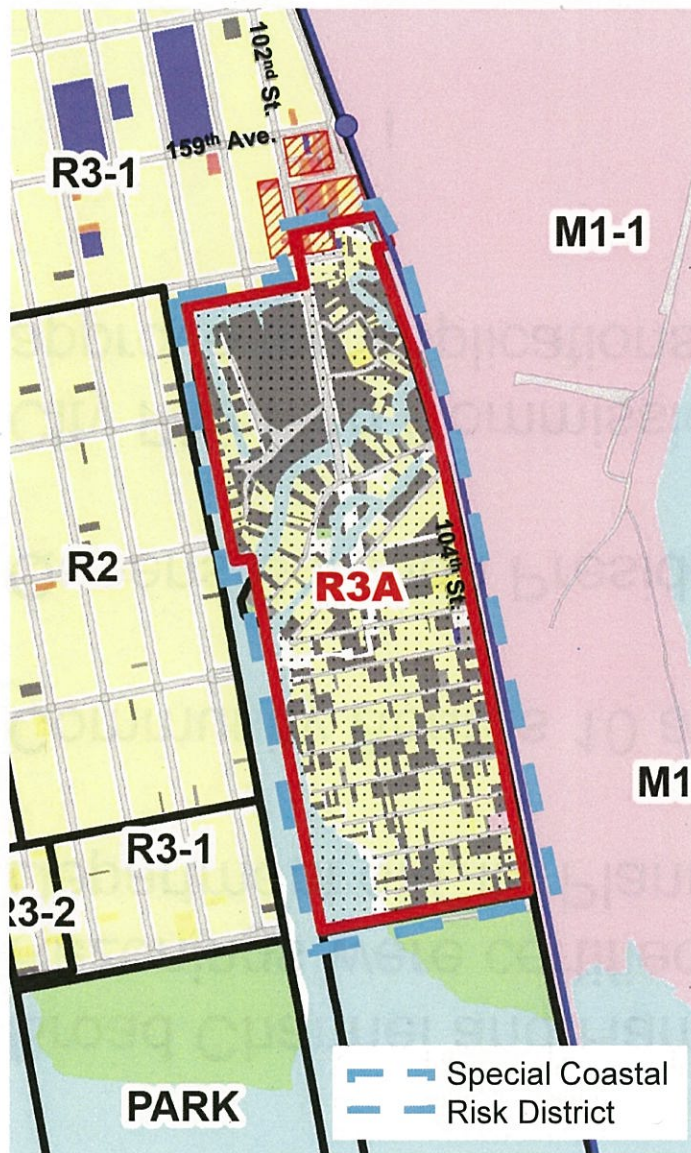
MHHW + 21" (75th percentile projection)

310 Buildings

MHHW + 30" (90th percentile projection)



Hamilton Beach – Proposed Rezoning



- Establishing a new **Special Coastal Risk District** to limit development to two-family residences to lots at least 40 feet wide, and also prohibit community facilities with sleeping accommodations
- Rezoning from R3-1 to **R3A**, to limit new development to detached houses and reflect the area's lot width conditions
- Rezoning from a C1-2 to **C1-3 overlay** in Coleman Square to help reduce the off-street parking requirement

- Broad Channel and Hamilton Beach Resiliency Rezoning was certified as complete by the Department of City Planning on February 21, 2017
- Community Boards 10 and 14 recommended approval
- Queens Borough President recommended approval
- City Planning Commission adopted a resolution to approve the applications

June 20, 2017

**STATEMENT OF THE NEW YORK LANDMARKS CONSERVANCY AT A HEARING OF THE NYC CITY COUNCIL
SUBCOMMITTEE ON ZONING AND FRANCHISES REGARDING THE PROPOSED REZONING OF GREATER
EAST MIDTOWN**

Good morning Chair Richards and Councilmembers. I am Andrea Goldwyn, speaking on behalf of the New York Landmarks Conservancy. The Landmarks Conservancy is a private, independent, not-for-profit organization, founded in 1973. Our mission is to preserve and protect historic resources throughout New York.

The Conservancy was pleased to be a member of the East Midtown Steering Committee and thank Council member Garodnick and Borough President Brewer for their leadership. Some four years ago we testified against the previous rezoning plan, which almost entirely ignored the significant architecture in this section of the City. Our main focus then and now is the protection of Midtown East's historic buildings. Through the Steering Committee and inter-agency processes, landmarks have taken a much more central role. The Landmarks Commission designated 12 individual landmarks last year. The current proposal significantly expands the ability of landmarks to transfer their unused development rights.

We are delighted with these 12 landmarks, but there is more to do. Our priority list for designation includes sites such as the Hotel Intercontinental and Postum Building, which are eligible for listing on the National Register of Historic Places. They are now labeled as projected development sites. We urge the LPC to bring them to a public hearing.

The proposal envisions up to 16 massive new buildings within the rezoning area. If all 16 are built, they will strain transit, light, air, and quality of life for residents and workers. City Planning set them on avenues and wide streets to ameliorate some of that burden. We oppose any effort to expand the definition of qualifying sites to include the mid-blocks, which would surely be a loophole to the sliver law, which has protected low-scale mid-blocks since the 1980s.

Regarding the landmark TDR program, we believe that "landlocked" landmarks will benefit from the opportunity to sell their development rights across the rezoning area. As you know, the original intent of the 74-79 transfer provision in the Zoning Resolution was to provide building owners significant relief from the cost of maintaining landmark buildings and to assist in their overall preservation. The proposed 20% assessment on transfers is at the low end of the range that the Steering Committee recommended, and should ensure that this intent can be realized.

We oppose the floor price, which would disadvantage landmarks. The market is unpredictable and the three- to five-year schedule of evaluation is insufficient; as we've seen, a lot can change in a few years. With the floor price, the City will be creating a set stream of revenue for itself, while the landmark owners have no such guarantee. It's not right and it's not fair.

Once the assessment is collected, the proposal should provide better guidance is how it is to be used, to ensure that it truly benefits the Midtown East community. A list of non-transit public realm improvements should be memorialized within the zoning text; and it should be clear the improvements go beyond standard upgrades, such as left turn lanes, that DOT typically funds in other neighborhoods across the City. The list of MTA improvements is extensive, and as two-thirds of them are outside of the rezoning area, one could conclude that the MTA could add to list indefinitely, using all of the funds before any above ground work is undertaken.

This plan will bring substantial new development to Midtown East. It has been successful in creating certainty for developers, and has surpassed its predecessor in what it gives the public, but that job is not complete. Thank you for the opportunity to express The Landmarks Conservancy's views.



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Gale A. Brewer, Borough President

June 20, 2017

**Testimony of Manhattan Borough President Gale A. Brewer
to the City Council Subcommittee on Zoning and Franchises
LU 692 – Greater East Midtown**

Good morning Chair Richards and members of the Subcommittee on Zoning and Franchises. I am Manhattan Borough President Gale A. Brewer and I am here in support of the New York City Department of City Planning (“DCP”) Greater East Midtown zoning changes, as modified by the A-text and approved by the City Planning Commission (“CPC”). I want to thank the CPC, Council Member Daniel Garodnick, and the Interagency Task Force convened by Deputy Mayor Alicia Glen for all their hard work to bring us to this point.

DCP’s proposal is based off the work of the East Midtown Steering Committee, which was chaired by Council Member Garodnick and me, and comprised of representatives of Community Boards 5 and 6, property owners and businesses, landmark groups and unions. The recommendations of the Steering Committee were the result of over twenty meetings and almost a year of work.

While coming up with a solid framework for East Midtown, the Steering Committee did not resolve all of the difficult questions it faced. Similarly, while DCP’s proposal takes important steps to balance the area’s commercial needs with historic preservation, transportation infrastructure, and public realm improvements, there are still changes we must make to ensure that the proposal is as good as it can be.

In my recommendation, I highlighted the dire need for high-quality, above-grade public space in East Midtown. While I recognize the difficulty of creating new spaces in such a built-up area, I must reiterate that we should do all we can to address this key consideration of the Steering Committee report. I believe the proposal must include language that makes the provision of indoor or outdoor public space a requirement, not an option. City Planning committed to study such a requirement for Qualifying Sites of 40,000 square feet or more. This requirement for the creation of new public space should be included in the final text.

In order to properly address the above-grade public realm issue, there also needs to be assurance that the proposed improvements will actually happen. Unlike the pre-identified below-grade transit improvements, the above-ground improvements will not be written into the zoning text. Thus, it is crucial to have upfront funding and preemptive outreach to the community, and I am looking forward to immediately begin work on some public realm improvements which DCP has committed to pursue: (1) East 53rd Street Corridor Improvements with seating and plantings along this street; (2) the designation and upgrading of Pershing Square East as a pedestrian plaza;

- (3) the piloting of a shared street selected with input from stakeholders and the relevant BID; and
- (4) the improvement of vehicular patterns on Park Avenue with subsequent engagement with stakeholders to determine the feasibility of pedestrian improvements as well.

The eastern Third Avenue boundary remains a controversial issue. I walked this area and spent a lot of time on the concerns of residents east of Third Avenue, and it is clear that there is a significant presence of residential buildings on this corridor, and that Third Avenue functions to some extent as a buffer to more residential areas to the east. I again call for the removal, at a minimum, of all existing residential buildings on the east side of Third Avenue from the rezoning boundaries. This should reduce or eliminate displacement of residents without interfering with the broader goals of the rezoning.

With regard to the Public Realm Improvement Fund, I continue to believe that a mechanism like a set minimum valuation and contribution rate for the transfer of development rights is a sensible solution for transparency and predictability concerns. However, the current minimum valuation of \$393 per square foot has been consistently criticized as too high, and it also continues to give us doubts. In the spirit of establishing the minimum contribution rate as a *minimum* so as to not impede development, it seems prudent to err on the side of a lower number.

As for the potential of residential conversions, DCP made it clear to me that a significant increase in conversions would conflict with the goals of the rezoning, but that a text amendment can be enacted to quickly stop such conversions. Thus, the City should monitor such possibilities and report on the prevalence of conversions to the community and local elected officials on a frequent basis. DCP has only agreed to report to my office and the City Council every five years, which is completely inadequate. I ask that the Council require an annual report instead.

The CPC has made certain welcome changes to structure of the Public Realm Improvement Fund Governing Group at our urging, such as the addition of a citywide civic organization, and the prioritization of above-grade improvements. However, there is still the need for more clarification in order to ensure that the Governing Group is empowered to carry through and deliver on promised public improvements.

Finally, there is more work to do as well on the issue of height and setback. In an area with such a dearth of public open space, light and air becomes ever more important. Height and setback rules should be carefully examined and adjusted so that we might achieve higher density without sacrificing the quality of life on our streets and within our buildings. Furthermore, I urge the City to continue working with Greenacre Park on all options to reduce shadow impacts on our precious public spaces.

Thank you for the opportunity to testify.



**Statement of
Grand Central Partnership
Before The
New York City Council
on
Greater East Midtown Rezoning**

June 20, 2017

For nearly three decades, the Grand Central Partnership has served a 70 square block area in Midtown Manhattan surrounding Grand Central Terminal. The proposal to rezone what is essentially the footprint of GCP is a dynamic comprehensive plan and an unprecedented step forward in helping to provide significant development and revitalization options for our commercial properties while simultaneously enhancing the mass transportation system so critical to the world's central business district.

We were pleased to have been a participant on the East Midtown Steering Committee as an advocate for not only our jurisdiction, but our entire city and we thank Council Member Garodnick and Borough President Brewer for giving us the opportunity to participate in this critical effort.

Needless to say, we fully support the Greater East Midtown Rezoning Plan and urge this Council to make it happen.

There are a handful of technical issues such as floor price, TDR values, and as of right development that we share, and leave today, because of time restrictions to the industry representatives to outline for your consideration.

In the time allotted, we will focus on the area in which we are most familiar and have extensive experience: Public Realm Improvements and want to share with this Council some important outstanding issues that impact our Midtown stakeholders.

We are pleased to see that transit related improvements are specifically listed in the proposed text and wholeheartedly support their inclusion, and any and all funding of these important projects.

There has been significant concern raised – and in some cases outright opposition expressed - by property owners and businesses impacted by proposed concepts such as full street closures and shared streets. We have spent the past few months facilitating meetings to provide the opportunity for city officials to hear directly from the stakeholders most directly impacted, a process that unfortunately did not take place prior to the release of the Concept Plan proposals.

We reiterate our position that it is crucial that any project plans be fully evaluated to help identify the negative impacts, and not just the potential benefits. Issues such as traffic congestion, access to businesses, freight elevators and loading docks, and most critically, first responder and emergency vehicle access must be evaluated as part of any review to close or partially close a street. While there is reference to these issues in the FEIS, they are referenced as criteria in the DESIGN phase of the public space, not as criteria to determine feasibility or appropriateness of the location itself. When stakeholders requested involvement in this process and were told that they would be involved, they meant in the identification of a site, not merely the design of it.

Further, our most recent discussions with City representatives have focused on creating language for the Concept Plan that will provide greater clarity and certainty in how these necessary considerations will be addressed. While we appreciate that effort, language has still not been presented to us, or to any of the stakeholders.

We enjoyed our recent walk through on East 53rd Street with Borough President Brewer and Councilmember Garodnick, Administration officials and our BID neighbors to see how we can help facilitate the commitments made by the Mayor's Office to the Borough President and the Councilman for some immediate public realm enhancements. There are a few other ideas that with stakeholder discussions still underway, could lead to some additional improvements to the pedestrian experience and we will continue to work on those.

Our experience has proven that the only successful formula to creating new public space starts and ends from the ground up with the direct involvement, planning, and approval of all relevant stakeholders. They should be partners, not reactors.

So as this process continues, we hope the Council can help provide more certainty in the partnership that businesses and property owners can rely on as improvements are contemplated. And we wholeheartedly hope that this overall rezoning plan is adopted to solidify our neighborhood's position as the world's premier 21st century commercial district.

Thank you.

CATHOLIC COMMUNITY RELATIONS COUNCIL

80 Maiden Lane, 13th Floor, New York, New York 10038

**Testimony of Joseph Rosenberg, Executive Director
Catholic Community Relations Council
New York City Council Subcommittee of Zoning and Franchises
Greater East Midtown – L.U. No. 691 and 692
June 20, 2017**

Good afternoon. I am Joseph Rosenberg, Director of the Catholic Community Relations Council, testifying today on behalf of the Archdiocese of New York.

This rezoning is strongly supported and is essential for the revitalization of East Midtown. It would help preserve landmarked houses of worship by allowing their development rights to be transferred to other sites throughout the proposed district. Religious organizations do not generate revenues from their houses of worship, are ineligible to receive public funding, and face great challenges in maintaining the unique features of their landmarked properties. Funding available through this rezoning will therefore be invaluable to preserving St. Patrick's Cathedral for future generations. We strongly urge, however, that you eliminate the "floor price" for calculating the required public realm contribution from landmark owners. The contribution rate should instead be based on actual proceeds received by the landmark owner and should remain set at no more than the currently proposed 20%.

One of the strengths of this rezoning is its reliance on "as-of-right" development. The assumption in any development process is that market forces establish the price of the transaction. The proposed requirement that landmarks set aside a minimum amount of proceeds from each transfer – regardless of the sale price – alters the market and significantly reduces the value of any transaction for landmark owners who could wait for the market to catch up to the artificially established and inflated floor price. With landmark owners reluctant to undertake such transfers, there will be less development, less funding for landmark preservation, and less financing for public realm improvements.

Taxes on real estate transactions are based upon the actual consideration for the arms-length sales between willing sellers and buyers. To treat owners of landmarks in a different manner is illogical and counterproductive. There is no need for this minimum set-aside and this "floor price" element should be deleted from the rezoning.

A rationale voiced for a minimum floor price is that owners will circumvent reporting the consideration received from a transfer. This argument fails to recognize well-established reporting systems that determine transaction value. These include the transfer tax filing system at the Department of Finance, and for houses of worship, the need for the New York State Supreme Court to approve all real property sales, thereby assuring the accuracy of the reported sales consideration. Intro. 1631, sponsored by Council Member Garodnick, calls for a regular auditing process for transfers within East Midtown. If passed, it would complement the existing transaction value report systems and strengthen the argument for eliminating the minimum floor price.

This is an absolutely important rezoning proposal, but to ensure its success, we strongly urge the City Council to eliminate the floor price and maintain the contribution rate at no more than the currently proposed 20% of actual proceeds.



875 Third Avenue, Mezzanine * New York, NY 10022
212-813-0030 * www.EastMidtown.org

**Statement to the New York City Council
Subcommittee on Zoning and Franchises**

by Rob Byrnes, President

June 20, 2017

The East Midtown Partnership is a Business Improvement District covering all or part of 48 blocks of Midtown Manhattan and more than 28 million square feet of commercial space, including the northernmost section of the proposed East Midtown Subdistrict. It is imperative that this area continues to be the commercial center of New York City, but, to do so, the Greater East Midtown Rezoning Proposal must be approved to allow for the development of new Class A buildings better suited to meet the needs of today's businesses and technology.

As a member of the Steering Committee that helped set the parameters for the Greater East Midtown Rezoning Proposal, the East Midtown Partnership is grateful to the Department of City Planning, Manhattan Borough President Gale Brewer, and City Council Member Dan Garodnick for the opportunity to participate in this important effort. As the City Council prepares for final action on East Midtown Rezoning, we have three remaining areas of concern which we respectfully present for your consideration:

1. East Side of Third Avenue.

As we have stated repeatedly in the past, including throughout the Steering Committee process, we feel it is imperative that the east side of Third Avenue south of East 56th Street remain within the Subdistrict boundaries.

We appreciate and respect the concerns of some representatives from neighboring residential areas east of Third Avenue, who fear prospective redevelopment of these properties might further encroach on their communities. However, it is a fact that the east side of Third Avenue has uniformly housed high-rise commercial buildings – some containing well over one million square feet – for several decades.

We are also sympathetic to concerns about potential shadows cast by new development. However, even the Greenacre Park “worst case” scenario anticipates no impact on the park from the redevelopment of many blocks on the eastside of Third Avenue, where rezoning has been called into question. Moreover, new development could result in many new public spaces, bringing much needed light and air to the East Midtown community. It is overly simplistic to single out the Third Avenue corridor as problematic, when rezoning could result in many new benefits to the public realm.

It should also be noted that most of Third Avenue would have a maximum as-of-right FAR of 18, which – while greater than currently allowed – is far less than the maximums allowed along Park Avenue and closer to Grand Central Terminal. (The exceptions would be the buildings at 875 and 885 Third Avenue, which are connected to a series of subway entrances and platforms in dire need of improvement.)

We feel strongly that the impact of this Rezoning Proposal would be significantly weakened if commercial properties on the east side of Third Avenue were to be removed altogether.

2. Public Outreach on Public Realm Improvements

Although potential improvements to the above-ground public areas of the district are still largely on the drawing board and subject to further discussion, it is extremely important that stakeholders have input in the development stage. This is especially true of property and building owners, who may have very practical concerns unseen or unknowable to governmental representatives.

In general, we are sympathetic to and supportive of the efforts of Community Boards 5 and 6 to identify public realm improvements, given the lack of public space throughout the Subdistrict. However, we recognize that many future enhancements to the public realm will be subject to new development, which cannot be fully predicted in advance. In the meantime, the interests of immediately affected stakeholders when planning any public realm improvements must be given weight.

3. TDR Floor Prices

Finally, we believe there should be a greater reliance on market forces to determine floor prices for Transferrable Development Rights from landmarked properties. High prices that do not reflect the market will work against transactions, essentially thwarting one key element of the proposal.

Thank you for the opportunity to discuss this extremely important proposal. We look forward to the near future and a stronger, more vibrant East Midtown Manhattan.



Serving the Long Island and Queens LGBT Community

lgbtnetwork.org info@lgbtnetwork.org

631.665.2300

516.323.0011

April 3, 2017

Honorable Melinda Katz
Queens Borough President
120-55 Queens Boulevard
Kew Gardens, NY 11415

Re: 74-04 Northern Boulevard Rezoning (the "Rezoning")

Dear Borough President Katz:

I apologize that I was unable to attend your public hearing to be held on April 6th. I write in strong support of H&M LLC's proposal to rezone 74-04 Northern Boulevard (Block 1247, Lot 1) from a C8-1 zoning district to a C4-3 zoning district to facilitate the development of a new mixed use retail, community facility and office development containing approximately 91,000 square feet of floor area and 219 parking spaces. The Rezoning will support the development of prime office space, increase local jobs and enhance the overall quality of this portion of Northern Boulevard, on a site between 74th and 75th Street that has been historically underutilized.

Our LGBT Network will occupy approximately 5,000 square feet in the new building. The LGBT Network is an association of non-profit organizations working to serve the LGBT community of Queens and Long Island. Our organization is in need of this quality office space in Northwestern Queens to support our mission to provide a home and safe space for the LGBT community and to support our ongoing efforts to advocate for equality. The Rezoning proposal will stimulate economic development in this area and will also provide us with new quality office space with parking that is much-needed to further our mission and goals throughout the Queens community.

Therefore, I respectfully request that you approve this application.

Sincerely,

A handwritten signature in black ink, appearing to be "DK", with a long horizontal stroke extending to the right.

David Kilmnick, PhD
Chief Executive Officer
LGBT Network



Mayra DiRico, *President*
Howard Graf, *Vice President*
Henry Wan, *Treasurer*
Fran Biderman-Gross, *Associate Treasurer*
Nash Roe, *Secretary*
Richard Dzwlewicz, *Associate Secretary*
Albert F. Pennisi, *Immediate Past President*

Thomas J. Grech, *Executive Director*

January 11, 2017

Hon. Marisa Lago
City Planning Commission
120 Broadway
New York, New York 10271

Re: Rezoning of 74-04 Northern Boulevard, Queens

Dear Chairwoman Lago and Commissioners:

I respectfully submit this letter in support of H&M LLC's proposal to rezone (the Rezoning) 74-04 Northern Boulevard (Block 1247, Lot 1) from a C8-1 zoning district to a C4-3 zoning district to facilitate the development of a new mixed use retail, community facility and office development containing approximately 91,000 square feet of floor area and 219 parking spaces. The Rezoning proposal will stimulate economic development and bring new job growth through the proposed development of quality modern office space with parking that is greatly needed in this area of northwestern Queens.

The Rezoning will support the development of prime office space and increase local jobs that will improve and enhance the overall quality of our neighborhood along Northern Boulevard, one of the busiest commercial thoroughfares, on a Site between 74th and 75th Street that has been historically underutilized. Many businesses in Queens cannot find suitable office space and this project will bring this much-needed quality office space with parking to our borough. Further, this application will revitalize a site that has long been underutilized and provide an important economic anchor to this area of northwest Queens.

I believe that this an important project for Queens and I urge the Commission to look favorably on it.

Sincerely,

A handwritten signature in black ink, appearing to read 'Thomas J. Grech', written in a cursive style.

Thomas J. Grech, Executive Director

THE PENDING REZONING OF MIDTOWN EAST

Posted on [June 5, 2017](#) by [larrysicular](#)

Most readers will remember that a proposed rezoning of Midtown East failed under the Bloomberg administration. Mayor De Blasio formed a Midtown East Steering Committee to improve on the plan, which is based on a perceived need for tall, modern, office buildings, with large floor plates.

Are huge office towers really needed? The demand for this kind of additional space was not researched or critically examined, at least this information was not shared with the public. Furthermore, City Planning has not released graphic representations of the visual impacts of the new buildings. Tall office towers are already being developed around Ground Zero and in the Hudson Yards. In the latter, development of available sites is still incomplete, requiring ongoing subsidies from the city to pay for the #7 line extension and other needed infrastructure.

Midtown East is already very crowded, so the rezoning assumes that high rise development must be incentivized by allowing substantial additional density, specifically around Grand Central Station and generally, in an area bound roughly by 40th and 57th Streets and by Fifth and Third Avenues. The permitted floor area ratio (FAR) will roughly double, in some locations, from the current maximum of 15 x the lot size to 28-30.

The new tower under construction on Vanderbilt Avenue and directly across from Grand Central, is a prototype of the huge buildings that this rezoning will encourage (five blocks of Vanderbilt Avenue having already been rezoned).

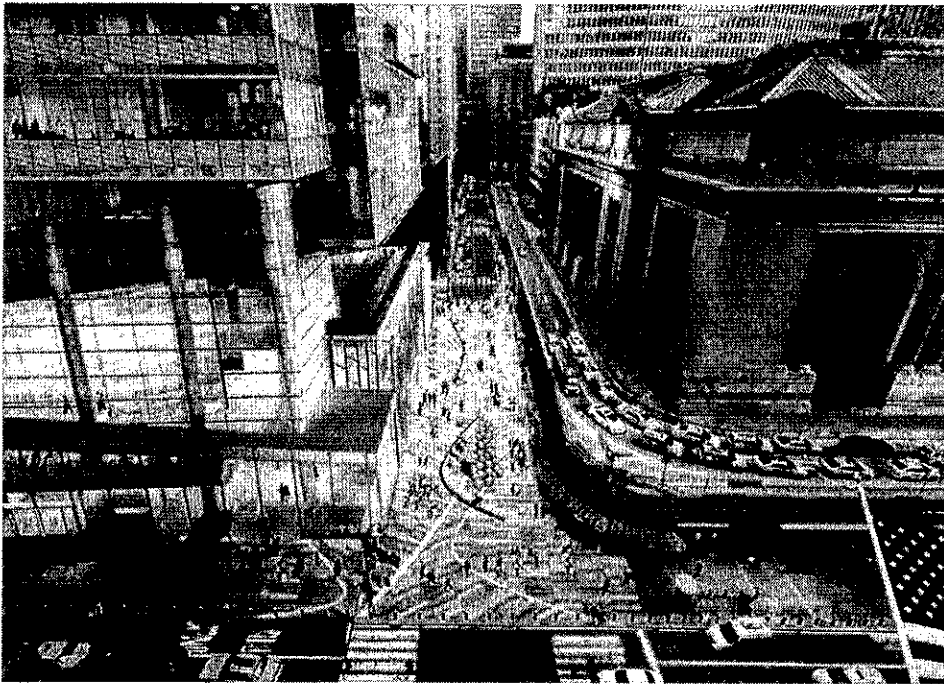


Photo credit: Kohn Pederson Fox Associates PC

Based on findings in the associated Environmental Impact Statement, the proposal presumes that increased density will necessitate improvements to subway stations, but also that additional trains will not be needed. This finding is surprising given constant crowding and delays in the transit system.

The Steering Committee, headed by Manhattan Borough President Gale Brewer and City Councilman Daniel Garodnick, and including the Landmarks Conservancy and other civic organizations, submitted their recommendations in a written report, which was sent to City Planning, as a guide to actual revision of the zoning ordinance. <http://manhattanbp.nyc.gov/downloads/pdf/East%20Midtown%20Report%2010-13-15.pdf>

The present proposal is favorable to historic buildings, allowing existing landmarks, and eleven new landmarks to sell unused development rights to developers, over a broader, midtown, geographic area. At present, transfer rights are strictly limited. Landmarks that will benefit from these changes include Grand Central, St. Patrick's, St. Bart's, Central Synagogue and Lever House. The transfer sales will be taxed, to help pay for related transit improvements. However, a number of the plan's provisions are flawed or in contradiction to the intent of the Committee's report.

The City Club, of which I am an active member, is taking a leading role in pointing out the weaknesses of the current plan. At the heart of its critique is the observation that the rezoning is neither based on clear research nor a comprehensive plan that accounts for transportation and open space. Following are a few specific criticisms and links to more detailed memoranda.

John West summarizes City Club's various objections at a City Planning public hearing. [E Mid Crit II - City Club](#)

— 2 —

6/20/2017

The pending rezoning of Midtown East | Sicular & Associates

The proposed plan significantly weakens existing light and air regulations. Michael Kwartler presents the long-term visual impact of the plan, using a section of Madison Avenue as an example. Here is a link to some of his work: <http://campaign.r20.constantcontact.com/render?m=1102513747083&ca=c0d4994b-1185-4c9d-a769-6ecbda6cde6>

Creation of new open space will require a special permit and is a lower priority than transferred development rights or subway station improvements.

Not only avenue, but also mid-block density will be substantially increased, permanently changing the character of existing and varied Midtown cross-streets.

Transit improvements are funded by developer payments in exchange for the increased density. These payments further increase the density developers will require for profitable buildings. Furthermore, this "zoning for dollars" is illegal and jeopardizes execution and enforcement of the plan. See Michael Gruen's explanation attached. [East Midtown is for People Too 5-12-17 \(1\)](#)

The rezoning proposal is now moving towards approval, with City Council hearings scheduled for June 20.

This entry was posted in [Commentary](#). Bookmark the [permalink](#).

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STATEMENT OF J.G. COLLINS
BEFORE THE
SUBCOMMITTEE ON ZONING AND FRANCHISES
OF THE
NEW YORK CITY COUNCIL

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RE: LU 0692-2017

Application No. N 170186 (A) ZRM submitted by the New York City Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the New York City Zoning Resolution, relating to Article XIII, Chapter 1 (Special Midtown District) to establish the East Midtown Sub-district, Borough of Manhattan, Community Board 5 and 6, Council District 4.

CONTACT

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(917)992-4303

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Incentive zoning,” or trading zoning variances in exchange for public amenities, was once aptly described as “sanctioned bribery, abiding a private sector that can ‘buy’ its way out of legal restrictions.¹”

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The transit improvements envisioned by the proposed zoning text amendment for Greater East Midtown are an excellent example.

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First, they bear no obvious relationship to the up-zoned lots they would permit. Unlike transit improvements at, say, Zeckendorf Towers or CitiCorp Center, they are not adjacent to -- or even near --the up-zoned buildings they would allow.

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Second, they are literally "one shot" payments. While zoning incentive for above-ground accoutrements, like plazas or atriums, require developers to pay for their maintenance, repair, or

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¹ Jerold S. Kayden, *Zoning for Dollars: New Rules for an Old Game? Comments on the Municipal Art Society and Nollan Cases*, 39 Wash. U. J. Urb. & Contemp. L. 3 at 7. (1991) Available at:

1 replacement over their lifetime, transit improvements, once paid for, carry no further costs.

2 If transit improvements are required to accommodate more commuters in East Midtown
3 because developers built larger buildings, then the developer who benefits from the larger
4 buildings - not taxpayers and straphangers -- should bear the costs of maintaining the related
5 transit improvement throughout the lifetime of the up-zoned property.
6

7 But if there is no demonstrable nexus between the up-zoned property and the related
8 remote transit improvement, then such improvements should not even be considered as zoning
9 incentives for East Midtown buildings. Instead, the DCP should simply abandon the charade and
10 acknowledge that the New York City zoning regulation is a "cash and carry" affair with zoning
11 variances up for grabs to the highest bidder.
12

13 The costs of the proposed East Midtown transit improvements can and should be borne
14 by the developer for the lifetime of their up-zoned property. They should be collected under
15 threat of a lien or by a certificate of occupancy that is contingent upon the prompt payment of the
16 costs of maintenance, repair and replacement of the related transit improvement.
17

18 Thank you.

19 Respectfully submitted,

20 J.G. Collins
21

22 NOTE: An op-ed on this matter by the commenter dated May 11, 2017, is available at
23 GothamGazette.com
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http://openscholarship.wustl.edu/law_urbanlaw/vol39/iss1/2 (Accessed 6 Mar 2017).

June 20, 2017

New York City Council public hearing
on proposed East Midtown rezoning

Testimony of:

Craig Whitaker
39 Fifth Avenue
New York, NY 10003

- This proposal seeks to add considerable floor area to East Midtown, which is already the densest, most heavily built area in the United States. To do this the proposal offers bonuses to office developers allowing them to increase their building square footage, in some cases doubling a building's size. But to do this means first emptying an existing building of tenants, demolishing the structure, and then rebuilding it at a new and larger scale. Imagine what a large firm with a twenty-year lease might ask an owner in return for leaving early. Imagine the reduced revenue stream as a building's lights slowly go out. City planning, to our knowledge, has not looked at the financial implications of their proposal.
- Successful new business districts around the world, whether they be Hudson Yards, Pudong in Shanghai, Canary Wharf in London or Battery Park City have all created mixed use environments, which include residences. By contrast, the character of Lower Manhattan, its nine-to-five image of offices only was in part an instrument of its decline. Its recent resurgence has been in part the reuse of obsolete office buildings as residential properties. This proposal discourages residential development, limiting it to 20% of any new project. The result if enacted will turn East Midtown into more of a mono-culture, less of a twenty-four hour community.
- We often say that need for light and air means the need for more parks and plazas. Yet, light and air is often simply having sunlight on streets and sidewalks. That sunlight is frequently the product of the buildings on the side streets, which are shorter than those on the avenues. The original 1916 zoning resolution recognized this benefit by mandating that bigger buildings be built on the avenues and shorter ones on the side streets. This proposal seeks to increase the allowable square footage on the mid-block streets. There is the prospect over time of putting East Midtown from Madison to Third Avenue in shadow. Increasing allowable square footage on the side streets was never discussed by the Task Force. It was added only after the proposal returned to City Planning.

TESTIMONY BEFORE NEW YORK CITY COUNCIL
SUBCOMMITTEE:

Chair ^{Richards}~~Denovan~~ and Members of the Subcommittee:

I am Deirdre Carson of Greenberg Traurig. We represent 1248

Associates, which is developing a new, 32-story hotel at 12-14 East 48th

Street, and will be adversely affected by the passage of the Greater East

Midtown zoning legislation before you. The proposed text will, for the

first time in 100 years of zoning in New York, make hotel use a non-

conforming use in midtown that may only be established by special

permit from the City Planning Commission.

We are here today to request that the Council amend proposed Section

81-621 of the text to provide that any hotel development that obtained its

complete building permits and had commenced construction prior to the

enactment date of the text will not be subject to the special permit

requirement, effectively vesting the right to build under the law as it

exists today.

My client's project has been in planning, development and construction

for more than three years. The site was acquired in 2014, and, among

other things, a demolition permit was obtained in June of 2015, an application for complete plans and permits was filed with the DOB in June of 2016, a full foundation permit was issued on January 30, 2017 and the balance of the permits are being issued as this testimony is being given. Material obligations have been incurred to third parties, including the hotel operator, a lender and the project's contractors. Foundations have been commenced, but are not expected to be complete until September.

In cases such as this, the City Planning Commission and City Council have on many occasions adopted special vesting rules to protect developers who have expended material resources in planning and starting to build, but who cannot ensure foundation completion by a zoning enactment date. These types of provisions may be found, for example, in ZR Sections 11-281 to 11-338 and Section 111-20(d)(4) of the Zoning Resolution. In some cases, the provision in question benefitted only one project.

While we and our client are confident that we will prevail, if forced to go to the BSA for an additional six months to complete the foundation of the new building pursuant to ZR 11-331, the financial damage that our client would needlessly suffer in doing so seems counter-productive and the delays that would result could place the client's contractual arrangements with its operator and lender in jeopardy.

We therefore ask the Council to amend the proposed text to add a provision to proposed Section 81-621 that would vest the right of developers of new hotel developments, who have approved plans and commenced construction prior to the date of enactment, to continue construction without interruption when the new text takes effect.

Thank you for this opportunity to comment.

Testimony on Greater East Midtown Rezoning

June 20, 2017

James Korein, Omnispective Management Corp.

Good Morning. My name is Jim Korein. My family and I own the Lever House, as well as two other Landmarks, 240 Central Park South and 608 5th Avenue.

We strongly support the Greater East Midtown Rezoning.

We have followed this process for years and have always fully agreed that East Midtown should be rezoned in preparation for the demands of the 21st Century. This preparation must encompass the roles of both new buildings and landmarked buildings that, together, represent the best of New York. By providing a broad, straightforward and manageable transfer of landmark development rights, we believe the rezoning will put landmark owners like us in a position to properly maintain and preserve landmarked properties in keeping with their historic significance.

In order to succeed, the rezoning needs to create significant demand for available development rights. We share the concern, expressed by Manhattan President Gale Brewer, REBNY and others, that the proposed floor price for transfers is too high for office buildings and will discourage development. The proposed minimum value for transfers should be reduced or eliminated in order to generate the healthy demand which will be necessary to achieve the stated goals of the rezoning.

We are committed to ensuring that Lever House remains an iconic building and an active part of a thriving and globally competitive East Midtown. We believe that a thoughtful implementation of the Greater East Midtown Rezoning will be beneficial to landmarks and their neighborhoods.

Thank you.

James Korein
Chief Executive Officer
Omnispective Management
jimkorein@omnispective.com
(212)499-0909

THE YALE CLUB NEW YORK CITY

I am Dev Gandhi, President of the Yale Club of New York City, which owns and occupies the building located at 50 Vanderbilt Avenue, between East 44th and 45th Streets.

Thank you Chair Richards, Council Member Garodnick and members of the Subcommittee for the opportunity to speak today about the Greater East Midtown rezoning proposal. While the Club generally supports the Greater East Midtown rezoning proposal, it is adamantly opposed to the implementation of the Shared Streets Program on Vanderbilt Avenue as proposed by the Department of Transportation in connection with the zoning proposal for Greater East Midtown.

The Club is the largest university club in the world. The 22-story Clubhouse includes 138 guest rooms, three restaurants, athletic facilities, and meeting and banquet rooms that can accommodate up to 350 guests. It employs more than 250 people and on any given day, over 1,000 people come in and out of the Club, including many elderly people and people with disabilities. The Club was designated a New York City Landmark on November 22, 2016.

The East Midtown Proposal provides for a Public Realm Improvement Fund, which would be funded by contributions generated by landmark development rights transfers and would facilitate improvements to the public realm in the area. The Proposal contemplates that the Fund would be administered by a Governing Group, which would adopt and maintain a Concept Plan containing a list of priority improvements. To inform the initial Concept Plan, a suite of conceptual public realm improvements has been prepared by the New York City Department of Transportation. One such improvement identified by DOT, without very little consultation with the Club or other stakeholders, is the implementation of its Shared Streets program along Vanderbilt Avenue, which would make pedestrians the primary users of the street, with vehicles allowed as “invited guests” subject to a

THE YALE CLUB NEW YORK CITY

speed limit of no more than 5 miles per hour. To date, despite the objections of property owners on the street, there has been no acknowledgement of our concerns by DOT or the City.

In a letter to Manhattan Borough President Gale Brewer, dated April 12, 2017, Deputy Mayor Alicia Glen announced the City's commitment to piloting a Shared Street on a street to be determined in the Greater East Midtown district.

While the details of the Shared Streets program are not included in the FEIS or DOT's presentation materials, applying it to Vanderbilt Avenue could essentially landlock the Club by severely limiting or precluding vehicular access to its only public entrance, which is located on Vanderbilt Avenue between 44th and 45th Streets. This could result in unacceptable increased response times for first responders and other emergency vehicles, which require immediate access with as few obstructions as possible. It could also make access to the Club very difficult for the Club's members, many of whom are seniors and people with disabilities.

Moreover, the Shared Streets program is largely untested in New York City, with the exception of one Shared Street in Jamaica, Queens, and entirely untested in Manhattan. The notion of pedestrians and cars sharing a street without curbs seems ill-advised on Vanderbilt Avenue given the traffic associated with Grand Central and businesses on Vanderbilt Avenue itself.

Although the Yale Club remains skeptical about the viability of the Shared Street concept on Vanderbilt Avenue, we appreciate the commitment set forth in the City Planning Commission report on the rezoning and the Final Environmental Impact Statement that the process for the implementation of any Shared Street proposal would involve extensive DOT stakeholder outreach and public review and that such proposal would consider, among other things, access, ADA accessibility, and emergency access. This is absolutely essential.

THE YALE CLUB NEW YORK CITY

We commend Council Member Garodnick, the City Planning Commission, Borough President, Community Boards and our elected officials for their hard work in connection with this thoughtful rezoning. Though the Club largely supports the proposal, it remains very concerned about the implementation of the Shared Streets concept on Vanderbilt Avenue. Any change to the street must insure proper vehicular access, safety for pedestrians, and vitality for the Club and other businesses on the block. We look forward to working with the City to find a reasonable alternative to this conceptual plan. Thank you.

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Urban Design and Planning
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June 20, 1017

Testimony to New York City Council, Subcommittee on Zoning and Franchises

Re: Applications N 170186 (A) ZRM and C 170187 ZMM (Greater East Midtown)

My name is Malcolm Kaye. I am a partner at Development Consulting Services. We are zoning consultants and our practice is exclusively devoted to New York City zoning. That's all we do, New York City zoning. My partner, Michael Parley, was a co-author of the Midtown Special District in the 1980's when he was a senior urban designer with the Department of City Planning. So, we know Midtown zoning.

The City Planning Commission has sent you a very far-sighted, fair and competent proposal, which balances the need to revitalize East Midtown as a business center with the interests of the community and Landmarked properties. I would like to congratulate City Planning on proposing an excellent set of regulations and I encourage you to adopt it.

My partners and I have analyzed numerous sites under the existing and proposed regulations. As a result, we understand very well how the proposed regulations impact actual potential development sites within the East Midtown sub-district. It is our opinion that the proposed regulations work extremely well.

There have been concerns that modifying the height and setback requirements will reduce the light and air in East Midtown. Midtown height and setback controls were

written in 1981 & 1982 to accommodate buildings with 15 to 18 FAR of floor area. It is absolutely necessary to update the height and setback requirements for East Midtown because the existing zoning envelope simply cannot accommodate 21 to 30 FAR buildings. The need to do this is exacerbated by the fact that the floor-to-floor heights required for Class A offices have increased over the past 35 years. We think that City Planning has done an admirable job of modifying the regulations to allow as-of-right development without sacrificing the public's access light and air.

I strongly encourage you to enact this outstanding proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Malcolm Kaye', followed by a period.

Malcolm Kaye
Partner
Development Consulting Services, Inc.



Testimony of Rahn Wade
Executive Board Member
Service Employees International Union Local 32BJ
Tuesday, June 20, 2017

Good morning, my name is Rahn Wade and I am here on behalf of SEIU 32BJ, the largest union of property service workers in the U.S., with 163,000 members nationwide, and 80,000 building service workers here in New York City. We believe the redevelopment of Greater East Midtown, if done responsibly, can help ensure the district remains a competitive commercial hub of New York City and, most importantly, a thriving district of high quality job creation.

There are currently over 9,000 cleaners and security officers who are 32BJ members working in commercial office buildings in East Midtown—800 of whom work in buildings that are slated to be redeveloped to create the 30 office buildings the city anticipates will be built over the next 20 years. Their union jobs have been a pathway to the middle class, providing them with family sustaining wages, health benefits, retirement and job security, and access to training for career advancement.

As East Midtown develops, we must maintain the industry standard that 32BJ members have fought for and set in East Midtown and across the city. The overwhelming majority of cleaners in the sub-district are earning the prevailing wage, which in effect makes the prevailing wage the standard of compensation for cleaners in the sub-district.

The rezoning also represents an opportunity to raise standards for security officers across the sub-district. Most security officers in East Midtown are lagging behind the industry standard for wages, benefits and training. In addition to preserving standards for cleaning jobs it is important to also raise standards for the women and men who keep buildings safe and secure.

Further, it is important that there are protections for existing workers. Buildings service workers, including the 800 32BJ members, are going to be impacted by buildings being sold and closed down to facilitate the process of redevelopment. We believe all stakeholders—employers, building owners, contractors and tenants— can work together with us to make sure there is a plan in place to relocate workers and adequately compensate and notify them of the changes to come. We have seen good examples of this—like with SL Green at One Vanderbilt and Pfizer as they relocate to Hudson Yards.

We also believe the plan should include both the east and west side of Third Avenue. Given the transit access, current commercial character and the economic feasibility of the development on the avenue, Third Avenue can be a key corridor of development in the sub-district and help advance the goals of the rezoning.

Finally, we urge the council and city to work with the real estate industry to establish a pricing mechanism for the air rights that both incentivize good development and provided the resources the community needs for necessary transit and neighborhood improvements.

With responsible redevelopment, East Midtown can continue to be a hub of good quality jobs as we seek to work together with developers, contractors, tenants, and employers on protecting existing building service workers. We seek to ensure the creation of good quality cleaning and security jobs as they develop post-rezoning.

Thank you.

June 20, 2017



**TESTIMONY OF THE NEW YORK BUILDING CONGRESS BEFORE THE NEW
YORK CITY COUNCIL, IN SUPPORT OF THE GREATER EAST MIDTOWN
REZONING**

The New York Building Congress is a membership coalition representing more than 500 constituent organizations and 250,000 tradespeople and professionals, including contractors, architects, engineers, unions, real estate managers, developers and owners, who comprise the New York building industry. Through its advocacy initiatives, industry research and networking events, the Building Congress serves as a forum through which leaders from across the building industry can collaborate to ensure the growth and success of New York and the building industry as a whole.

Consistent with its mission of building a better New York, the Building Congress strongly supports the City's Greater East Midtown zoning proposal. The proposed measure will generate thousands of jobs and economic opportunities for members of the building community and beyond.

The Greater East Midtown business district, or the 73-block area surrounding Grand Central Terminal, is a major job hub and one of the world's premier office districts. Its 600 million square feet of office space are home to more than a quarter of a million jobs and some of the city's most iconic office buildings. However, the neighborhood faces an urgent issue that threatens its premier status: its outdated office building stock. The current stock lacks the type of space and amenities that are desired by world-class tenants the area once attracted. Furthermore, the existing zoning framework prevents necessary improvements from being made.

Over the course of five years, in collaboration with various community stakeholders, the Department of City Planning (DCP) has formulated a plan to rezone East Midtown. The plan will incentivize the development of modern, sustainable, Class-A office space and reduce challenges for the redevelopment of outdated, overbuilt buildings. Without taking this proactive measure and implementing the proposed plan, the neighborhood will have failed to maximize on its full



potential. For this reason, the Building Congress urges the City Council to ensure the execution of DCP's rezoning plan.

In addition to updating the office building stock, the plan would offer more public spaces for residents to enjoy, as well as update the area's existing transit infrastructure. Other anticipated projects, including the Economic Development Corporation's (EDC) proposed East Midtown Waterfront Project, will supplement rezoning efforts by creating a 22-block esplanade to allow for a bikeway and walkway along the waterfront, providing residents with access to the East River.

The Building Congress will continue to encourage and actively promote the implementation of projects such as the proposed East Midtown Rezoning so as to ensure the stability and vitality of New York's thriving neighborhoods. On behalf of our constituent organizations and tradespeople who comprise New York's building industry, we hope the New York City Council will consider the advantages of the proposed plan and see that it is implemented.

Should you have any questions, or if any of our members can ever be of assistance, please do not hesitate to contact us.

Thank you for your time and continued support of our efforts to build a better New York.

Carlo A. Scissura, Esq.
President and CEO
New York Building Congress

**GREENACRE PARK'S TESTIMONY TO THE NEW YORK CITY COUNCIL
REGARDING THE PROPOSED GREATER EAST
MIDTOWN EAST REZONING PROPOSAL**

MY NAME IS LOIS CREMMINS. I AM THE EXECUTIVE DIRECTOR OF GREENACRE FOUNDATION. I WOULD LIKE TO THANK THE CITY COUNCIL FOR HOLDING THIS VERY IMPORTANT HEARING ON THE GREATER EAST MIDTOWN REZONING PROPOSAL AS PUT FORTH BY THE CITY OF NEW YORK. I AM HERE TODAY TO RAISE SERIOUS CONCERNS ABOUT SHADOW IMPACTS ON GREENACRE PARK.

ABBY ROCKEFELLER MAUZE CREATED GREENACRE FOUNDATION IN 1968 WITH THE INTENT TO BUILD A VEST POCKET PARK ON EAST 51ST STREET (BETWEEN 2ND AND 3RD AVENUE) AS A GIFT FOR THE CITIZENS OF NEW YORK CITY. ACCLAIMED LANDSCAPE ARCHITECTURE FIRM SASAKI ASSOCIATES PREPARED THE FINAL DESIGN AND THE FOUNDATION OPENED IT IN 1971. MRS. MAUZE GIFTED AN ENDOWMENT TO THE FOUNDATION TO ENSURE THAT THE PARK WOULD BE MAINTAINED AT A HIGH STANDARD IN PERPETUITY. THE PARK IS A VITAL COMMUNITY ASSET AND THE STATE HISTORIC PRESERVATION OFFICE HAS RECOGNIZED THE PARK AS ELIGIBLE FOR LISTING ON THE STATE AND NATIONAL REGISTERS OF HISTORIC PLACES.

THE PARK PROVIDES A SMALL BUT IMPORTANT GREEN SPACE FOR A COMMUNITY WITH A SCARCE AMOUNT OF PARKLAND. THE PARK SITS IN CITY COUNCIL DISTRICT 4. ACCORDING TO NEW YORKERS FOR PARKS' CITY COUNCIL DISTRICT 4 PROFILES, THE DISTRICT ONLY HAS 2 PERCENT OF ITS TOTAL ACREAGE DEDICATED TO PARKLAND THOUGH THE CITY AVERAGE IS 19 PERCENT. THE PROFILE FURTHER NOTES THAT DISTRICT 4 RANKS 49TH OUT OF 51 COUNCIL DISTRICTS FOR PARKS AND PLAYGROUNDS PER 1000 RESIDENTS.

ACCORDING TO RECENT SHADOW MODELS COMMISSIONED BY THE FOUNDATION, THE PROPOSED REZONING WILL RESULT IN SIX DEVELOPMENT SITES PLACING ADDITIONAL SHADE ON THE PARK AND THUS CAUSING SIGNIFICANT ADVERSE IMPACTS TO THE PARK IN THAT THE AFTERNOON SUN WILL VIRTUALLY BE ELIMINATED. THE CITY PLANNING COMMISSION IN THEIR FEIS COUNTERED THAT THE INCREMENTAL SHADOWS WOULD NOT HAVE A SIGNIFICANT ADVERSE IMPACT THAT WOULD REQUIRE MITIGATION.

GREENACRE FOUNDATION STRONGLY DISAGREES WITH THE COMMISSION'S CONCLUSION AND BELIEVES THAT THE CITY'S ANALYSIS IS FLAWED. THE CITY PREDICTS LOW HEIGHTS FOR THE SIX DEVELOPMENT SITES. THESE LOW

HEIGHTS ARE NOT REALISTIC. THE NUMBER ONE GOAL OF THE REZONING PROPOSAL IS TO INCENTIVIZE EXTRA HIGH BUILDING HEIGHTS NOT LIMIT THEM.

THANKFULLY, MANHATTAN COMMUNITY BOARD SIX, MANHATTAN BOROUGH PRESIDENT GALE BREWER AND COUNCILMAN DANIEL GARODNICK, THROUGH RESOLUTION AND/OR TESTIMONY HAVE CALLED FOR PROTECTION OF THE PARK WITH APPROPRIATE MITIGATION.

Manhattan Borough President Brewer

... there is the matter of potential shadow impacts to Greenacre Park, a truly exceptional piece of sunlight, greenery and air in an area that sorely needs high-quality public space. The DEIS concludes that the loss of 1.5 hours of afternoon sunlight would not be a significant adverse impact. However, I do consider it significant, especially given the park's small size, flourishing of vegetation, and potential shadow impacts from future development on Second Avenue. Thus, I urge the City to continue working with Greenacre Park to explore all options to avoid shadow impacts from new buildings.

Councilman Dan Garodnick

We must do everything we can to protect the few high-quality open-space resources that already exist in this open-space-starved area. Specifically, Greenacre Park, a beautiful vest-pocket park on East 53rd Street -- an unusually leafy and restful place of respite for local workers and residents -- is likely to see significant shadow impacts as a result of some of the buildings that will go up. This would hurt the park's ability to grow the foliage that is such an essential element of its appeal. As we work to create new public space in the area, it would be irresponsible to fail to protect the space that we already have. I urge the Commission to find a way to preserve this exceptional public resource".

Manhattan Community Board 6

The DEIS does not adequately address sustainability concerns...such as Greenacre Park would be undermined by shadow..."

RESPECTFULLY, WE ASK THE CITY COUNCIL TO SAVE THE PARK BY EITHER LIMITING THE HEIGHTS OF THE SIX DEVELOPMENT SITES IDENTIFIED IN THE

GREENACRE SHADOW STUDY OR CREATING A CERTIFICATION PROCESS THAT REQUIRES THE EVALUATION OF SHADOW IMPACTS AT THE TIME A DEVELOPER SUBMITS A NEW BUILDING APPLICATION.

THIS CERTIFICATION PROCESS WOULD APPLY TO DEVELOPERS WITHIN THE REZONED AREA SEEKING TO EXCEED THE BASE F.A.R. TO CONDUCT A SHADOW STUDY OF THEIR BUILDING'S IMPACT ON ALL PUBLIC PARKS, POPS GREATER THAN HALF AN ACRE (ABOUT 9) AND ALL PRIVATELY OWNED PUBLIC SPACES OTHER THAN POPS (GREENACRE PARK AND PALEY PARK). SINCE THIS IS THE FIRST REZONING THAT PROMOTES THE DEVELOPMENT OF VERY TALL BUILDINGS, PROTECTION OF PARKS AND OPEN SPACES FROM EXCESSIVE SHADOWS BY THE CITY COUNCIL IS PERFECTLY APPROPRIATE AND WELCOMED PUBLIC POLICY.

ATTACHMENT A TO THIS TESTIMONY PROVIDES SUGGESTED LANGUAGE OF A TEXT AMENDMENT BY THE CITY COUNCIL THAT WOULD CREATE THE CERTIFICATION PROCESS DESCRIBED ABOVE.

IN ONE OF HIS LAST LETTERS OF SUPPORT, THE LATE DAVID ROCKEFELLER WROTE THE FOLLOWING TO FORMER PLANNING DIRECTOR CARL WEISBROD:

Over the course of my life, I have been deeply involved in urban redevelopment projects. One of the principles that I always fought for was balance – bringing in the new without totally sacrificing the old. It seems to me this principal of balance could be applied to Greenacre Park so that a valued, beloved and essential open space within the existing city fabric would not be sacrificed as other important objectives are pursued.

ATTACHMENT A

Suggested Text Amendment

Create a certification process to evaluate the shadow impacts at the time a developer submits a new building application to the Department of Buildings.

The City Council inserts a brief text amendment that requires developers within the rezoned area seeking to exceed the base FAR (12 to 15 FAR) to conduct a shadow study of their building's impact on (1) all public parks, (2) POPs greater than half an acre (about 9) and (3) all privately owned public spaces other than POPs (Greenacre Park and Paley Park).

If impacts are more than 20 minutes per day, the study would evaluate possible mitigation to prevent incremental shadows. Then the developer submits the study to the relevant Community Board for a 45-day consideration. Once the study and 45-day comment period are complete, the Department of City Planning will certify the completion of the process and the Department of Buildings may issue permits for the new building.

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Michael Kwartler, FAIA
Principal

East Midtown Testimony: City Council Public Hearing 20 June 2017

I am Michael Kwartler, president of the Environmental Simulation Center and principal of Michael Kwartler and Associates, and am among those speaking today for the City Club.

By way of background I authored the City's first performance – based contextual zoning regulations – Housing Quality Zoning (“HQZ”) and co – authored, with the Department of City Planning, Midtown zoning's performance – based Height and Setback regulations adopted in 1982. The proposed East Midtown Subdistrict's Height and Setback regulations are the subject of my testimony.

The current Height and Setback regulations – Daylight Evaluation and Daylight Compensation and the proposed modifications are, admittedly complex and beyond a detailed discussion at a public hearing. A thorough analysis of the proposed modifications and visual simulations are included with my testimony. Instead, I will focus on the stated purpose of the proposed East Midtown Subdistrict and the ways in which the zoning text could be more supportive of DCP's vision.

The Department of City Planning's vision “... is that the Greater East Midtown area will remain one of the region's premier office districts by...incentivizing the development of modern sustainable, Class A office space.” (DCP website, January 2017). That said, the proposed modifications should insure DCP's vision of East Midtown as an office district, but appear to fall short of that goal. Second, we agree with DCP that as – of – right is the preferred method to achieve the vision using clearly drafted and unambiguous regulations, also falls short of this goal.

As – of – right has been the case for most new development in the Special Midtown District since its adoption in 1981 and has worked well for the last 36 years.

My specific concerns are focused on:

- The definition of Qualifying and Non – Qualifying Sites and the special permit to allow Non – Qualifying Sites to become Qualifying Sites, and
- The proposed modifications to the existing Daylight Evaluation and Daylight Compensation regulations.

The concept of Qualifying and Non – Qualifying Sites is designed to privilege large avenue/wide street fronting sites for large floor plate Class A office buildings. The current definition is too broad and should be limited to blockfront sites fronting wide streets and avenues. The proposed special permit to allow Non – Qualifying Sites to become Qualifying Sites should be eliminated to prevent the over densification of East Midtown's lower scale and density midblocks.

Height and Setback: Modifications for Qualifying Sites should be more nuanced and allow modifications only for office buildings. The overall and street frontage score in the case of Daylight Evaluation can be reduced to 66% from the current 75%, but the Profile Penalty Area must be retained to prevent the canyonization of East Midtown. Reducing the overall passing score to 66% will permit larger office floor plates on the office building's upper floors. The same would pertain to Daylight Compensation (see attached East Midtown visual simulations of office buildings complying with the proposed modifications).

The current daylighting standards and Profile Penalty Area should be applicable to mixed – use buildings as there is no need for large floor plates for residential and hotel uses in the upper floors of a mixed – use building. (see attached Vanderbilt Corridor visual simulations of buildings that comply with current Midtown Height and Setback regulations).

Thank you for the opportunity to speak.

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19 June 2017

Height and Setback and TDR: Proposed East Midtown Subdistrict

Background:

There are two equivalent sets of Height and Setback regulations that are specific to the Special Midtown District (East and West). They are Daylight Compensation and Daylight Evaluation. They are both performance based and do not have predetermined zoning envelopes, as in Contextual Zoning. Rather they are based on a continuing expectation of daylighting and openness based on 100 years of zoning regulations in Midtown, where one may expect to see sky above 70 degrees measured from the sidewalk. An extensive daylight analysis of streets in Midtown resulted in the Daylight Evaluation method's minimum (i) of at least 66% of the sky above 70 degrees being open on each building frontage, (ii) of on average 75% of the sky be open above 70 degrees for all of a development's street frontages, and (iii) a Profile Penalty Area limit the canyon effect of buildings rising shear, or almost shear, from their lot lines (eg. AT&T/Sony and One Vanderbilt). The Daylight Compensation method uses the same standard but with a different methodology. A development may elect to use either of them in complying with Midtown's Height and Setback regulations.

The Department of City Planning's ("DCP") vision "... is that the Greater East Midtown area will remain one of the region's premier office districts by... incentivizing the development of modern sustainable, Class A office space." (DCP website, January 2017). The recommendations to revise the proposed East Midtown Subdistrict Height and Setback and TDR regulations will insure that DCP's vision for East Midtown as an office district is fully realized. Second, we agree with DCP that as-of-right is the preferred method to achieve the vision using clearly drafted and unambiguous regulations. As-of-right has been the case for most new development in the Special Midtown District since its adoption in 1981.

Qualifying and Non-qualifying Sites (Definitions ZR 81-612)

It is our understanding that the concept of "qualifying" and "non-qualifying" sites is designed to privilege large avenue/wide street fronting sites as potential sites for large floor plate, Class A office buildings, and to the degree possible reserve those sites for office use by limiting the amount of residential use on qualifying sites to 20% of the permitted floor area.

- **Reserve Qualifying Sites for new Class A office buildings**

Recommendation: The definition of "qualifying" site should be amended to limit qualifying sites to full block fronts on avenues and 15.0 FAR zoning districts on both avenues and east/west wide streets. The **Special Permit to Modify**

Qualifying Site Provisions (ZR 81-685) should only apply to exclusively office buildings, the preferred use in the East Midtown Subdistrict.

- **Non-qualifying Site Special Permit**

Recommendation: The proposed special permit would allow non-qualifying sites to become qualifying sites and should be eliminated to prevent the over densification of East Midtown's midblocks. Further any portion of a qualifying site that extends into the midblock 12.0 FAR district should be considered a non-qualifying site and the split-lot rules should apply as would the current Height and Setback regulations. In no case should the relaxed Height and Setback rules and FAR for qualifying sites be applied to a 12.0 FAR midblock zoning district. The maximum FAR for the midblock zoning district should be capped at 17.8 FAR, a roughly 33% increase in FAR above the base 12.0 FAR. (**Special Floor Area Provisions for Other Sites ZR 81-65**).

Height and Setback: Daylight Evaluation and Daylight Compensation

There are two equivalent sets of Height and Setback regulations that are specific to Midtown (East and West). They are Daylight Compensation and Daylight Evaluation. They are both performance based and do not have predetermined zoning envelopes, as in Contextual Zoning. Rather they are based on a continuing expectation of daylighting and openness based on 100 years of zoning regulations in Midtown, where one may expect to see sky above 70 degrees measured from the sidewalk. An extensive daylight analysis of all streets in Midtown resulted in the Daylight Evaluation method's minimum (i) of at least 66% of the sky above 70 degrees being open on each building frontage, (ii) of on average 75% of the sky be open above 70 degrees for all of a development's street frontages, and (iii) a Profile Penalty Area limit the canyon effect of buildings rising shear, or almost shear, from their lot lines (e.g., At&T/Sony and One Vanderbilt). The Daylight Compensation method uses the same standard but with a different methodology. A development may elect to use either of them in complying with the Special Midtown District Height and Setback regulations.

- **Daylight Evaluation: Modifications for Qualifying Sites (ZR 81-633)**

Recommendation: In order to privilege the development of large floor plate Class A office buildings on qualifying sites, the current Daylight Evaluation street frontage score and overall score be reduced from 75% to 66%, and the Profile Penalty Area be must be retained and unmodified to prevent the canyonization of East Midtown. Reducing the overall passing score to 66% will permit larger office floor plates on the building's upper floors.

For mixed-use buildings (office and residential, office/hotel, and office/residential/hotel) the current Daylight Evaluation standards of 66% and 75%, inclusive of the Profile Penalty Area, should remain unchanged as there is no need for large floor plates for residential and/or hotel uses in a mixed-use building. Mixed-use buildings should have no difficulty complying.

- **Daylight Compensation: Modifications for Qualifying Sites (ZR 81- 662)**

Recommendation: The same nuanced approach, privileging large floor plate office buildings over mixed-use buildings (office/residential/hotel) would permit, on qualifying sites, the encroachment and compensating recess to be at the same level beginning at 700 ft. rather than 400 ft. to permit larger office floors at the upper floors of the office building. Mixed-use buildings can meet the current regulations, that the compensating recess begin at the lowest level of the encroachment, as large deep floors are not required for residential or hotel use.

Compensating recesses must be provided along narrow streets below 150ft. and the maximum street wall height should remain 90ft for the 12.0 FAR midblock districts

The Length and Height rules are the equivalent of Daylight Evaluation's Profile Penalty Area and should be retained as per the current regulations for mixed-use buildings. To permit larger floors in an office building, the Length and Height rules can be relaxed, but not to the degree proposed by DCP.

TDR Special Permit for Non-Qualifying Sites in the Special Midtown District (ZR 81-653 / TDR from Landmarks ZR 74-79)

Non-Qualifying sites are eligible for TDRs from any landmark in East Midtown as per the expanded definition of "adjacent lot." Non-qualifying receiving lots are permitted up to 2.4 FAR for 12.0 FAR midblock zoning districts, but no FAR limit for receiving lots fronting on wide streets in 15.0 FAR districts. (Special Floor Area Provisions for All Other Sites ZR 81-65)

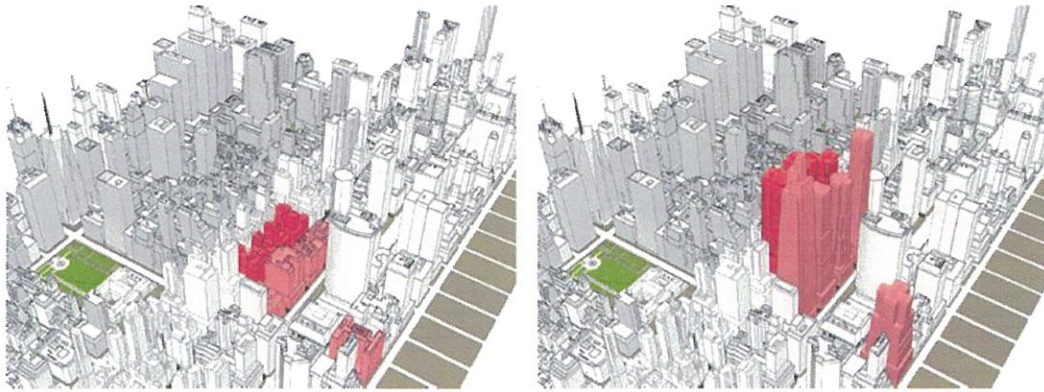
There are virtually no substantive criteria in the current text for the Planning Commission to use to evaluate modifications to the Special Midtown District's Height and Setback regulations on either wide or narrow streets or midblock interior and through lots. The issue of vague criteria was apparent in the One Vanderbilt special permit where the applicant demonstrated that One Vanderbilt scored *a negative 62% versus a positive 75% score* under current Daylight Evaluation rules but was not required to compare it with a complying building rendering the exercise meaningless.

- **Recommendation:** The TDR special permit should require the applicant to compare daylighting performance of the proposed building with a complying building and a written report with calculations explaining why the requested Height and Setback modifications are the minimum necessary, similar to the Board of Standards and Appeals ("BSA") variance findings.
- **Recommendation:** Allow the maximum 2.4 FAR TDR for midblock non-qualifying receiving lots to be by certification similar to that for qualifying sites. All receiving non-qualifying sites on wide streets in 15.0 FAR districts should have an FAR cap and not be unlimited. The minimum Daylight Evaluation score should be 66% for each street frontage and total score for the building, inclusive

of the Profile Penalty Area which should remain as per the current Height and Setback regulations, to limit the canyonization of East Midtown's streets.

The Daylight Compensation method would be applicable as modified in the previous sections for mixed-use buildings sites including sites in the Vanderbilt Corridor (**ZR 81- 63 through AR 81-634**)

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Proposed Modifications to the Height and Setback Daylighting Regulations for East Midtown

The Department of City Planning has proposed modifications to the Height and Setback regulations for East Midtown that dramatically lower the constraints (e.g., passing daylighting score) for new developments. Under the proposed modifications buildings will be permitted to rise almost straight up from the street, eliminating all setbacks as was done with One Vanderbilt Avenue, significantly reducing the amount of daylight in East Midtown. This is directly contrary to the daylighting regulations of the 1982 Special Midtown District, which defined the amount of daylight that buildings must allow on the street.

The daylighting standard is based on a daylight analysis of all streets in Midtown representing a daylighting expectation created by almost 70 years of zoning since 1916, which determined the passing Daylight Evaluation score of 75% of the sky left open on average for all street frontages inclusive of the profile penalty area and a minimum 66% daylighting score for any street frontage. The proposed modifications eliminated the profile penalty area which mitigated the canyon effect, lower the overall passing daylight score from 75% to 66% of the sky left open, and eliminated the minimum daylight score. Under the current rules One Vanderbilt Avenue scores a **negative 62%**! Under the proposed rules, its score is **positive 20%**, still a far cry from the original daylighting standard of 75% which has served Midtown well for the last 35 years.

The 3D images which follow are based on the proposed Height and Setback Daylight Evaluation modifications focusing on the DEIS's "projected" office building sites identified along Madison Avenue and include 3D models created by the Environmental Simulation Center of projected office development in the Vanderbilt Corridor adjacent to Grand Central Terminal ("GCT"). The projected office building sites are modelled at the maximum 26.0 FAR and are based on the recently approved One Vanderbilt Avenue building which maximized floor plate size and views.

[Please click here for the East Midtown Rezoning PowerPoint slideshow](#)

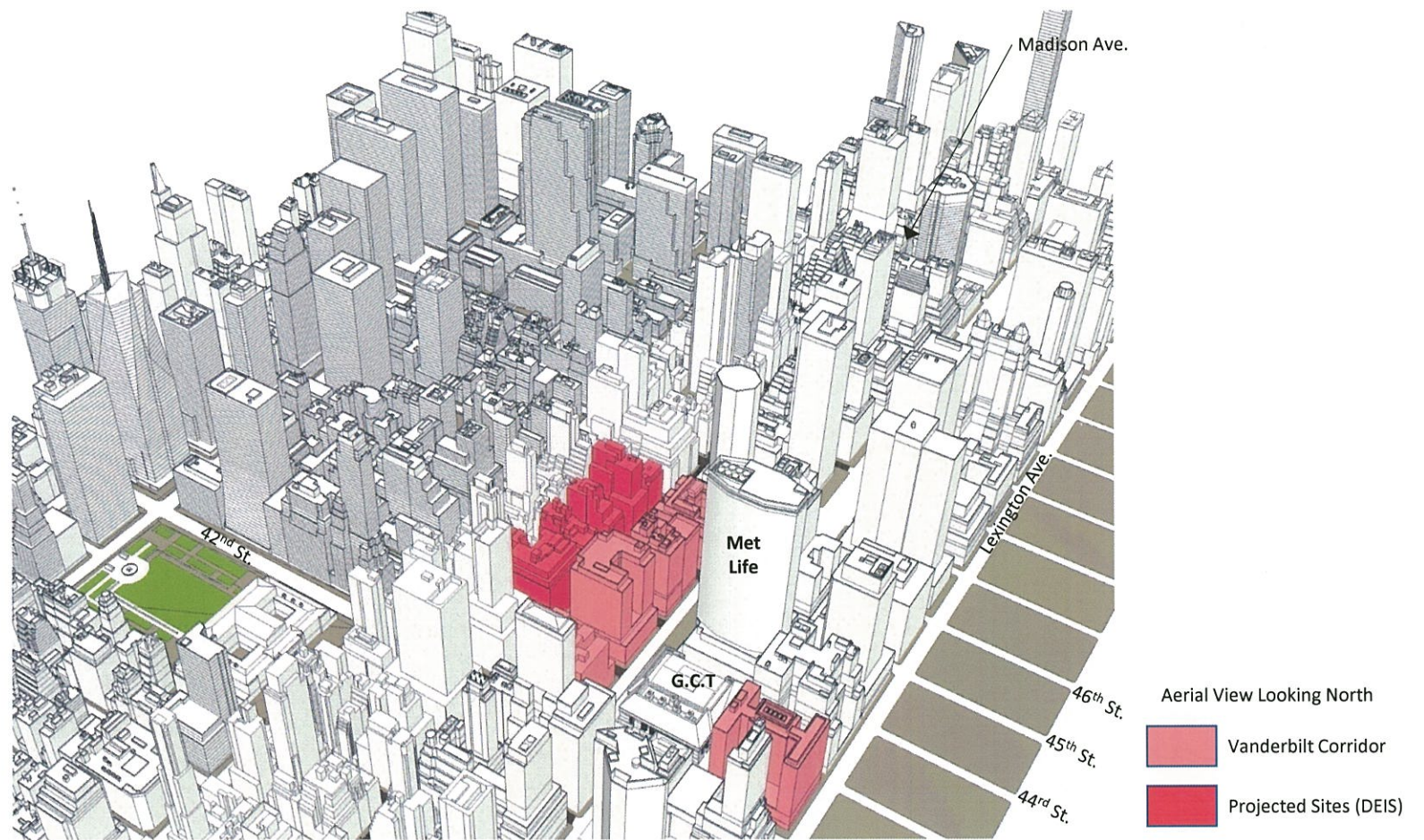
[Please click here for "Proposed East Midtown Rezoning: Observations and Recommendations"](#)

[Please click here for Michael Kwartler's article "Daylight as a Zoning Device for Midtown" on the origins of Midtown Zoning's Height and Setback regulations.](#)

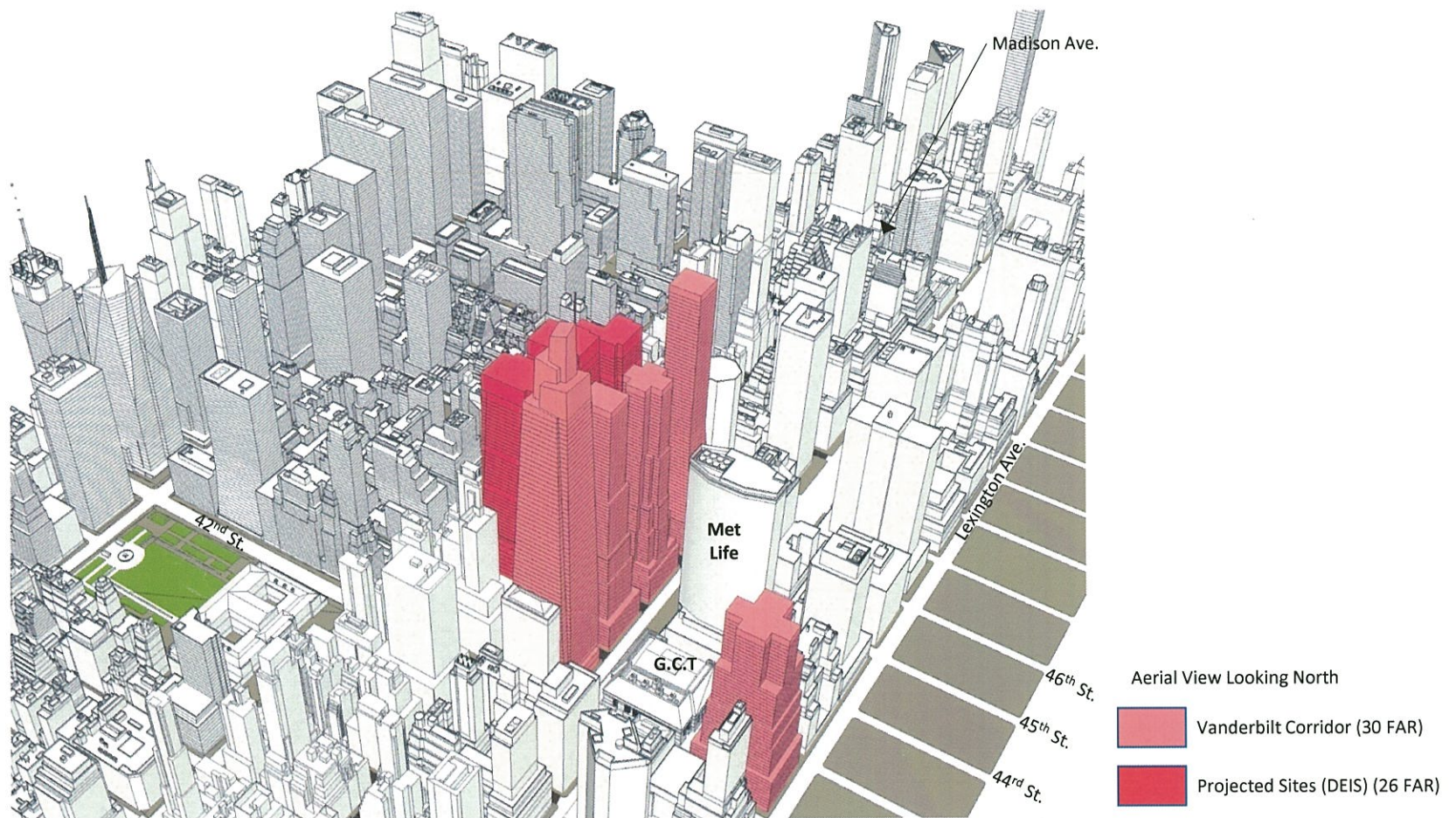
[Please click here for the Vanderbilt Corridor Newsletter and PowerPoint slideshow](#)



**Proposed Modifications to the Height and Setback Daylighting Modifications for East Midtown:
Eye Level Visual Simulations along Madison Avenue of "Projected Sites" and Potential Development in the Vanderbilt Corridor**

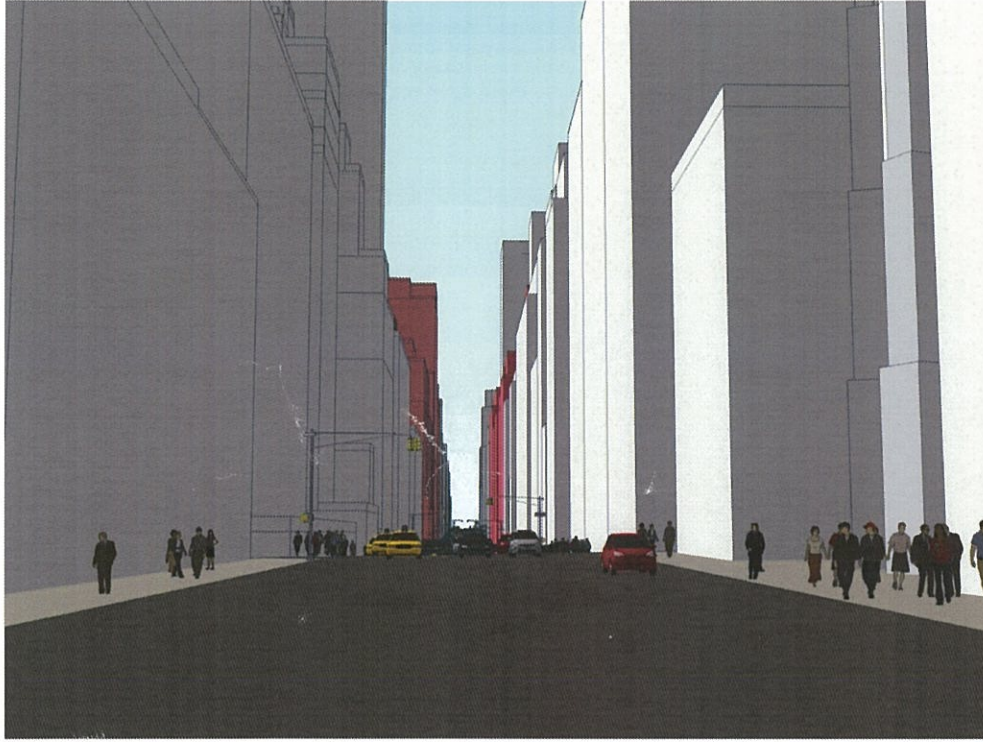


Existing conditions without One Vanderbilt Avenue

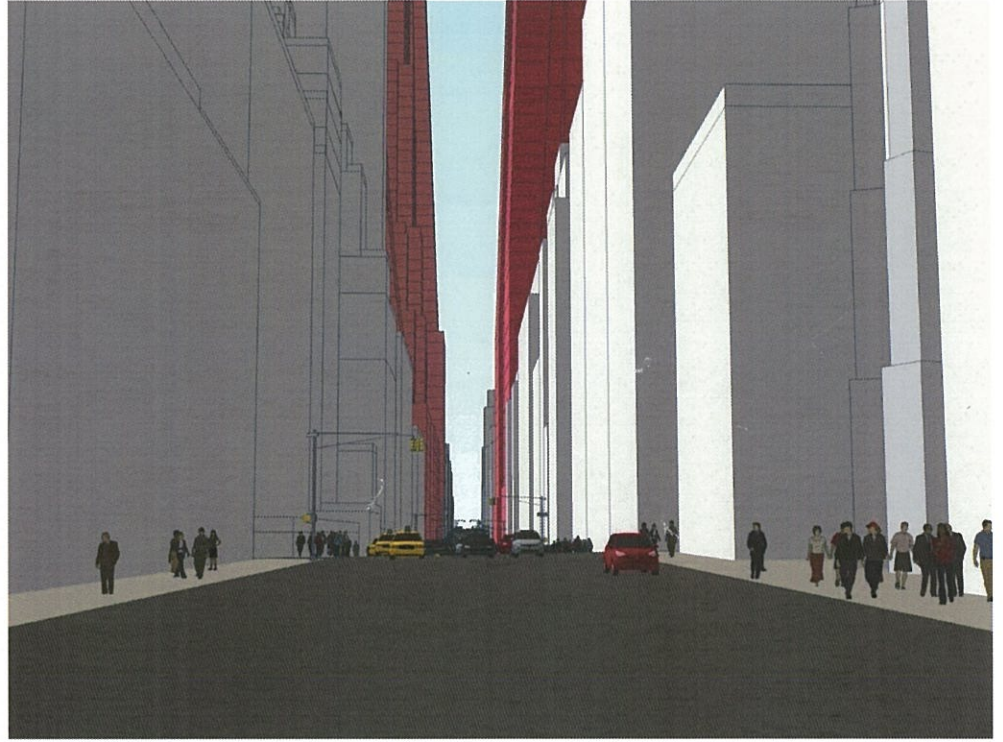


"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building)
 Proposed Daylight Evaluation w/out Profile Penalty and 66% v 75% passing daylight score

Views Looking South Along
Madison Avenue
with Buildout of “Projected Sites”
& Vanderbilt Corridor Sites



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

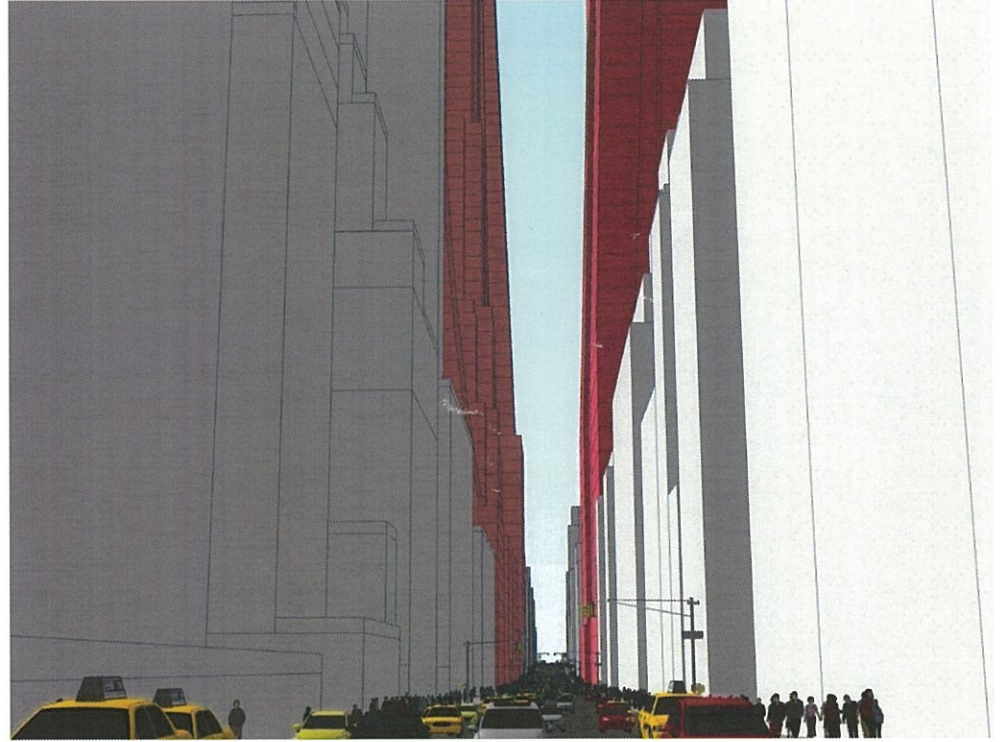
Madison Avenue & E. 51st Street
Looking South

Vanderbilt Corridor (30 FAR)
 Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



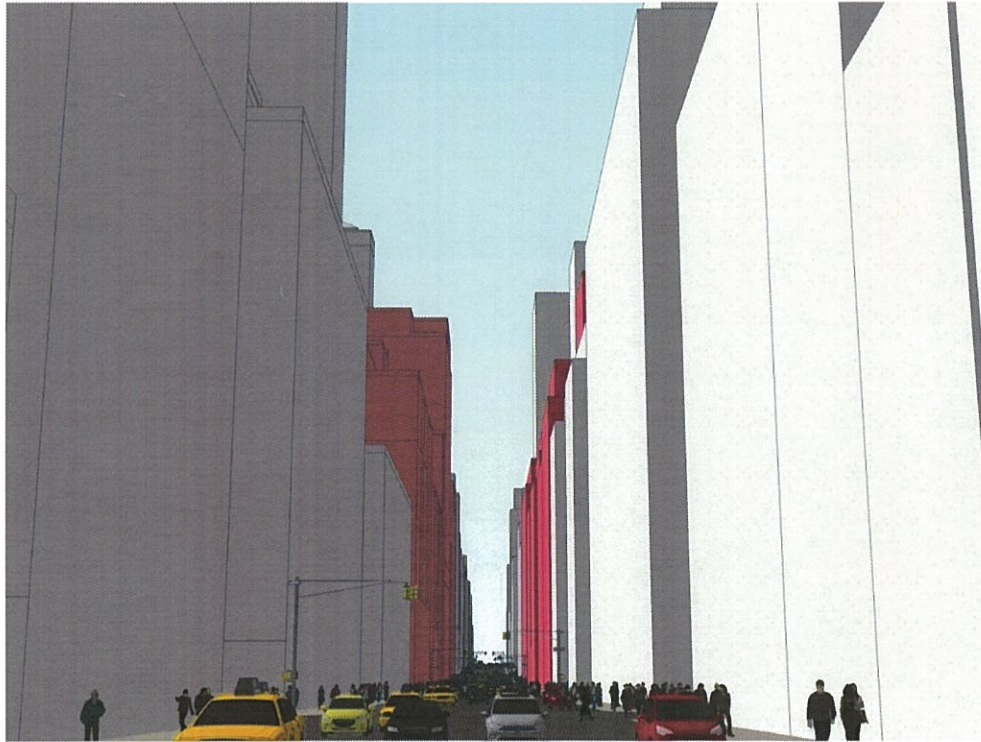
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

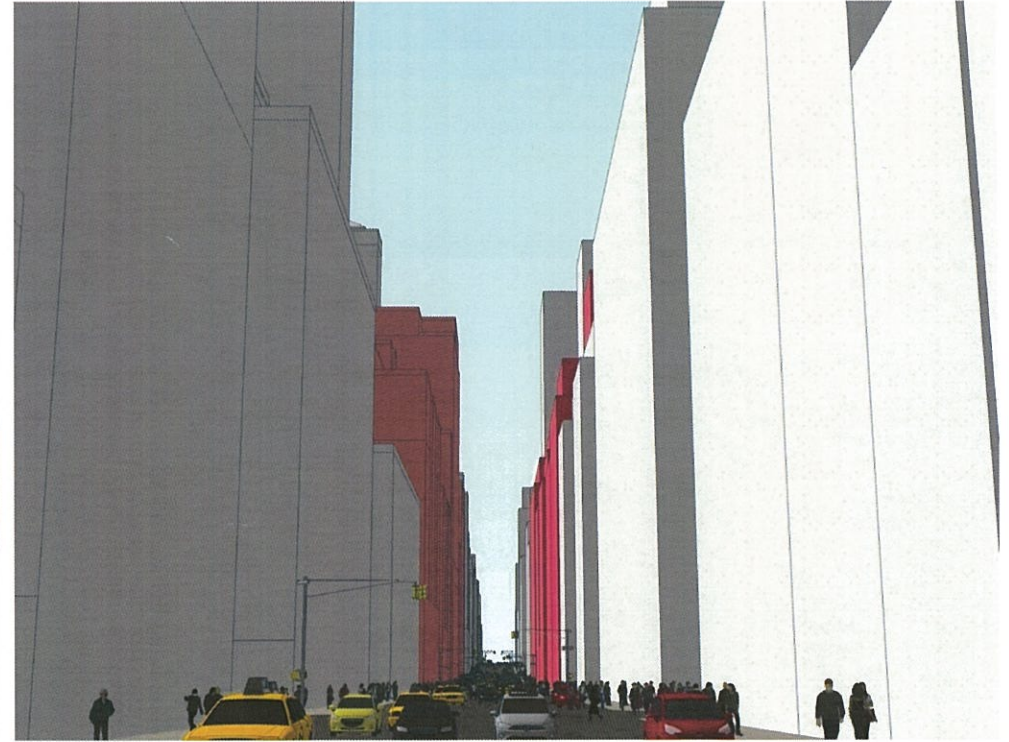
Madison Avenue & E. 50th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



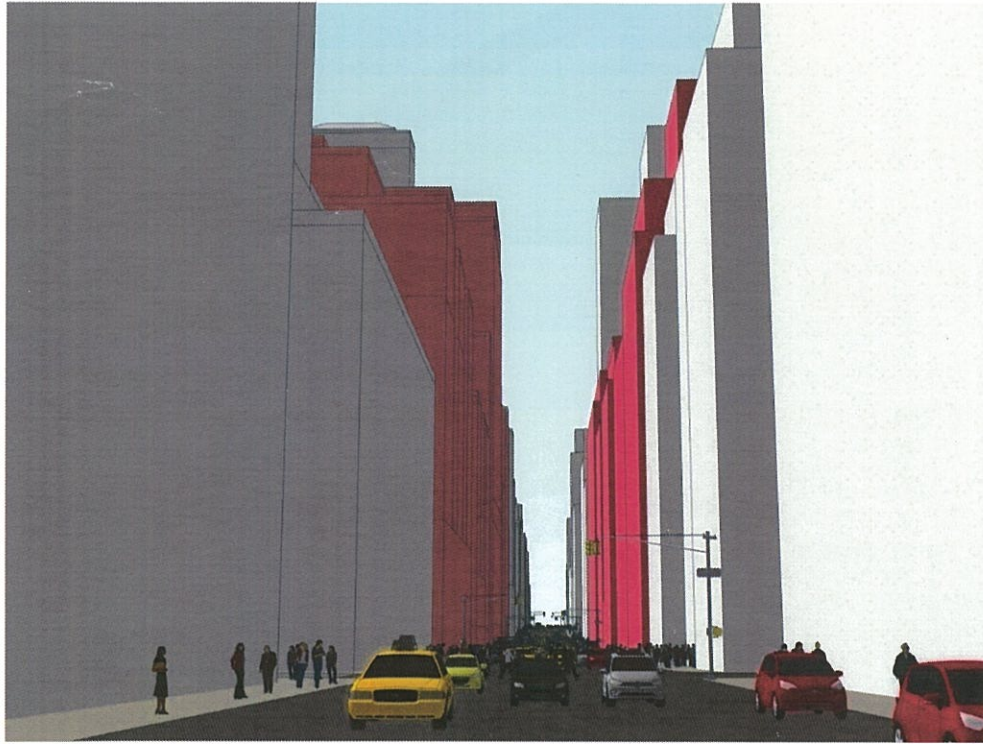
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

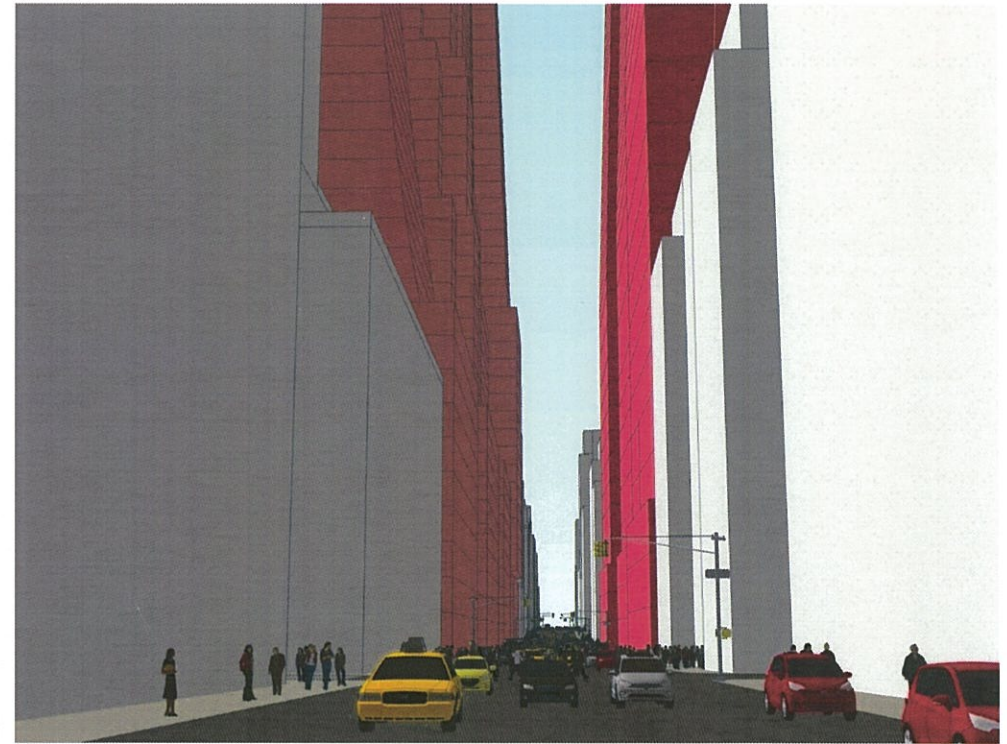
Madison Avenue & E.49th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



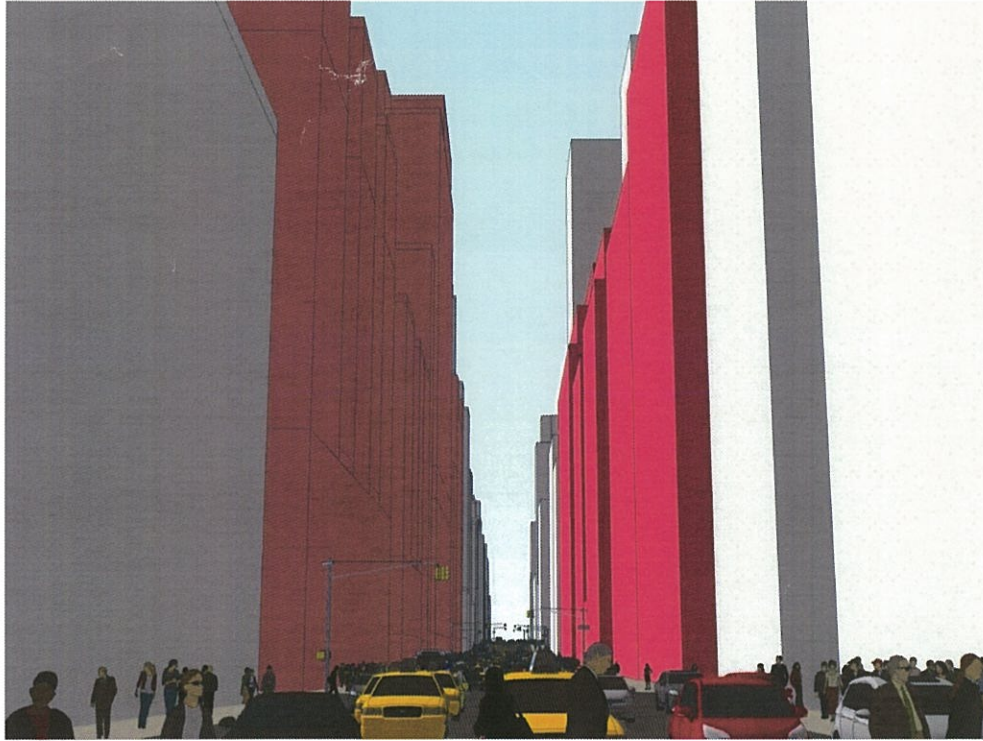
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

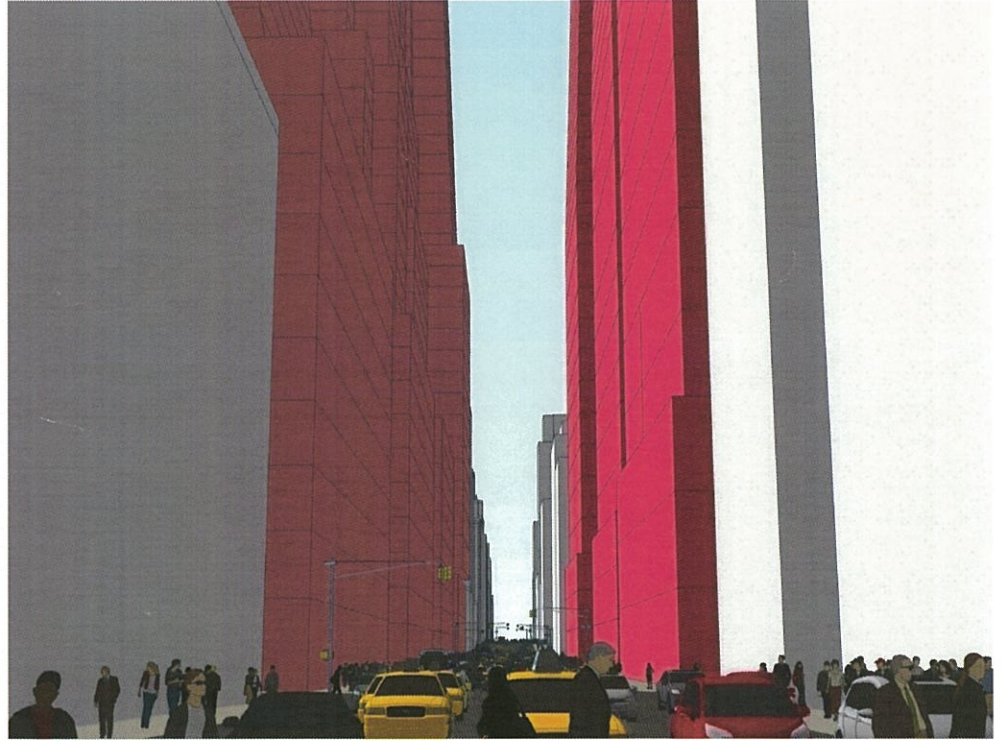
Madison Avenue & E.48th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



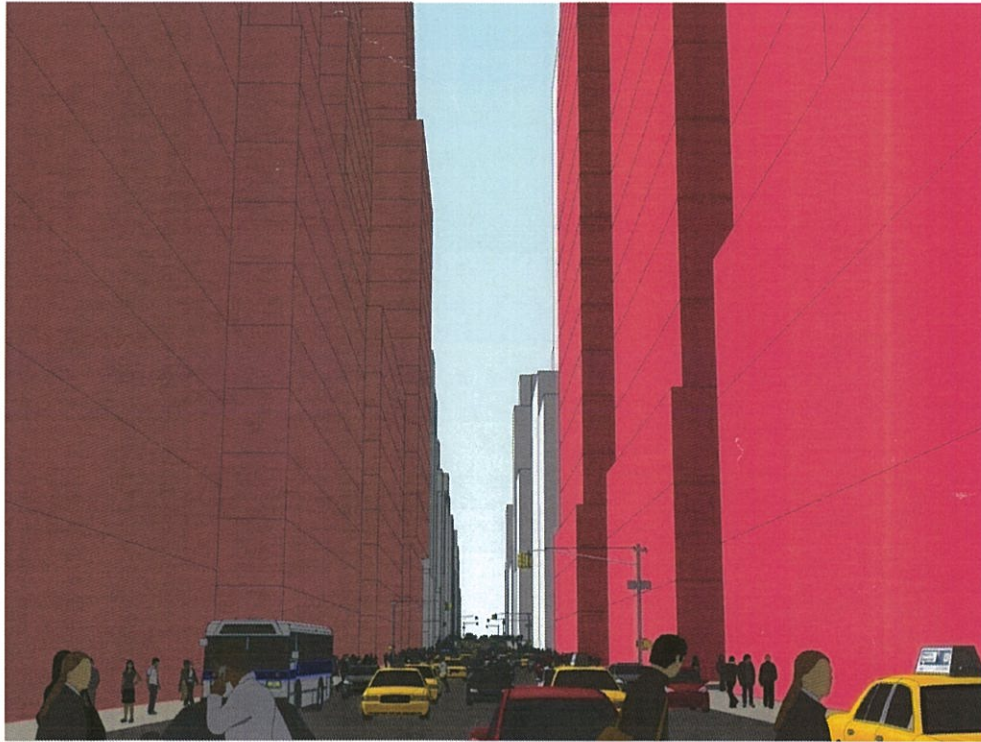
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

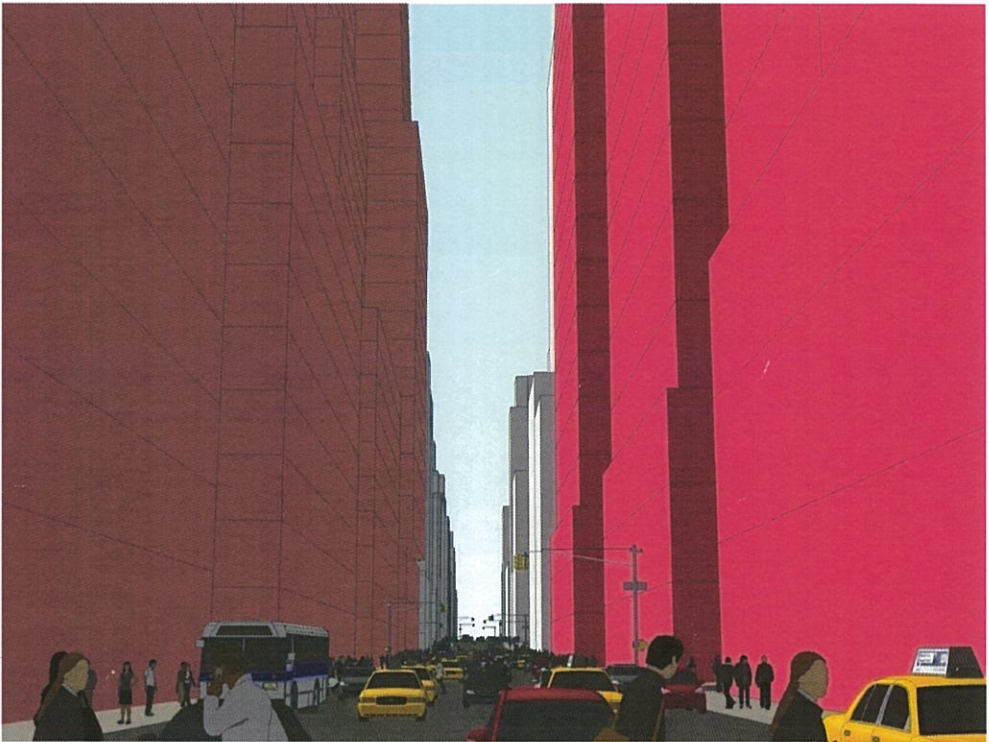
Madison Avenue & E. 47th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



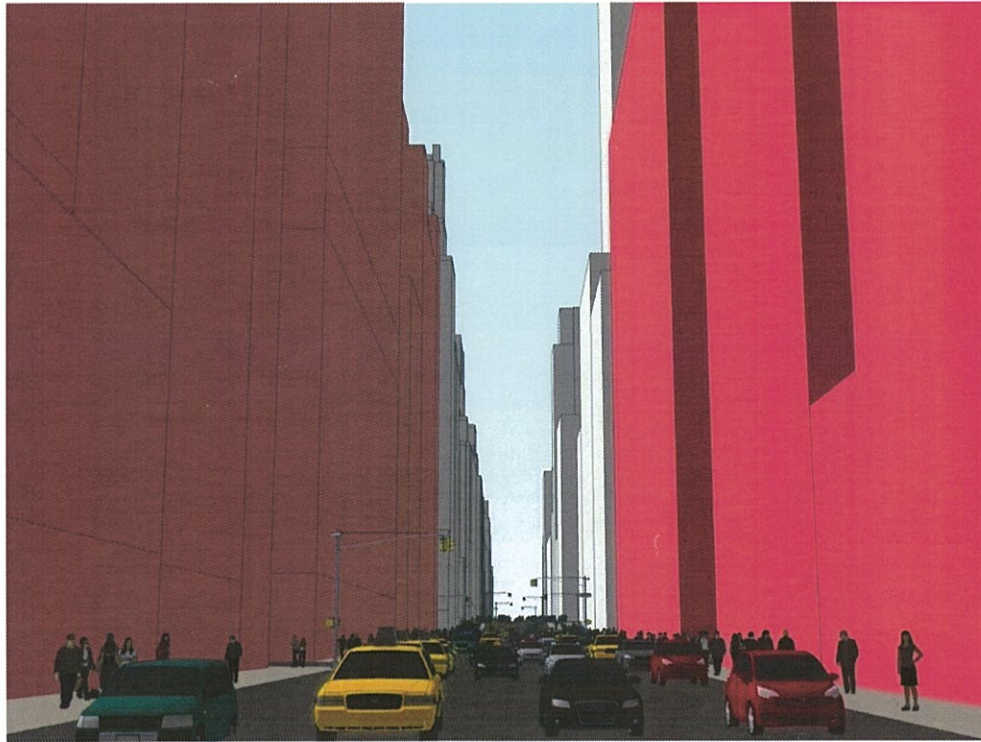
Existing conditions without One Vanderbilt Avenue



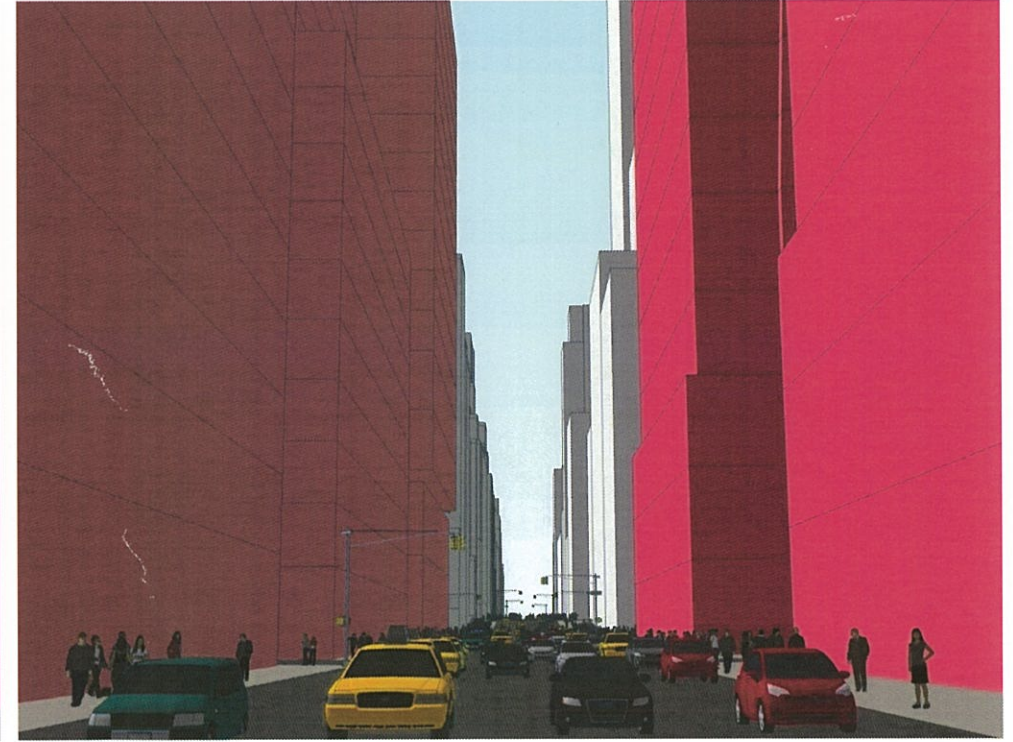
“Projected Sites” (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score
 Madison Avenue & E.46th Street
 Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



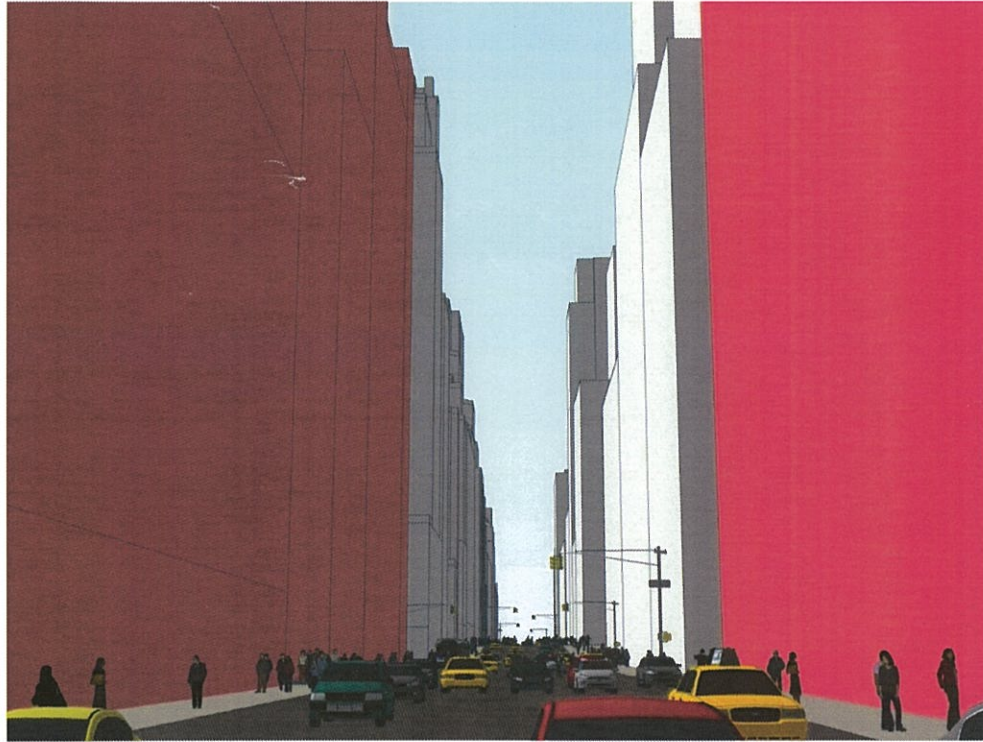
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

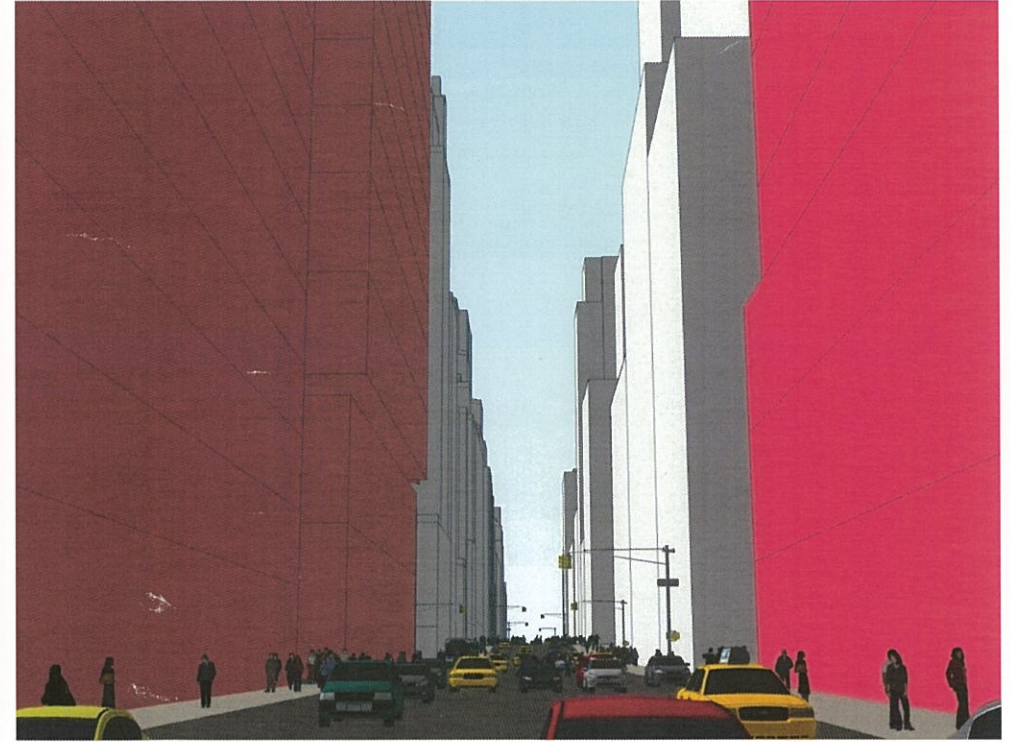
Madison Avenue & E.45th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

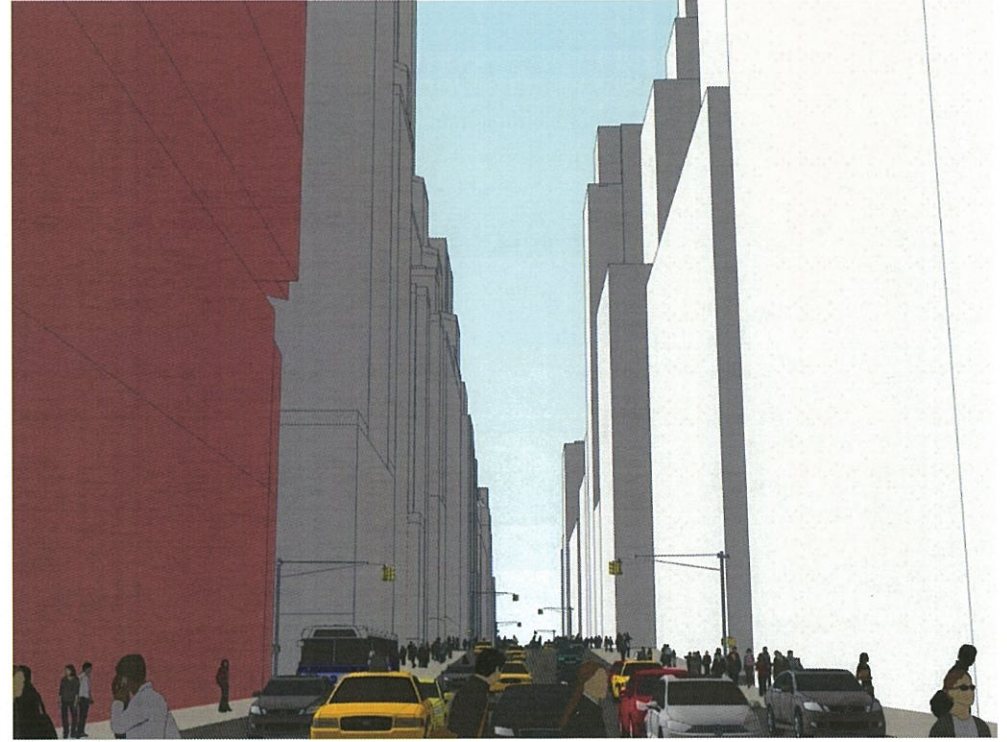
Madison Avenue & E. 44th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.43rd Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.42nd Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

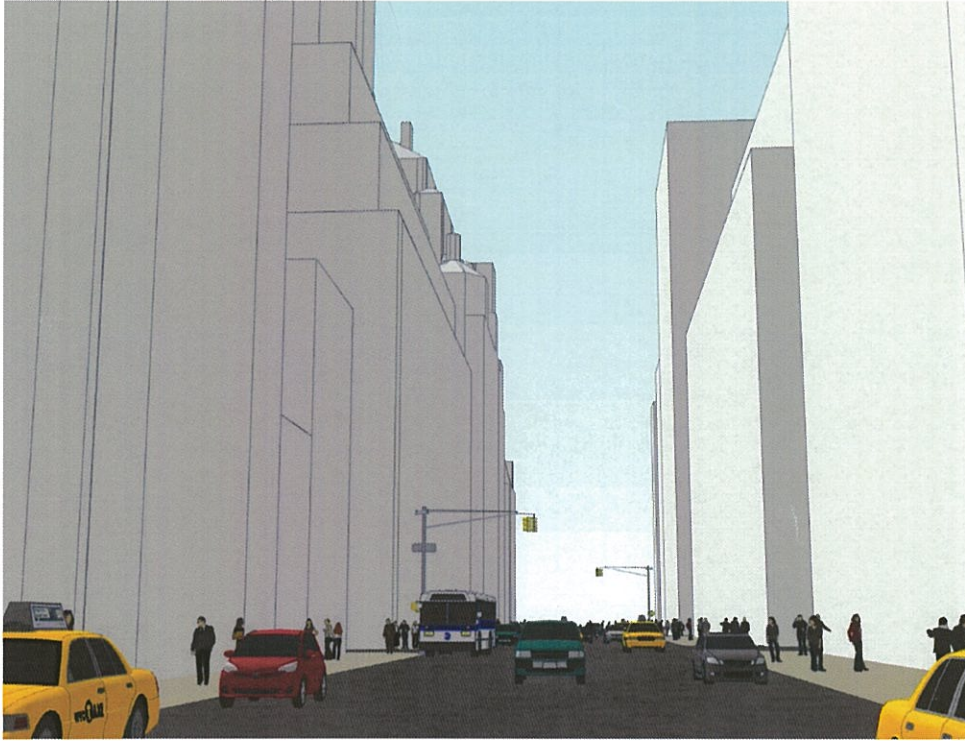
Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.41st Street
Looking South

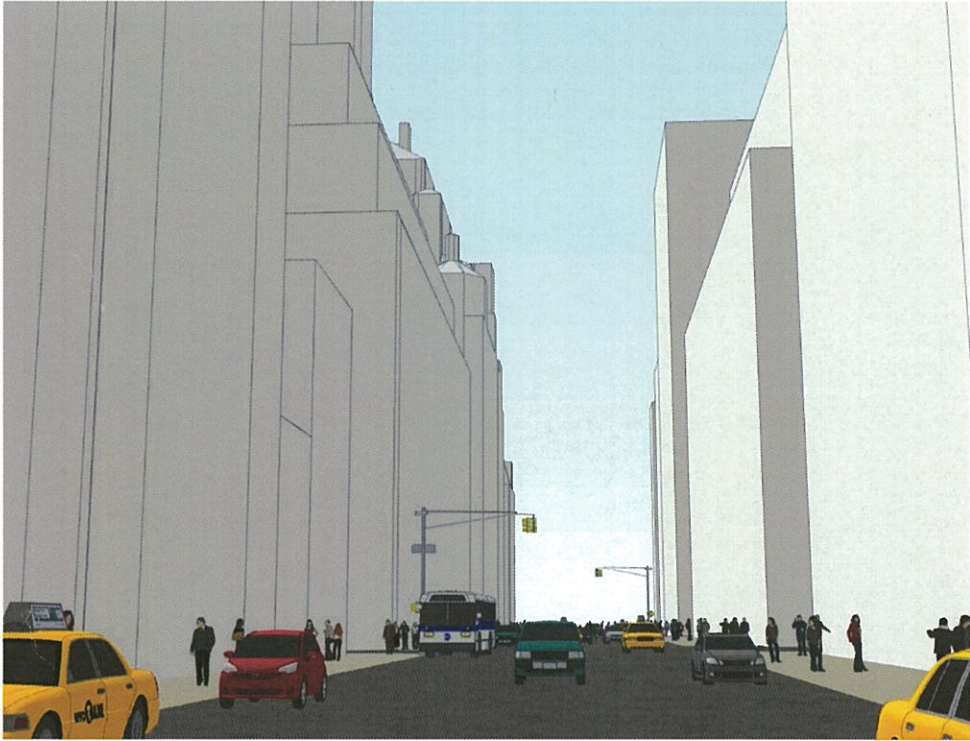
Vanderbilt Corridor (30 FAR)
 Projected Sites (DEIS) (26 FAR)

4/25/2017

15



Existing conditions without One Vanderbilt Avenue



“Projected Sites” (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.40th Street
Looking South

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

Views Looking North Along
Madison Avenue
with Buildout of “Projected Sites”
& Vanderbilt Corridor Sites



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E. 37th Street
Looking North

Vanderbilt Corridor (30 FAR)
 Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.38th Street
Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E. 39th Street
Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



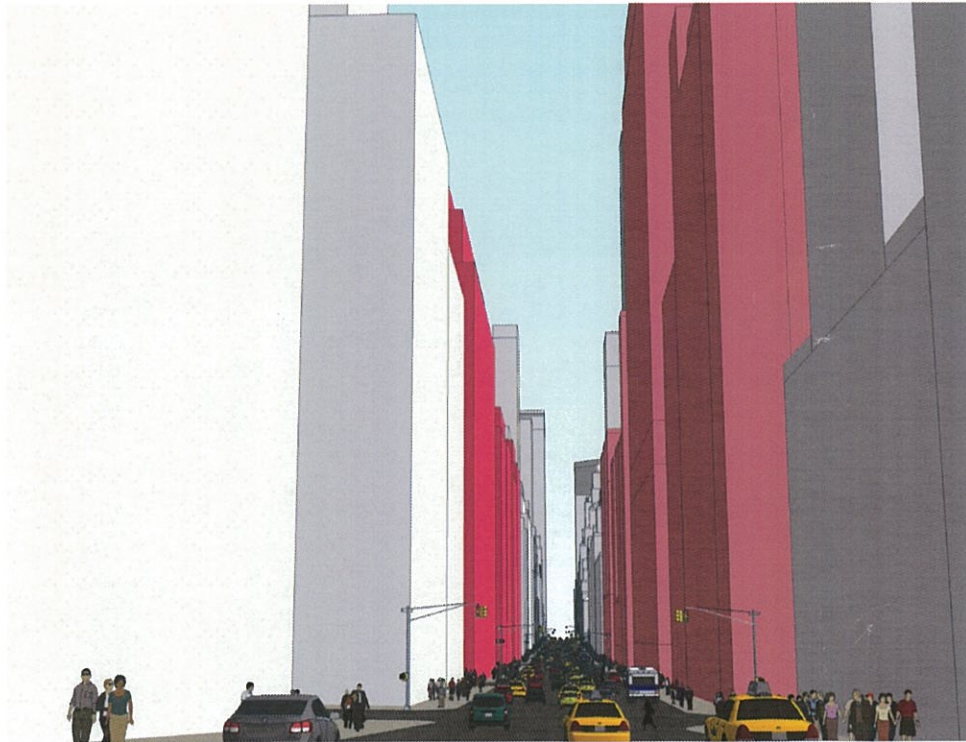
"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

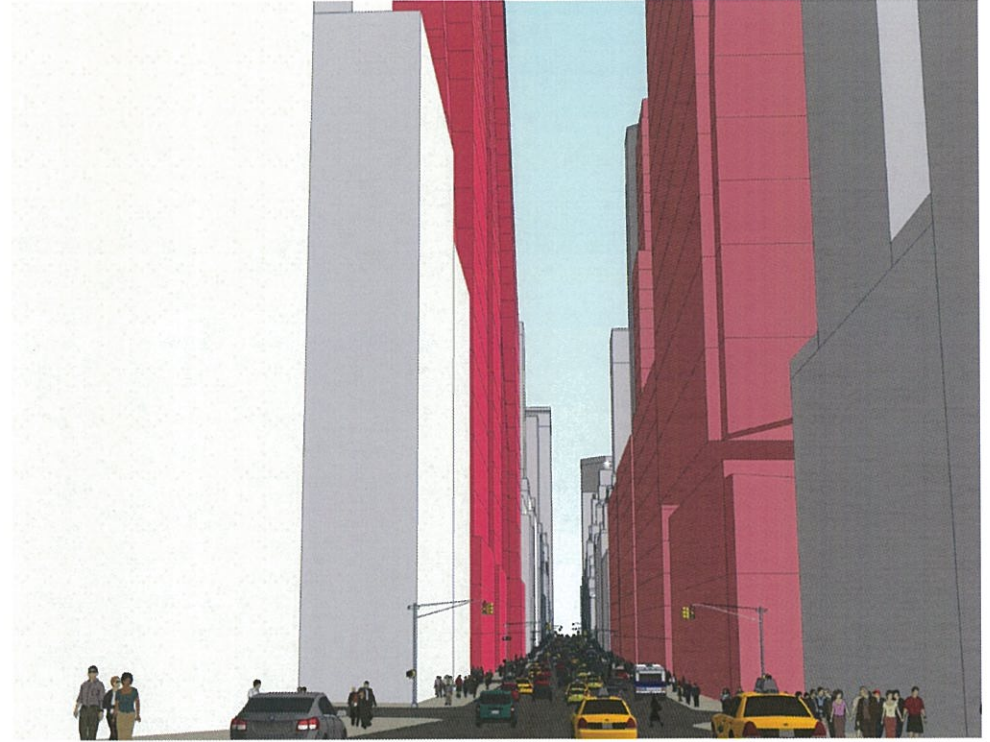
Madison Avenue & E. 40th Street
Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue

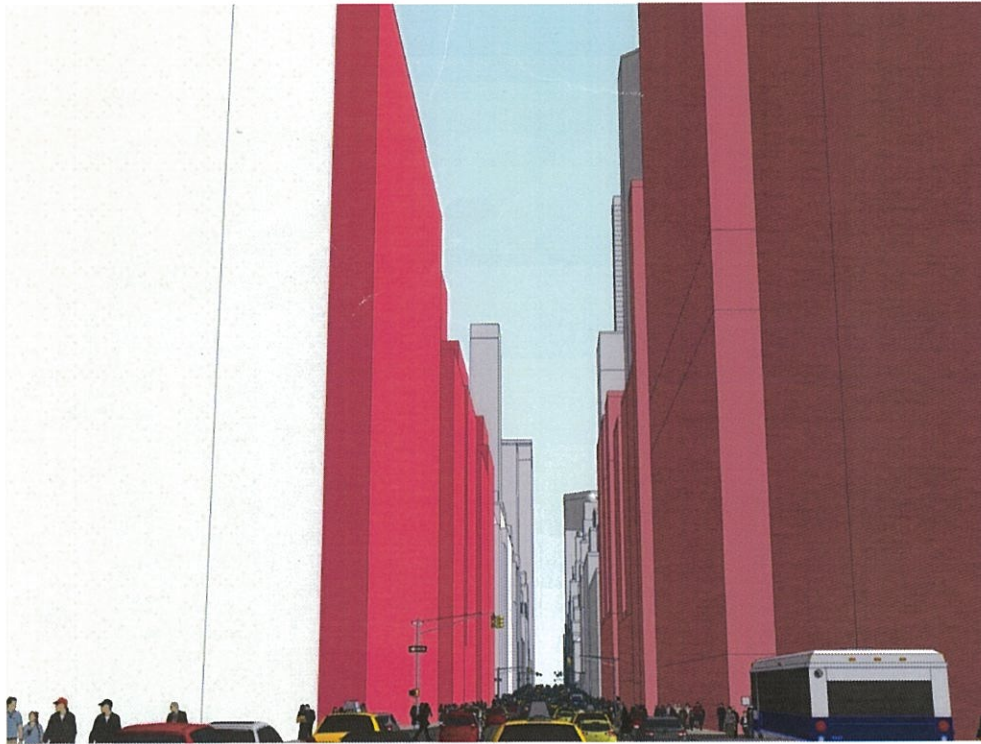


"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

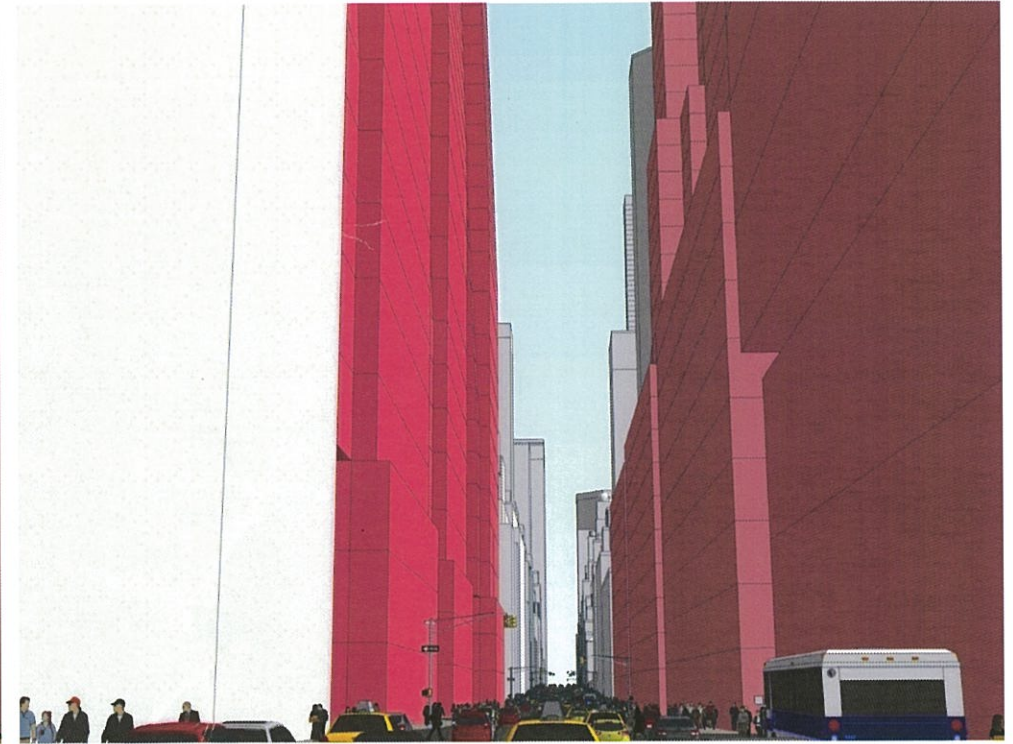
Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E. 41st Street
Looking North

Vanderbilt Corridor (30 FAR)
 Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



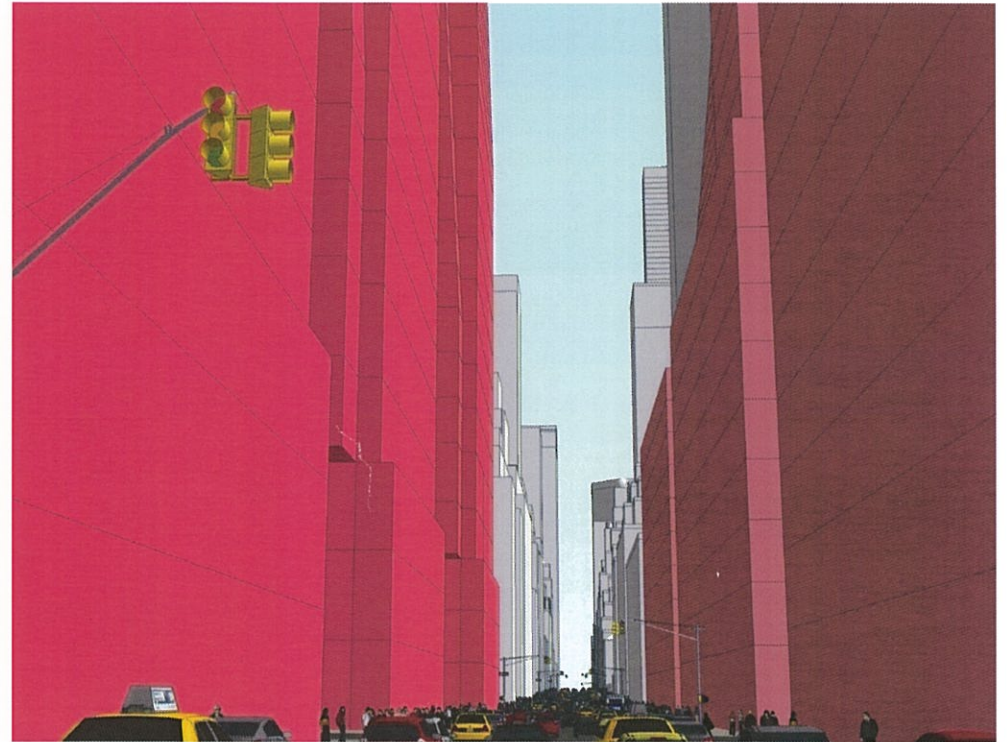
Projected sites based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Vanderbilt Corridor Buildings

Proposed Daylight Evaluation w/out Profile Penalty and 66% v 75% passing score
 Madison Avenue & E. 42nd Street
 Looking North

 Vanderbilt Corridor (30 FAR)
 Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



Projected sites based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Vanderbilt Corridor Buildings

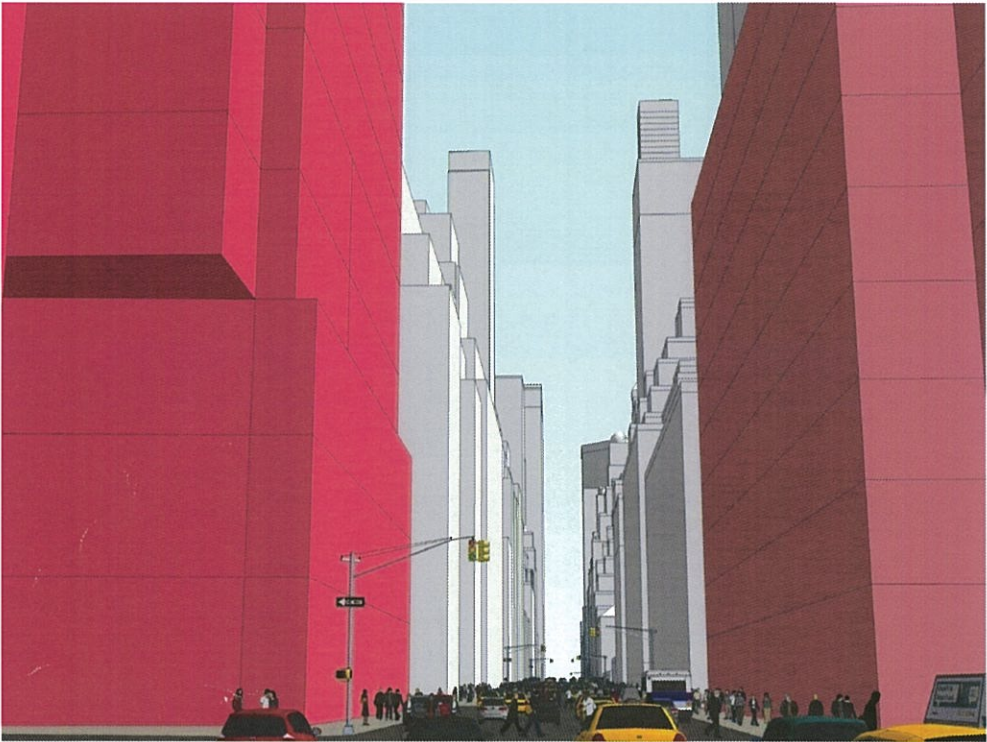
Proposed Daylight Evaluation w/out Profile Penalty and 66% v 75% passing score
 Madison Avenue & E. 43rd Street
 Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017



Existing conditions without One Vanderbilt Avenue



Projected sites based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Vanderbilt Corridor Buildings

Proposed Daylight Evaluation w/out Profile Penalty and 66% v 75% passing score
 Madison Avenue & E.44th Street
 Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E.45th Street
Looking North

- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)



Existing conditions without One Vanderbilt Avenue



"Projected Sites" (DEIS) based on One Vanderbilt Avenue (Large Floor Plate Office Building) and Potential Vanderbilt Corridor Buildings including One Vanderbilt Avenue

Proposed Daylight Evaluation w/out Profile Penalty Area and 66% v 75% passing daylighting score

Madison Avenue & E. 46th Street
Looking North

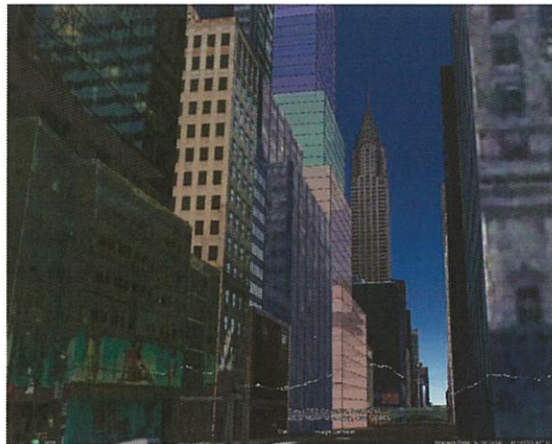
- Vanderbilt Corridor (30 FAR)
- Projected Sites (DEIS) (26 FAR)

4/25/2017

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*View from Along West 42nd St. and Fifth Ave. looking East:
Example of a 30 FAR Complying Building at One Vanderbilt Ave.*

East Midtown Zoning: Proposed Vanderbilt Avenue Subdistrict and One Vanderbilt Avenue Special Permit

In the last quarter of 2014 the NYC Department of City Planning released its proposed zoning amendments to the Special Midtown District's Grand Central Subdistrict. The amendments include the creation of the Vanderbilt Corridor Subdistrict and special permit, which would allow developments up to 30.0 FAR in return for public realm improvements and/or the purchase of development rights from a landmark. In addition to the granting of up to a 15.0 FAR increase in density above the base

15.0 FAR, the City Planning Commission may modify, for example, the Midtown special district's Mandatory District Plan requirements, and the Height and Setback regulations (Daylight Compensation and Daylight Evaluation regulations).

Michael Kwartler, FAIA and president of the Environmental Simulation Center, testified at the 4 February City Planning Commission public hearing. His testimony, which follows, focused on One Vanderbilt's special permit request to modify Midtown's Height and Setback regulations to pre-1916 conditions.

Testimony presented to the CPC on Feb 4th, 2015:

My name is Michael Kwartler, principal of Michael Kwartler and Associates and president of the Environmental Simulation Center. By way of background I authored the City's first performance-based contextual zoning regulations - Housing Quality Zoning ("HQZ") and co-authored, with the Department of City Planning, Midtown's zoning's Height and Setback regulations. They are the subject of my testimony.

Background

The Midtown zoning Height and Setback regulations, adopted in 1981, were designed to respond to:

- the "light" going out in Midtown as a result of special permits which allowed buildings to rise sheer from their street lines, e.g., AT&T (Sony) building which set daylighting standards back to pre-1916 conditions (e.g., Equitable Building);
- the need for clear and flexible as-of-right regulations, and a supportable daylight standard, in lieu of regulations which tended to prescribe a fixed zoning envelope;
- energy conservation and solar access for perimeter task lighting; and
- the recognition that new buildings benefit greatly from the richness of the built environment, and displacing its diseconomies (e.g., blocking solar access) onto other zoning lots is a burden to all as eloquently expressed in Garrett Hardin's "Tragedy of the Commons" where incremental overuse destroyed the Commons for all.

The response was new performance-based regulations based on an actual standard of daylight and openness for Midtown's streets which analyzed the historic expectation of daylight resulting from both the 1916 and 1961 zoning regulations. As noted in the Department's Midtown Development (June 1981), the Daylight Compensation and Daylight Evaluation Height and Setback regulations "...give great flexibility in building design so long as the daylight standard is

achieved ...and prevent buildings from being placed entirely up against the street line, overwhelming the adjacent street." (pp. 65-66)

Proposed Special Permit and One Vanderbilt Avenue

The proposed special permits (ZR 81-641 and 81-642) allow the City Planning Commission to modify Midtown zoning's Height and Setback regulations (ZR 81-26 Daylight Compensation and ZR 81-27 Daylight Evaluation). Compliance with the Daylight Evaluation requires the average amount of sky left open above typical street wall heights for all frontages be no less than 75%. This standard has been sustained for almost 35 years resulting in bright, sunny streets in Midtown, with new development almost all done as-of-right.

The proposed One Vanderbilt Avenue development scores a negative 62% or the equivalent of two AT&T buildings piled on top of each other. The new super tall MoMA tower by Nouvel, which was also granted modifications to the Height and Setback regulations, received an overall daylight score of plus 46.07% less than the minimum 66% in any street frontage. The requested waiver for One Vanderbilt Avenue is unprecedented setting daylight standards back to pre-1916 zoning conditions thus setting an awful precedent for the future of Midtown.

The proposed special permit text, while requiring the applicant to demonstrate the development's degree of non-compliance, does not require the applicant to demonstrate to the Commission that a feasible design which accommodates the proposed floor area is not feasible and that the requested modification is the minimum amount necessary to achieve a feasible building design. In addition, the DEIS is silent on the unprecedented reduction of daylight nor does it present alternatives to the proposed development.

In other words, the proposed text modifications are neither accountable nor transparently arrived at but rather asserted. Is there, for example, a diminution of daylight which is unacceptable?

Finally, there is the issue of precedent set by One Vanderbilt's virtually ignoring Midtown's daylight standard. The other sites in the Vanderbilt corridor do not front on two wide street or the "air park" above Grand Central Terminal. Should those sites be able to score negative 62%? And then there is the highly probable precedent set for all of East Midtown, which will result in a degradation of Midtown's environment.

Conclusion

I urge the Commission to strengthen the proposed text as suggested above to add accountability and transparency and a more nuanced approach for the other sites in the Vanderbilt Corridor, emphasize that One Vanderbilt is not a precedent for other applications, require other feasible alternatives, and have them analyzed in the DEIS.

The Midtown zoning's performance-based Height and Setback regulations, with its historically derived daylight standards, have served the City well for almost 35 years resulting in as-of-right development which has added to the environmental quality of Midtown. I urge the Commission to maintain these standards and when they can't be met, to provide the public with concrete reasons as to why a development cannot feasibly apply - balancing the environmental quality of Midtown with other perceived "goods."

The Environmental Simulation Center, 116 West 29th Street, 5th Floor, New York, NY 10001

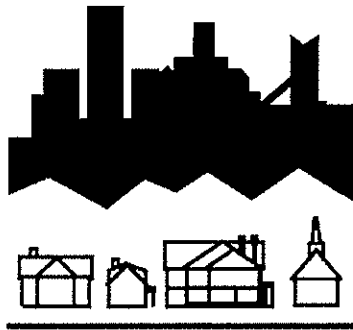
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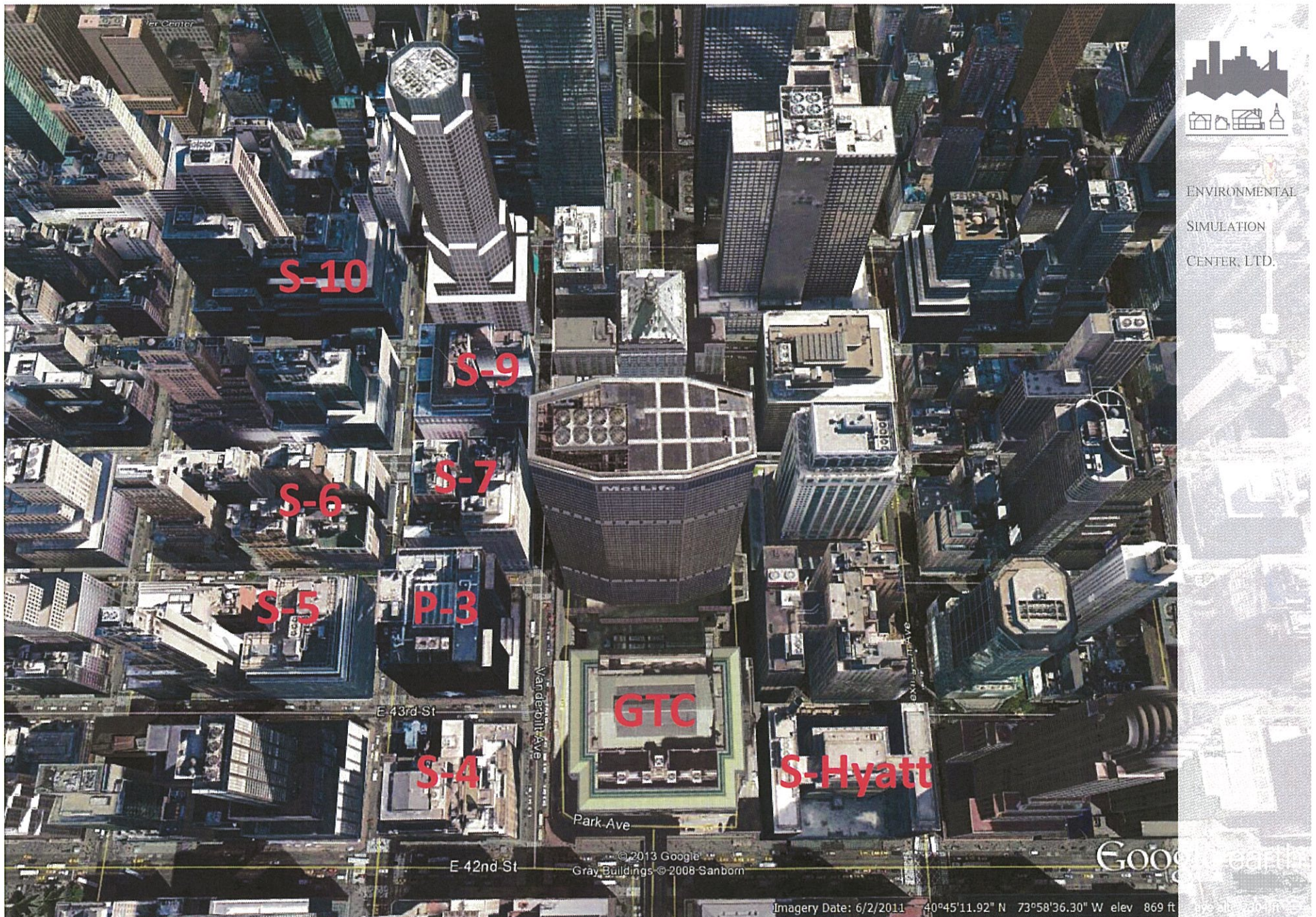
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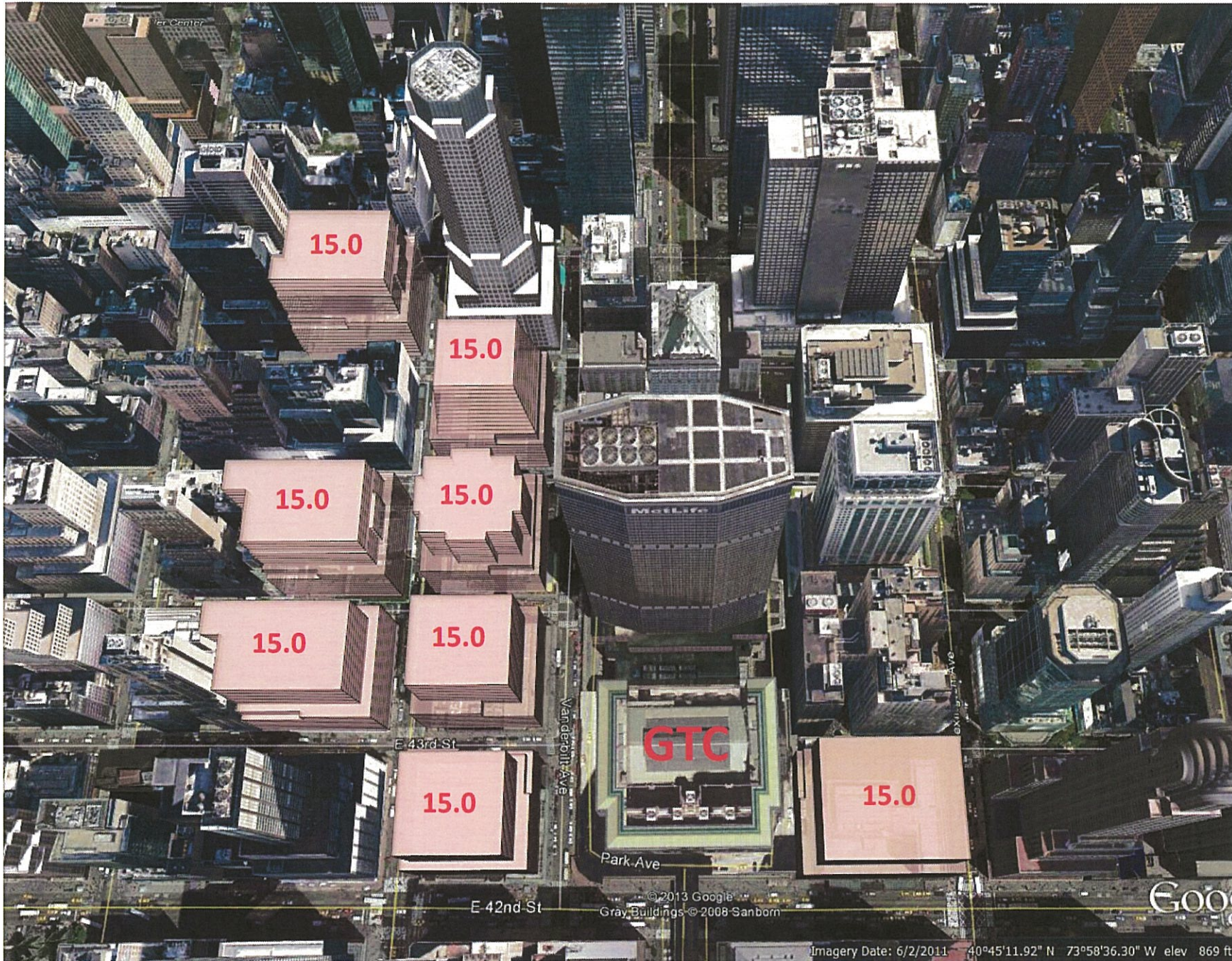
East Midtown Study: Proposed Vanderbilt Corridor Rezoning

24 February 2013

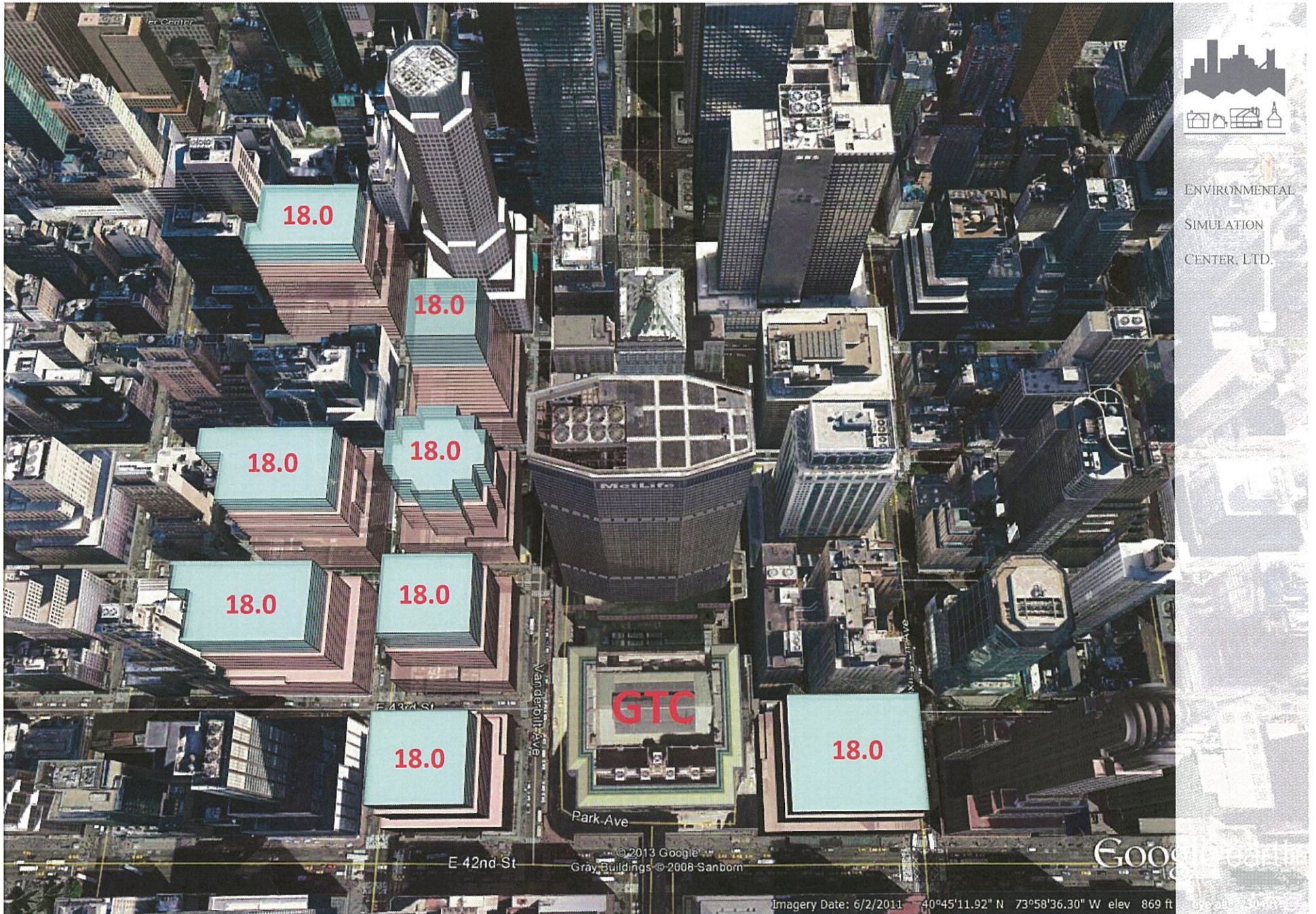


Aerial View – Existing Conditions with Projected (“S”) and Potential (“P”) Development Sites (“DCP”)

02/24/2013

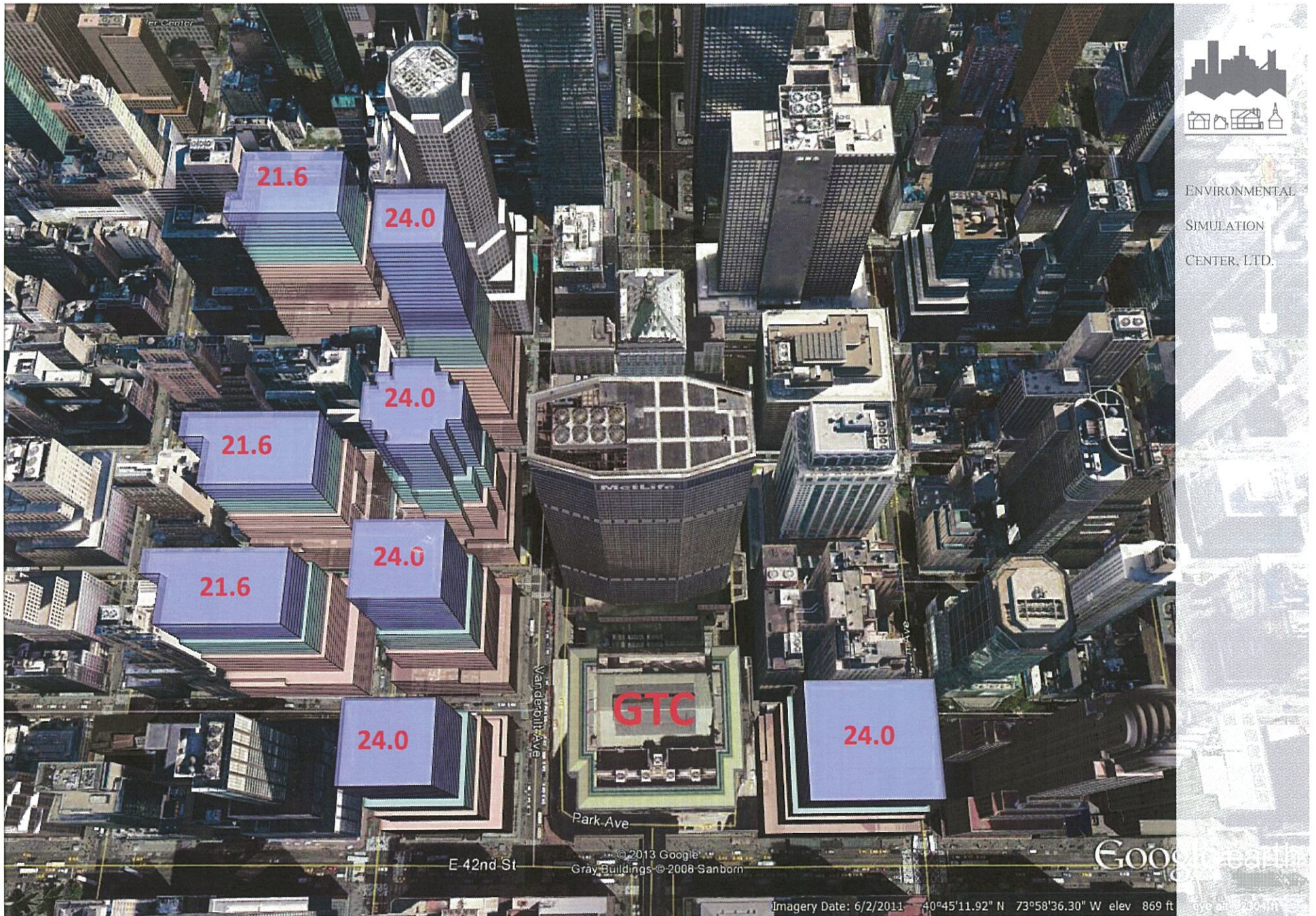


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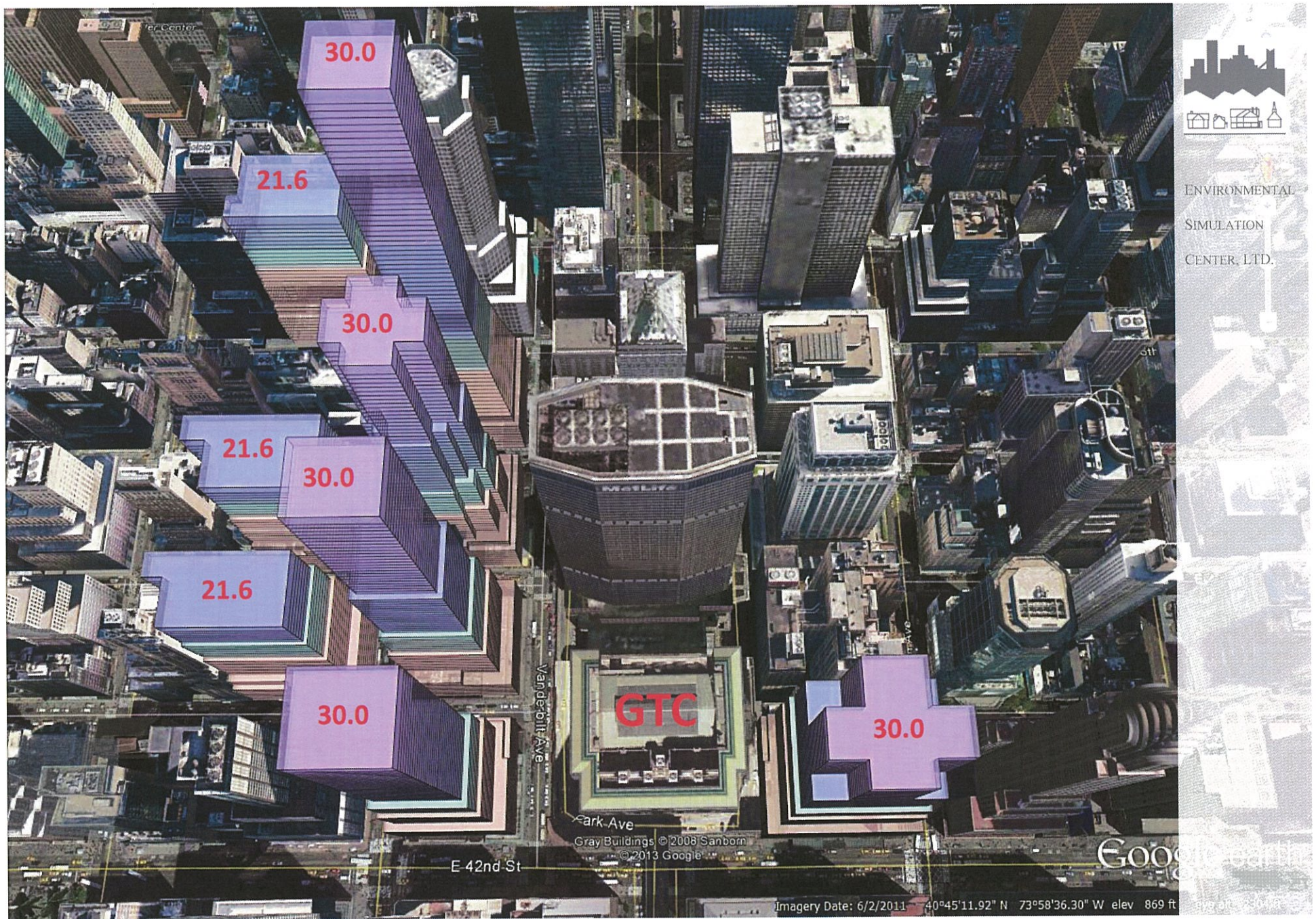
Aerial View – 18.0 FAR

02/24/2013



Aerial View – 21.6 & 24.0 FAR

02/24/2013



Aerial View – 30.0 FAR on Eligible Sites

02/24/2013



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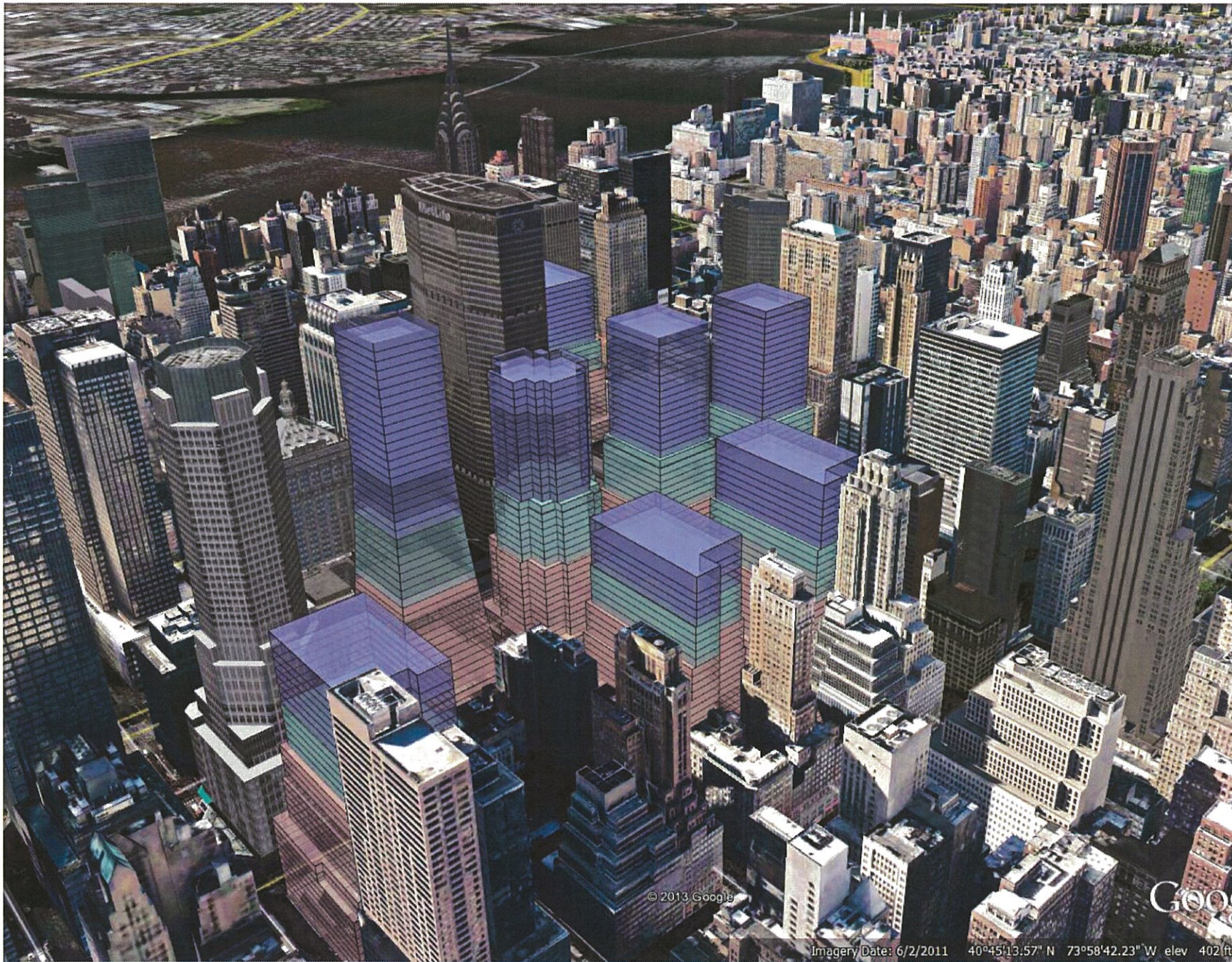


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Google Earth

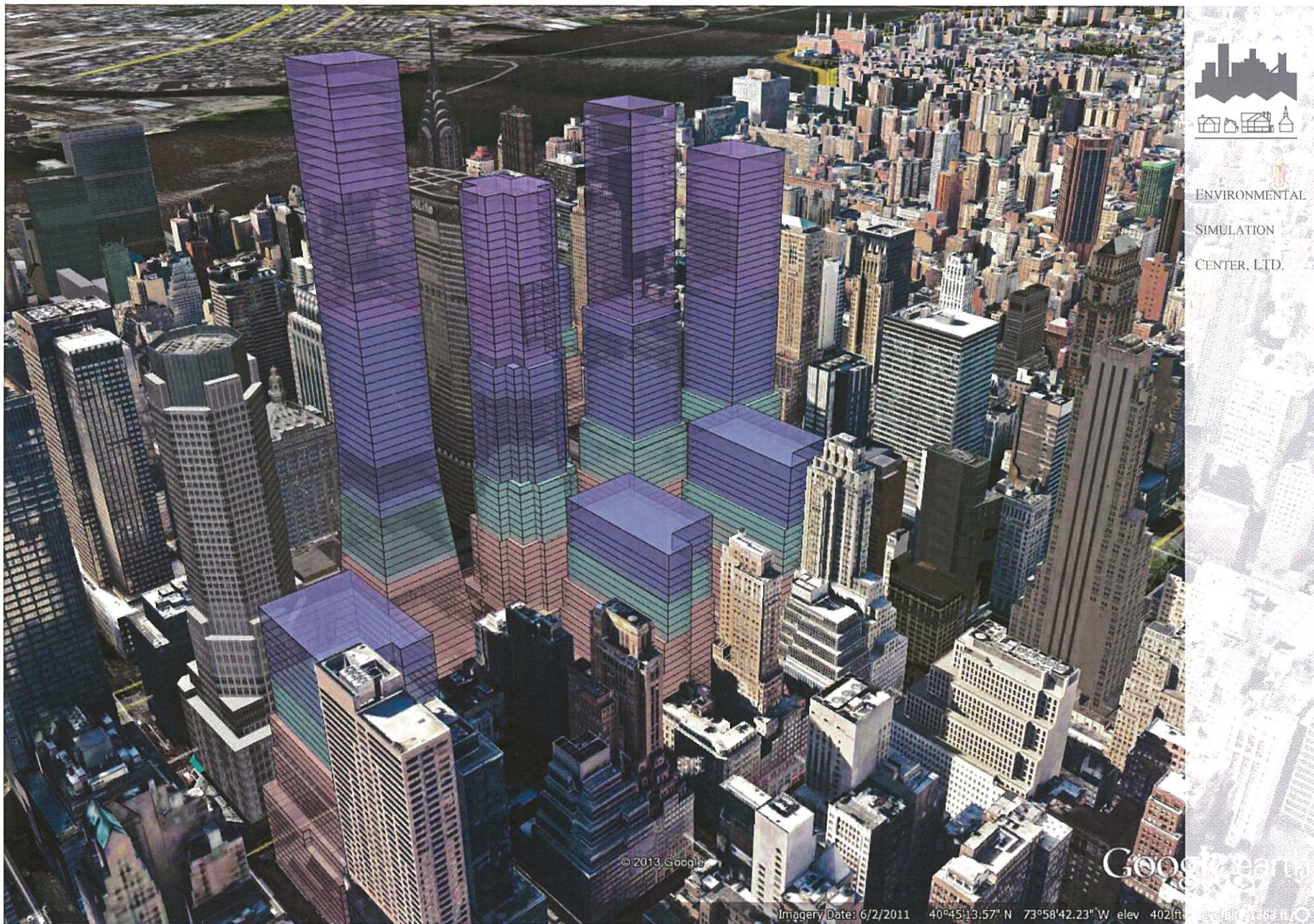
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View from Northwest – 21.6 & 24.0 FAR

02/24/2013



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ENVIRONMENTAL
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Imagery Date: 3/6/2012 40°45'10.41" N 73°58'44.53" W elev -263 ft

Google earth

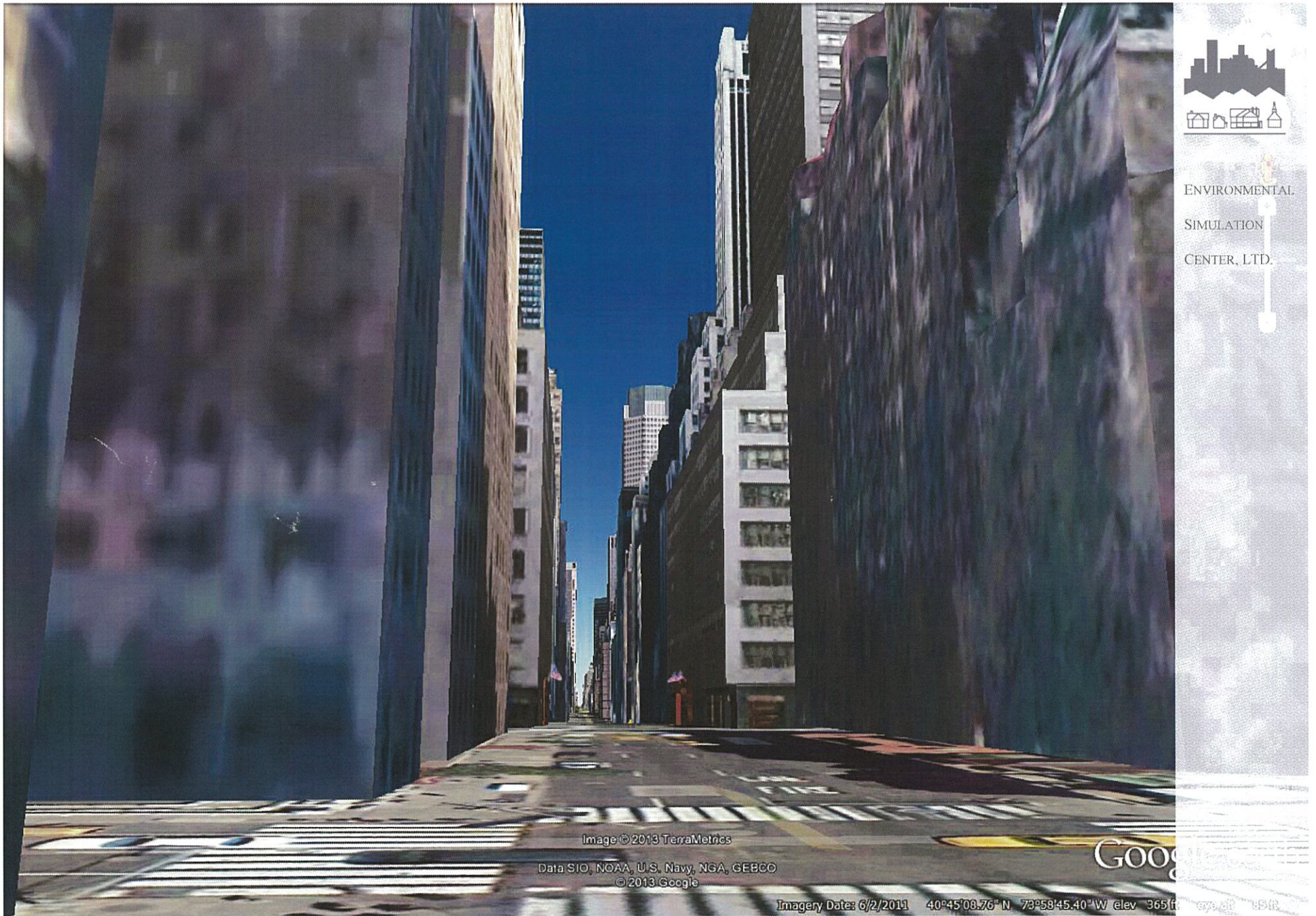
View from 42nd Street & Fifth Avenue looking East – Existing Conditions

02/24/2013



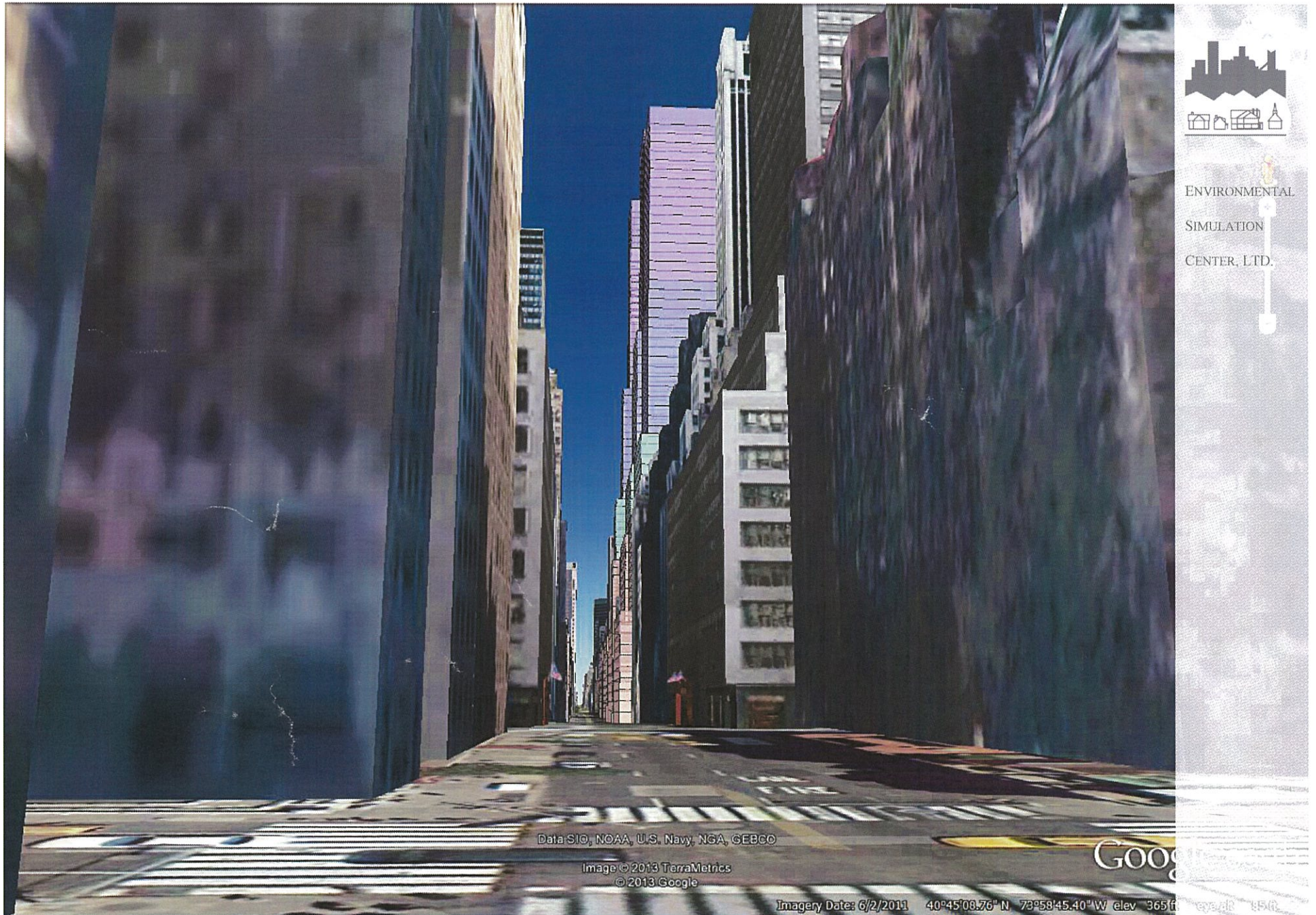
View from 42nd Street & Fifth Avenue looking East – 30.0 FAR

02/24/2013



Madison Avenue & E.37th St. looking North – Existing Conditions

02/24/2013



Data SIO, NOAA, U.S. Navy, NGA, GEBCO

Image © 2013 TerraMetrics
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Imagery Date: 6/2/2011 40°45'08.76" N 73°58'45.40" W elev 365ft eyes 85ft

Madison Avenue & E.37th St. looking North – 30.0 FAR

02/24/2013

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK BEFORE THE NEW YORK CITY COUNCIL, IN SUPPORT OF THE GREATER EAST MIDTOWN REZONING

June 20, 2017

The Real Estate Board of New York (REBNY) is a trade association with over 17,000 members comprised of owners, builders, residential and commercial brokers, managers, lenders, and other real estate professionals active in New York City.

The East Midtown business district is a tremendous driver of economic activity and employment, and is critical to the City's tax base and economy. According to the City, East Midtown accounts for 10% of real property taxes, or \$2.4 billion in fiscal year 2017.

The Greater East Midtown Rezoning plan emerged after a year-long collaborative process among key stakeholders. The goals of the Greater East Midtown Rezoning were to revitalize an aging office stock, provide public realm improvements, and fund the continuing maintenance and operation of our treasured landmarks.

REBNY supports the City's Greater East Midtown Rezoning proposal.

In order for this vision to be realized, new development must occur. As such, we have concerns that the plan may be too restrictive given the high cost of redeveloping existing sites. We propose modifications to the plan which preserve and promote its goals without inhibiting new development.

The concept of a floor price to establish a minimum contribution to the improvement fund is an obstacle to new development. Instead of a mandated minimum contribution, the City should allow the market to determine the value of Transferred Development Rights (TDR) sales and collect 20% of that amount. The City's floor of \$393 per square foot (PSF) and a minimum contribution of \$78.60 would represent 44% of the value of TDRs based on REBNY's analysis of TDR sales in the City's Market Study [**See Attachment 1: Greater East Midtown TDR Value**]. This effective contribution rate is well above the City's recommended 20% contribution for public realm improvements, and would be a deterrent to transactions and new development. While a minimum contribution amount is unnecessary for TDR sales, REBNY acknowledges the need to determine the contribution amount for overbuilt floor area, but maintains that this 20% contribution amount must be based on a realistic valuation of TDRs.

The \$393 PSF floor price established by the City is flawed in three important ways: 1) the valuation relies on land sales to approximate TDR value instead of studying actual TDR sales; 2) the City's Market Study applied inflated and unwarranted growth rates despite market evidence to the contrary; and 3) half of the land sales that were used to determine the current floor price are systematically overvalued as a result of a failure to account for significant economic benefits available to sites within Hudson Yards.

TDR sales provide a far more appropriate and accurate view of the value of TDRs in Greater East Midtown. There is no market evidence in the City's Market Study to support the upward price adjustments it applied to land sales to approximate TDR values. In fact, their study found that the value of TDRs over the eleven years reviewed is generally flat, if not declining. Therefore, any upward price adjustments would be inappropriate to apply to TDR values. Using the TDR transactions for office and hotel use cited in the City's Market Study, and applying the City's methodology of taking the lower quartile of the ten most recent sales, the value of TDRs is approximately \$179 psf.

A REBNY analysis of land sales in Hudson Yards, which is integral to the City's floor price, lends further support for establishing a lower contribution price for overbuilt floor area in East Midtown. The Hudson Yards sales used in the

City's Market Study were effectively overvalued and systematically misapplied since they did not factor in the significant economic benefits available to development sites in Hudson Yards. In these sites, developers were able to procure additional development rights, both by purchasing them from the Eastern Rail Yards and by contributing to the District Improvement Fund, for a far lower price per square foot than the cost of land. Additionally, the available tax benefits, estimated at roughly \$70 psf, should have been considered. When all of these relevant economic factors are taken into account, the true value of development rights for a Hudson Yards site drops to \$178 psf.

It is also important to note that while \$393 psf is intended to represent the floor of the market, the City's Market Study does not list a single transaction of office TDRs that is at or above that price.

The City's proposal that would allow an applicant to commission the City to prepare a new appraisal is simply impractical given the volatility of the TDR market and the time it would take to complete this assignment. Additionally, given the overstatement of the value of air rights in the initial market survey, there are no assurances that even the new results would match the buyer and seller's assessment of the market value of development rights. Instead of guessing TDR value, the City should allow the market to determine the fair market value and collect 20% of the sales price for public realm improvements.

Another fundamental issue that threatens the viability of the rezoning proposal is the constraints on what constitutes a qualifying site for new development. While we support the goal of creating new Class A commercial office space on the avenues, it is important to note that as-of-right development on midblock sites or through the enlargement of existing buildings would accomplish many of the goals of this rezoning at a lower cost and a more rapid pace [**See Attachment 2: Park Avenue Development Analysis**]. Such projects can offer equally appealing development opportunities as new construction that fronts on the avenues, but have lower opportunity costs. As a result, midblock development and enlargements would generate the funds needed for public realm improvements sooner.

We strongly encourage the City to develop guidelines to be written into the zoning text that would allow for the as-of-right development of midblock sites even when they do not have wide street frontage. For example, REBNY has proposed that through-block sites with at least 75 feet of cleared frontage on both streets be considered a qualifying site. Existing midblock buildings often times are underutilized and functionally obsolete, and thus would be less expensive to acquire than avenue-fronting buildings. Although various parties have expressed concerns that development of the scale being proposed will be out of context for midblock sites, these fears are unfounded given the current built form in the East Midtown Rezoning area [**See Attachment 3: Midblock Character of East Midtown**]. Flexible guidelines should also be proposed to allow for the as-of-right enlargement of existing buildings.

The proposed zoning text restricts new residential use to 20% of the new development. It is REBNY's position, however, that the restriction should not apply to any existing residential portion on the zoning lot of a new development site.

The inclusion of the east side of Third Avenue, an overwhelmingly commercial corridor, provides less expensive new development opportunities now and in the future. This important corridor should remain in the plan [**See Attachment 4: Analysis of Third Avenue Built Conditions**].

Currently, the proposed zoning change requires post 1961 overbuilt buildings to buy back the overbuilt floor area by buying development rights from a landmark, while pre-1961 overbuilt buildings will buy back their overbuilt floor area by paying 20% of the floor price to the City. There is no planning rationale for treating overbuilt buildings differently strictly based on the date it was constructed. We ask that the City treat overbuilt buildings equitably and remove this unnecessary distinction. Likewise, we recommend that pre-1982 overbuilt buildings be covered by the damage and destruction provisions that are applicable to buildings constructed under the 1916 Zoning Resolution.

In addition, there are opportunities to modestly increase the amount of a building's square footage without changing its built form (envelope). However, to acquire this modest amount of additional square footage, a full payment of all the existing overbuilt floor area would be required. This cost is punitive and will prevent the types of building improvements desired for this district. In such cases where the existing building is to remain and the amount of additional square footage is modest, a more reasonable pricing mechanism should be established.

The proposed hotel special permit in the Greater East Midtown Rezoning proposal is a dramatic departure from current land use regulations and a significant barrier to new hotel development. This new requirement will place an enormous burden on current plans to convert existing commercial space for hotel use and seems incongruous with the recent moratorium which impedes the elimination of hotel rooms for other uses. We would recommend a discussion to develop a provision in the rezoning plan that would achieve the intended goals of the special permit without imposing a special permit for hotel conversion projects underway, which would likely be abandoned if they were required to go through a special permit process.

In regards to height and setback regulations, the City has made reasonable and necessary adjustments to accommodate as-of-right development. The introduction of these rules was to provide more design flexibility than simple sky exposure and setback rules permit. Allowing new buildings to meet the score of what was on the site ensures that daylighting is unchanged from the existing condition prior to the new development. Also removing the encroachment penalty provides for more design flexibility and the opportunity to create more architecturally distinguished buildings without adverse impacts on daylighting.

The City should be commended for the introduction of a public concourse special permit to address the community's and the Steering Committee's concern over a lack of open space in the area. This special permit would provide the development community with a meaningful incentive of a 3 FAR bonus in exchange for meaningful public open space, while retaining a public review process that will give the community and elected officials the opportunity to tailor new development to create the open space desired.

While public concerns have been raised about potential impacts on Greenacre Park, based on our analysis, site visits, and review of the FEIS, it is clear that new development will not impose any significant impacts on the Park. **[See Attachment 5: Shadows on Greenacre Park].**

With regards to proposed public realm improvements, we strongly recommend that any future changes, particularly regarding street closures and changes to traffic patterns, be made with extensive consultation and input from adjacent or impacted property owners, BID representatives, and other stakeholders.

The built conditions and market of East Midtown is an environment that is challenging and costly for new development. As a mature market area with virtually no vacant sites, new development opportunities will occur slowly over time, and only when the leasing circumstances in individual buildings and market conditions in the area combine to make new development economically feasible. Therefore, we believe the aforementioned modifications are necessary to ensure that the rezoning achieves its stated goals.

East Midtown is a key job center in NYC. Its building stock, however, is aging and outdated; many buildings lack the slab-to-slab clearances and design efficiency that today's tenants require. This rezoning proposal is needed in order to create opportunities for updated workspaces that will continue to attract companies and employers, while also funding much needed transit infrastructure and public realm improvements. It is our hope that the City Council will consider the issues raised, and put forth the strongest plan possible to ensure that East Midtown remains the world's premier office district.

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REBNY
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MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
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Wally Rubin, District Manager

STATEMENT BY COMMUNITY BOARD FIVE CHAIR VIKKI BARBERO TO THE CITY COUNCIL REGARDING THE EAST MIDTOWN REZONING PROPOSAL, 6/20/2017

Thank you to Chair Richards and all the members of the subcommittee for holding this hearing today.

It's been a long road since the Department of City Planning first came to Community Board Five's Land Use Committee five years ago this month - June 6th 2012 to be exact. From that time, through the Steering Committee that was led by Council Member Dan Garodnick and Borough President Gale Brewer after the last plan's demise, and right up to our resolution regarding this new plan this past March, we have been consistent in our insistence that the creation of new public space be a core objective of any plan for this congested district.

The Steering Committee report referenced this repeatedly, insisting that "open space is a needed amenity throughout the district." In our resolution this year we called for "the creation of new public space on every redeveloped site" and wrote that while we strongly prefer new outdoor public space, the creation of indoor public space is preferable to no new public space on each redeveloped site.

It is clear what REBNY and its constituents are receiving from this rezoning proposal. It is clear what the district's landmarks will be receiving from this rezoning. What remains to be determined after all this time is what the public will be receiving? Where will the thousands of new office workers go to relax, eat their lunch and get some air? We see the effects that Bryant Park has had on the lives of the people who work and live near it, not to mention the effect a revived Bryant Park has had on the property values in its vicinity. The same is true of the High Line. Open space is not some optional amenity, it is essential to good planning. We implore the Council to include open space as a requirement at each new redeveloped site in the district.

We know that under the current system POPS are considered an unwelcome burden by the Department of City Planning, as oversight is spotty and DCP does not have enforcement power, which is the jurisdiction of the Department of Buildings, for whom POPS are not a top priority. Therefore, we call for the creation of a new unit within DCP that would have sole oversight and enforcement of all POPS. If we're going to create new public spaces it is incumbent upon us to make sure these spaces remain user-friendly and fulfill their objective.

We believe that the Governing Group that will be created by this rezoning should be empowered to act ONLY if at least one non-Mayoral appointee votes in agreement with the Mayoral majority. This Group, which will be doing its work long after the current administration leaves office, must not be a rubber-stamp for some future Mayor who may never have been a part of this rezoning effort and who may have his or her own priorities. It is imperative for the judicious functioning of the Governing Group that coalition building is baked into the process.

Finally, Community Board Five believes that there needs to be some form of community review for the very largest new developments, those that exceed 24 FAR. We do not require that this be a full ULURP, but we have found time and time again that allowing the community board a chance to review projects almost invariably makes them stronger, better projects, as we experienced with One Vanderbilt and so many others.

We want to sincerely thank our Councilmember, Dan Garodnick, for hearing us out and acting on our input from the very first days five years ago when the last administration tried to rush the process through prematurely.

We believe that making the changes to the proposal that we have outlined today would make for a stronger result, with better buildings and a better, healthier, more attractive environment for the thousands of New Yorkers who, in the years ahead, will be spending their days in East Midtown.

Thank you.

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

June 20, 2017

Testimony by Manhattan Community Board Six Chair Rick Eggers Regarding DCP applications N170186 ZRM and 170187 ZMM – Proposal for Greater East Midtown Rezoning

Chair Richards and members of the committee, thank you for this opportunity to present the comments of Manhattan Community Board Six on the Greater East Midtown Rezoning proposal. My name is Rick Eggers and I am Chair of Community Board Six.

Community Board Six participated in the East Midtown Rezoning Steering Committee led by Council Member Dan Garodnick and Manhattan Borough President Gale Brewer. Many, but not all of our concerns appeared in the Steering Committee Report. On March 8, 2017, CB6 passed a resolution stating our objections to the proposal presented to us. We submit that resolution as part of our written comments to this committee. Thanks to the efforts of Council Member Garodnick and Borough President Brewer, the resolution presented by the Borough President at the Manhattan Borough Board included many of the concerns raised by CB6, but I was still not able to support the resolution and abstained. The Chair of Community Board Five also could not support the resolution and abstained.

While progress has been made, the proposal as it stands fails to resolve sufficiently the issues of open space, MTA improvements, boundaries of the zoning district, above-ground public realm enhancements and the impacts of air and light reductions, especially in regard to existing open space such as Greenacre Park and the nearby residential district including Turtle Bay. Specific concerns are outlined in our resolution and include:

- Privately Owned Public Space should be as-of-right by certification and the first additional FAR earned by any site should be for on-site public open space.
- The zoning text should limit the floor area that may be added to the midblocks and should maintain the incentives of the current height and setback rules for lower street walls on narrow streets.
- The eastern boundary of the East Midtown Subdistrict should be moved west to the center of Third Avenue from 43rd Street to 56th Street.
- There should be an enforcement mechanism to ensure that the recipient of bonused FAR associated with transit improvements pays for the ongoing maintenance, repair, and replacement of such improvements.

- The existing height and setback regulations of the Special Midtown District should be retained.

Thank you for considering our objections to the proposal.

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
PO BOX 1672
NEW YORK, NY 10159-1672

March 10, 2017

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

Hon. Gale A. Brewer
Manhattan Borough President
1 Centre Street, 19th Floor South
New York, NY 10007

**RE: DCP applications N170186 ZRM and 170187 ZMM - Proposal for Greater East
Midtown Rezoning - CORRECTED**

Dear Chair Lago and Borough President Brewer:

At the March 8, 2017 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

Whereas, the New York City Department of City Planning (DCP) has completed a DEIS as part of the Uniform Land Use Review Procedure certification (Applications N 170187 ZMM & C 170186 ZRM) for Greater East Midtown; and

Whereas, Manhattan Community Board Six has participated in the process as a member of the East Midtown Steering Committee, by holding public hearings and engaging an urban planner, among other avenues; and

Whereas, the East Midtown Steering Committee recommended several public benefits for East Midtown to counterbalance the effects of new, denser development:

- Improvement of the public realm, including the better use of streets and the provision of more and better on-site open space,
- Improvement of subway stations serving East Midtown, including ADA compliance,
- Designation of additional landmarks and the more liberal transfer of air rights from landmarks; and

Whereas, there remain many unresolved issues in a number of major categories (open space, MTA improvements, internal and external boundaries, above ground public realm enhancements, and impacts of air and light reductions), which this resolution seeks to highlight and present those solutions preferred by the community; and

Whereas, instead of treating on-site public open space, subway station improvements, and transfers of air rights equally the City's proposed zoning text places on-site public open space as the lowest priority in three key ways:

- Requiring that a development site use subway station bonus floor area and transferred air rights before applying for a special permit for on-site public open space, and
- Requiring a special permit for public concourses; while subway station improvements and air rights transfers can be as-of-right by certification; and
- Removing the as-of-right plaza bonus on qualifying sites; and

Whereas, as a result of these constraints, the Draft EIS for East Midtown predicts that only two of the 16 projected development sites will apply for a special permit for a "public concourse"; and

Whereas, the Draft EIS for East Midtown finds "the Proposed Action would result in a significant adverse impact on open space due to reduced total and passive open space ratios", and given the great and increasing need for public open space in East Midtown and the extreme challenges of developing new open space; and

Whereas, the creation of pedestrian circulation maps illustrating the specifics of above-ground open space improvements—such as plazas, other privately-owned public spaces (POPS) and shared streets or other thoroughfare improvements—would provide predictability for developers, the MTA, the city and the public and, critically, a better ability to value such improvements; and

Whereas, the proposed zoning mechanism to determine and prioritize transit and public realm improvements is based on a "Priority Improvement List for Qualifying Sites," which would be managed and updated by a nine-member governing group, including representation from the Community Board; and

Whereas, the MTA has already identified 24 improvements at six subway stations serving East Midtown, none of which are included in the current MTA capital plan, and these improvements provide benefits outside the East Midtown Subdistrict, and in fact promote as well as theoretically alleviate overcrowding; and

Whereas, these transit improvements rely upon public funding for maintenance, repair and replacement; and

Whereas, East Midtown was up-zoned in the 1961 Zoning Resolution in major part predicated on the Second Avenue Subway replacing the demolished Second and Third Avenue Els; and

Whereas, the MTA & NYC DOT developed a concept plan for public realm improvements ranging from public plazas to bus bulb-outs; and

Whereas, above-ground public realm improvements may never materialize without a clearly defined mechanism or minimum contribution rate to ensure that public realm improvements are created; and

Whereas, East Midtown Steering Committee recommendations, decades of DCP and CPC zoning policy direction, and accepted urban planning design principles all concur that midblocks that front narrow streets should have lower FAR and street walls, thus protecting the scale and character of the area, as well as light and air; and

Whereas, the proposed zoning text for “qualifying sites” in East Midtown allows greater amounts of FAR to be transferred from landmark buildings to sites in the lower density midblock districts than to the higher density wide street and avenue districts, and removes the incentive for lower street walls on narrow streets; and

Whereas, the DEIS for East Midtown does not specifically address the impacts of such higher FARs and street walls on midblock sites, and

Whereas, the proposed East Midtown Subdistrict is drawn to include the east side of Third Avenue north of 47th Street, and would allow commercial buildings of up to 26 FAR to directly abut on an FAR R8B district; and

Whereas, it appears that the Department of City Planning is rezoning specific areas based on buildings already identified for redevelopment and not giving due consideration to residents’ reasonable concerns about access to air and light and the quality-of-life problems concomitant with large construction projects; and

Whereas, the DEIS for East Midtown shows that 116 of 119 intersections studied will experience significant adverse impacts, demonstrating the unprecedented levels of traffic and congestion the rezoning will bring, even to areas outside the proposed East Midtown Subdistrict; and

Whereas, neighborhood residents’ concerns that including the east side of Third Avenue in the East Midtown Subdistrict will turn the Turtle Bay neighborhood into a commercial district have not been given the same consideration as commercial real estate interests; and

Whereas, currently existing public spaces and parks must be protected from shadows and adverse conditions that new buildings and structures may pose; and

Whereas, the East Midtown Steering Committee recommended the existing height and setback regulations for the Special Midtown District be retained in East Midtown to protect light and air from being blocked by the larger new buildings that the zoning would encourage, and

Whereas, the City’s proposed zoning text would substantially change the existing height and setback rules for “qualifying sites” in East Midtown by:

- Decreasing the passing score for Daylight Evaluation from 75 to 66,
- Not counting daylight blockage below 150 feet above street level, even on narrow streets in Daylight Evaluation,

- Eliminating the penalty for blockage on the street side of the profile line in Daylight Evaluation, and

Whereas, One Vanderbilt scored negative 62.10 under the existing Daylight Evaluation rules and would score positive 20.45 under the proposed changes – a large difference, and

Whereas, the Draft EIS for East Midtown neither discloses nor discusses the proposed changes to the scoring system for Daylight Evaluation, and

Whereas, diminishing light and air in streets and other public spaces, narrowing views along streets, and reducing the space between buildings, constraining their light, air, and views is inconsistent with the stated goal of maintaining East Midtown as a premier business address; and

Whereas, the DEIS does not adequately address sustainability concerns; and

Whereas, the existing Midtown Special District has provisions to preserve daylight reaching the street, benefiting the community's few open spaces available for the public's health and enjoyment, in spaces such as Greenacre Park and other parks that would be undermined by shadow, but those provisions are weakened by the proposed East Midtown Subdistrict;

Therefore be it

Resolved, because of the desperate need for public open space in East Midtown that is not cast in excessive shadow through most of the year, Manhattan Community Board Six, objects to the proposed Greater East Midtown Rezoning unless the following stipulations are addressed; and be it further

Resolved, that DCP provide design guidance making plazas, covered pedestrian spaces, and other POPS as-of-right by certification and require that the first additional FAR earned by any site be for on-site public open space, including on-site transit access improvements; and be it further

Resolved, that DCP should require the publication of pedestrian circulation maps which illustrate the specific and demonstrable public value of open space that would provide FAR benefits to the developer; and be it further

Resolved, that in planning transit improvements, a high priority should be given to both focusing on improvements that will benefit the Greater East Midtown Subdistrict while consideration of the multimodal use of both above and below ground transit and public space and relieving the existing overcrowding and connections with the #7 subway line and the future Second Avenue Subway; and be it further

Resolved, that Manhattan Community Board Six strongly recommends that the proposed zoning text for East Midtown be modified to protect the midblocks of narrow streets by limiting the floor area that may be added to the midblock districts, and maintaining the incentives of the current height and setback rules for lower street walls on narrow streets; and be it further

Resolved, that Manhattan Community Board Six maintains that the boundary of the East Midtown Subdistrict be moved to the center of Third Avenue from 43rd Street to 56th Street; and be it further

Resolved, the increase of the FAR on the Pfizer site from C5-2 (10 FAR) to C5-3 (15 FAR) should require the owner to contribute to public realm improvements just as any other owner of an overbuilt building would be required to do; and be it further

Resolved, that the maintenance, repair, and replacement (MR&R) of public transit improvements be associated with FAR such that the occupancy of the bonused space be contingent on a Certificate of Occupancy, enforced by a tax lien, or ensured by such other enforcement mechanism that requires the recipient of the FAR to pay for the MR&R of the associated transit improvement; and be it further

Resolved, that CB6 endorses high-performance building and sustainability goals as outlined in the East Midtown Steering Committee report; and be it further

Resolved, that Manhattan Community Board Six, because light and air are essential to the continued attractiveness of East Midtown, strongly recommends that the proposed zoning text for the East Midtown Subdistrict be modified to retain the existing height and setback regulations of the Special Midtown District; and be it further

Resolved, the words "objects to" and "unless" in the first resolved clause shall be interpreted as "approves" and "conditional upon" respectively if, on or before March 13th, 2017, the New York City Mayor's Office or the New York City Department of City Planning communicates the following to Manhattan Community Boards Five and Six in writing: The EIS will consider an alternative that requires redeveloped sites to include either outdoor plaza space or a covered pedestrian space.

VOTE: 43 in Favor 0 Opposed 0 Abstention 0 Not Entitled

Yours truly,



Jesús Pérez
District Manager

CC: Manhattan Borough Board
Hon. Dan Garodnick, New York City Council
Hon. Ben Kallos, New York City Council
Hon. Rosie Mendez, New York City Council
Bob Tuttle, Department of City Planning
Luis Sanchez, Department of Transportation
Sandro Sherrod, Manhattan Community Board Six

CORRECTED ON: APRIL 5, 2017

INSTITUTE FOR RATIONAL URBAN MOBILITY, INC.

George Haikalas
President

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New York, NY 10012 212-475-3394
geo@irum.org www.irum.org

Statement at June 20, 2017 NY City Council on East Midtown Rezoning

The Institute for Rational Urban Mobility, Inc. (IRUM) is a NYC-based non-profit concerned with reducing motor vehicular congestion and improving the livability of dense urban places.

IRUM urges the NY City Council to delay approval of the East Midtown Rezoning Proposal until the NYC Department of City Planning (NYCDP) prepares:

1. a *comprehensive street use plan* for the Manhattan Central Business District
2. a *comprehensive regional rail plan*, focusing on Midtown Manhattan

This request was made during NYCDP's environmental scoping for the East Midtown (copy attached), but was ignored. The City Council must act responsibly and demand that planning precede rezoning.

Adding more than six million square feet of new office space in the heart of the nation's most congested business district, without any significant improvement to its impassible sidewalks and its already overcrowded transit system, is a recipe for catastrophic failure. The City Council should demand that NYCDP first develop comprehensive plans for the enhancement and expansion of its transportation facilities and services before this rezoning is proposed.

IRUM has long proposed a river-to-river auto-free light rail boulevard on 42nd Street, to improve crosstown surface transit, and greatly increase pedestrian space particularly in East Midtown. This could serve as a model for an extensive grid of auto-free light rail streets in the core of Manhattan.

IRUM continues to urge transit agencies to advance plans for remaking the three commuter rail lines that serve the Manhattan CBD into a *coordinated regional rail system*, with frequent service, integrated fares, and thru-running first at Penn Station and then connecting to Grand Central. This would ease access for West of Hudson commuters to East Midtown, diverting them from crowded subways. With thru-running and the connection, there would be no need to expand Penn Station to the south, with its disruptive demolition of dozens of buildings that house thousands of workers.

The Manhattan CBD is an important economic engine, not only for the City, but also for the entire 22 million person NY-NJ-CT metropolitan area. The NY City Council must protect this asset by enhancing, not overwhelming this densely developed 8.6 square mile district with more office floor space, without providing adequate open space and regional transit links that would allow the CBD to thrive and increase its economic activity.

The most cost-effective way to enhance open space in the entire CBD, is to reduce motor vehicular traffic and reallocate street space for pedestrian amenities and surface transit. The City must also take the lead in recasting the commuter rail lines into a comprehensive, world-class *regional rail system*.

Planning for the entire Manhattan CBD is essential, and piecemeal efforts like the East Midtown rezoning effort, should follow after a comprehensive plan is prepared.

INSTITUTE FOR RATIONAL URBAN MOBILITY, INC.

George Haikalis
President

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Statement at September 22, 2016 NYCDOP Hearing on Scoping for EIS for East Midtown Rezoning

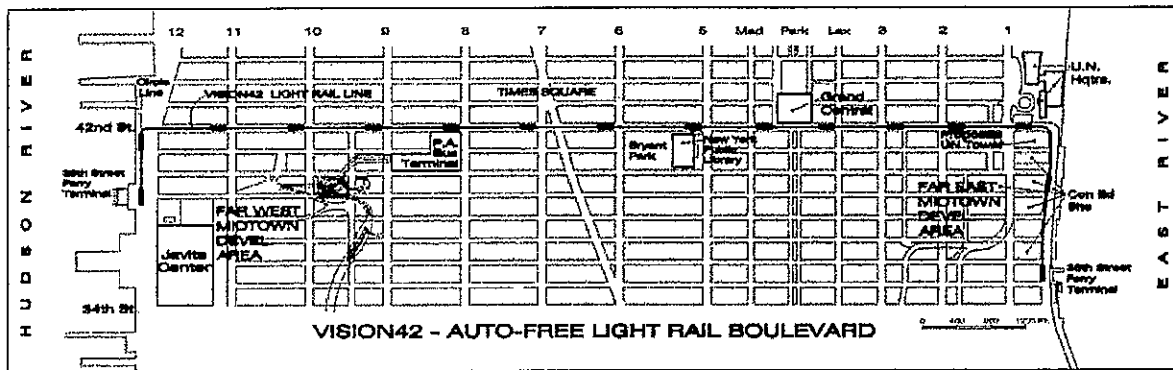
The Institute for Rational Urban Mobility, Inc. (IRUM) is a NYC-based non-profit concerned with reducing motor vehicular congestion and improving the livability of dense urban places.

IRUM urges the Commission to halt all efforts associated with its East Midtown Rezoning Proposal until it prepares:

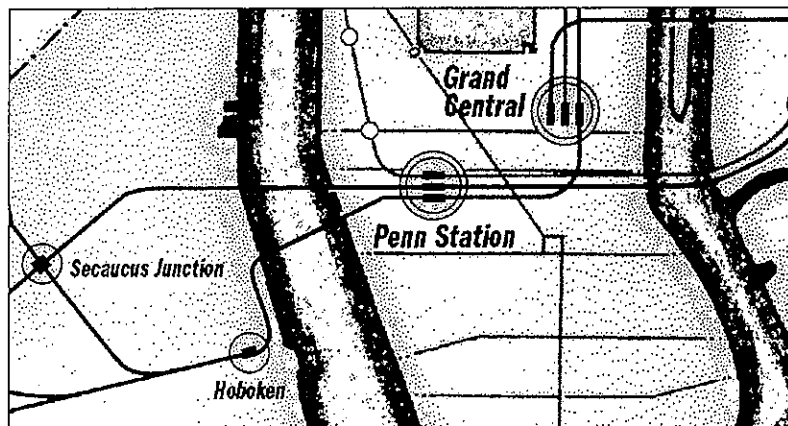
1. a *comprehensive street use plan* for the Manhattan Central Business District
2. a *comprehensive regional rail plan*, focusing on Midtown Manhattan

Adding more than six million square feet of new office space in the heart of the nation's most congested business district, without any significant improvement to its impassible sidewalks and its already overcrowded transit system, is a recipe for catastrophic failure. The Commission should first develop comprehensive plans for the enhancement and expansion of its transportation facilities and services before this rezoning is proposed.

IRUM has long proposed a river-to-river auto-free light rail boulevard on 42nd Street, to improve crosstown surface transit, and greatly increase pedestrian space particularly in East Midtown. This could serve as a model for an extensive grid of auto-free light rail streets in the core of Manhattan.



IRUM continues to urge transit agencies to advance plans for remaking the three commuter rail lines that serve the Manhattan CBD into a *coordinated regional rail system*, with frequent service, integrated fares, and thru-running first at Penn Station and then connecting to Grand Central. This would ease access for West of Hudson commuters to East Midtown, diverting them from crowded subways. With thru-running and the connection, there would be no need to expand Penn Station to the south, with its disruptive demolition of dozens of buildings that house thousands of workers.



June 20, 2017

Testimony regarding the East Midtown Re-zoning

Jeffrey A. Kroessler
The City Club of New York

The Death of Zoning (1916 – 2017)

A century ago, New York enacted the first zoning resolution to control the size and density of development. Today, the de Blasio administration is poised to toss asunder the city's own zoning rules to further the construction of massive new towers in East Midtown, the area around Grand Central Terminal. The result will be towers rising 80 stories and more straight up from the street, with no provision for any public realm.

In 1916, New Yorkers were appalled when they saw the Equitable Building rise 40 stories straight up from the sidewalk. Covering the entire block at Broadway and Nassau Street, it obliterated the sky and cast the streets below in perpetual shadow. Did the citizens want this? Was this to be their city's inevitable future?

Rather than surrender decisions about the shape of the city to corporate real estate, Progressive Era leaders enacted our first zoning resolution. They understood that the public had a right to light and air on their streets, and that no one could privatize the sky. The 1916 zoning resolution called for setbacks to assure that sunlight would reach the sidewalks below (what became known as the sky exposure plane).

At the same time, the new zoning permitted towers to rise as high as the heavens, just as long as they rose behind a relatively low streetwall and covered only 25 percent of the lot. The Empire State Building is the ultimate example of the zoning at work. We love the Empire State. Will we ever love One Vanderbilt, the prototype for the new zoning, now rising on the entire block at 42nd Street and Madison Avenue? By comparison, the Equitable Building looks like a toy, or a development site.

The Department of City Planning has proposed new rules that, in essence, remove all constraints from developers. Their buildings can, and will, rise straight up from the street, eliminating all setbacks and taking out all but a sliver of the sky. This is directly contrary to the 1982 Midtown Zoning Regulation, which defined the amount of daylight in buildings and on the street. A clear formula determined a Daylight Evaluation score: 75 was passing. One Vanderbilt rates negative 62!. Under the proposed rules, it would score plus 20. Still a far cry from old standard. Clearly, what S.L. Green, the developer, wants trumps what the public is entitled to.

The City Club of New York has carefully examined the proposals to rezone East Midtown, and while we agree with the stated goal of maintaining East Midtown as a premier business address, we cannot agree with the means City Planning has chosen to achieve its goals; they do not serve the public interest. To our dismay, they have offered not a well-considered plan, but are merely changing the rules so that developers can build as big and as tall as they desire.

Some existing buildings in East Midtown are actually overbuilt; that is, they are larger than current zoning allows. So there is no incentive for demolition. The new zoning would permit rebuilding in return for a fee paid to the city. In sum, the city would have a financial interest in approving structures which could not have been built previously. In that context, it would certainly be unlikely that the city would heed objections voiced by the public to these gargantuan towers. In practice, no building is too big or beloved to be a development site. This is nothing but zoning for dollars.

This proposal also threatens our historic city. In the last few years the Historic Districts Council, the Landmarks Conservancy, and the Municipal Art Society identified dozens of buildings that should be protected as landmarks. But the Landmarks Preservation Commission designated only 12, and then declared they would not consider any others, regardless of any public entreaties. Anything unprotected now is a development site.

Nowhere in new zoning is the public realm given any consideration, except as provided by and controlled by private interests. Really, the only public space generated under this proposal is a corridor here or a lobby there. Not exactly a robust public realm on a par with Bryant Park. Can Bryant Park absorb all the new workers who will be filing out of those towers at lunch hour? Can the subway platforms handle another couple of thousand commuters?

Mayor Bill de Blasio claims the mantle of Progressivism, but what his administration has proposed is a betrayal of that proud tradition. A century ago, urban progressives used the levers of government to protect the people from the interests. Today, the de Blasio administration sees government as a way to further the interests over the people.

And for a bit of perspective, a New York Times Editorial from June 26, 1974:
“Increasingly, the city has been recognizing environmental and social values in its zoning legislation; it has, in fact, treated these regulations as a tool to improve New York or safeguard what is good about it.... New York’s planners are continuing a trend toward the progressive and creative interpretation of zoning in the interests of a more livable city.”

Now that’s an artifact belonging to a different city, and a different set of values.

vision42

a citizens' initiative to re-imagine and upgrade surface transit in midtown Manhattan, with a low-floor light rail line running river-to-river on 42nd Street within a landscaped pedestrian boulevard. The proposal is sponsored by the not-for-profit Institute for Rational Urban Mobility, Inc., PO Box 409, New York, NY 10014

Roxanne Warren, AIA, Chair, vision42

1841 Broadway, Suite 1208, New York NY 10023

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Statement on East Midtown Rezoning, at New York City Council Hearing, City Hall, June 20, 2017

The proposed East Midtown Rezoning would add some six million square feet to what is already the most congested business district in the nation. In order for such high-density development to avoid congestion and to function fluidly, attention has first to be paid to the district's internal transport systems. We strongly recommend that the planners consider the proven advantages of surface light rail for this function—for its greater capacities, comfort, compact design, and reliability. At the same time, space should be reserved for natural elements, as landscaped environments are very much appreciated where humans are packed so closely together. The vision42 organization has been advocating for such a combination in a river-to-river auto-free light rail boulevard for Manhattan's 42nd Street.

A group of distinguished consultants have studied this plan and made their recommendations. As designed, vision42 would incorporate a 2½-mile low-floor light rail line, traveling river-to-river in 21 minutes—with vehicles arriving every 3½ minutes in peak hours, and every 4 minutes at off-peak — linking subways and other transport hubs, ferry terminals, the United Nations Headquarters, and many of New York's other major destinations and tourism venues.

The light rail line would be built within a fully landscaped walking environment. Eliminating traffic will allow space for cafés and other amenities, and provide significant new open green space in this park-deprived area of town.

Why auto-free?

- Currently, although half a million people arrive daily at 42nd Street's major transit hubs, some 60 percent of the street space is allocated to motorists.
- This current allocation of street space, motorists to pedestrians, is grossly unjust.
- In fact, there are already six times as many pedestrians as motorists in this district.
- We should, instead, be putting people first: Since pedestrians need to be on this vital street, motor vehicles can be shifted to other streets.

Why Light Rail rather than buses?

- Its rails create a self-enforcing path, resulting in more dependable trip times.
- It has a smoother, more appealing ride, therefore a record of attracting passengers of all income levels.
- It has three times the capacity of buses, and therefore no bus bunching.
- Its permanence reinforces new development.

Additionally, surface light rail can provide, by its very nature, inexpensive ADA accessibility — important for New York City, with its growing population of elderly residents.

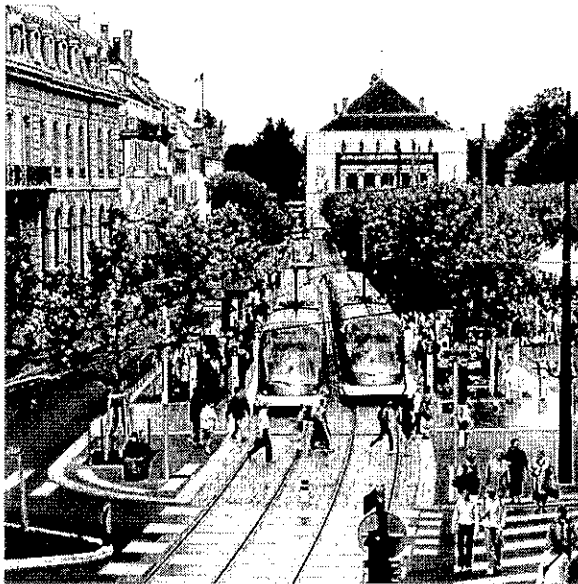
For transportation within such a high-density district, modes should be considered that have proven to successfully deal with congestion, fluidly functioning at the street level. In Europe, for example, light rail auto-free streets, with high-end shops, are thriving in Zürich, Amsterdam, Gothenburg, Bremen, Kassel and Montpellier.

Beginning in 2004, substantial grants from the New York Community Trust enabled the vision42 team to commission a series of technical studies of the proposal for an auto-free light rail boulevard on 42nd Street — to address its economic implications, analyze and resolve issues of traffic and the delivery of goods, estimate its costs, and examine the most expeditious construction phasing techniques, fiscal returns and financing. The consultants' findings have been incorporated in presentations that have been made to more than 400 of the City's decision makers and constituencies. These have received largely positive responses and led to a growing list of elected officials in support of the proposal, and to the formation of an Advisory Committee of 42 distinguished individuals. Clearly, a project of this magnitude will require the successful completion of a comprehensive environmental impact analysis and careful consultation with the communities affected, in order for elected officials to fully support the proposal. Additional information is available at www.vision42.org.

FOR KEY, SELECTED SURFACE TRANSIT STREETS

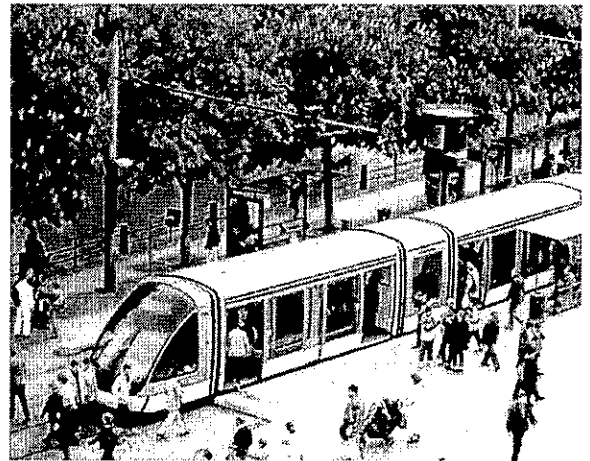
Why light rail, rather than bus rapid transit or select bus service?

Because rail vehicles are reliably guided by their tracks, they require a minimum width of right-of-way, which is of great importance in a crowded city like New York. This also makes **surface light rail** especially appropriate and safe for streets with heavy crowds of pedestrians.



Rail vehicles are reliably guided by their track, requiring a minimum width of right-of-way. This makes light rail especially appropriate and safe for pedestrians.

The rails also provide a smoother, more appealing ride and an obviously dedicated and self-enforcing path, which discourages motorists from entering it and delaying the transit line. This results in reliable trip times and a strong record of attracting riders of all income levels, including former motorists. As a "surface subway" (albeit at a lower speed than a subway) light rail extends the effective reach of the subways, yet **at a cost that is only about one-tenth as much per mile as subways**.



Light rail in Strasbourg, France.

Located at-grade, light rail's easy, quick boarding and inexpensive station platforms will allow frequent access points at every major cross street, making it an ideal distributor for existing subways and buses.

There has already been a considerable amount of research performed on the feasibility of building a river-to-river light rail line on Manhattan's 42nd Street — **vision42** — including its economic benefits, construction impacts, and implications for traffic and deliveries. The project's economic benefits are projected to fund its construction in a short period of time due to dramatic increases expected in retail and restaurant business.

Forty-second Street is an important portal that connects with 17 of the city's subway lines, leading to all five boroughs. Having light rail on 42nd Street could open the way for building other lines throughout the city. There are many bus lines in New York City (see attached sheet) that carry more passengers than recently completed light rail lines around the country, and therefore merit serious consideration for conversion to light rail.

Potential connections between light rail and proposed citywide ferry network

Light rail will be able to meet the ferries, something that most of the city's subways cannot do. This can lend credence to the City's interest in a citywide ferry network. Light rail can serve massive new developments planned along the East and Hudson Rivers, as well as important tourist generators on the waterfronts, such as the United Nations Headquarters and the Javits Center.

Testimony pertaining to a study to determine the feasibility of building a light rail system in the City of New York

Prepared for NYC Council Committee on Transportation Hearing on Thursday, November 12, 2015, 10:00 am, Council Chambers, City Hall, New York

20 NYC BUS LINES SHOW GOOD POTENTIAL FOR CONVERSION TO LIGHT RAIL

ROUTE	Av. Weekday Ridership	ROUTE	Av. Weekday Ridership
1. M15 1st/2nd Aves.*	52,723	11. Bx19 Southern Blvd./E149 St.	31,435
2. Bx12 Fordham Rd./Pelham Pkwy.	47,328	12. Bx36 E174/E180th Streets	31,353
3. B46 Utica Ave.	47,239	13. Bx15 3rd Ave.	31,158
4. B6 Ave.D/Flatlands Ave.	42,275	14. M101 Lexington/3rd Aves.	29,403
5. Q44/20 Jamaica—Bronx Zoo	41,857	15. Q58 Flushing—Ridgewood	28,850
6. Bx1/2 Grand Concourse*	38,861	16. Bx40/42 Tremont Ave.	27,658
7. B44 Nostrand Ave.*	36,624	17. Q27 Flushing—Cambria Hts.	25,070
8. M14 14th Street	35,891	18. M86 86th Street Crosstown	25,023
9. B35 Church Ave.	32,073	19. M34 34th Street Crosstown*	17,175
10. B41 Flatbush Ave.	31,900	20. M42 42nd Street Crosstown	13,885

* Select Bus Service Routes, currently

Data provided in 2014 by Paul Gawkowski, former Director of Surface Transit for Brooklyn and Queens, and Director of Short-Range Bus Service Planning for all of New York City. Average weekday ridership is one of many useful indicators for converting buses to surface light rail.

This list is based on an average weekday ridership of at least 25,000 per weekday, with the M34 and M42 making the list because of their very high ridership per route mile. Using average weekday ridership as an initial tool for creating a list of candidate bus routes for upgrading is a standard and generally accepted transit planning practice. It was, in fact, the methodology used to select potential candidate NYCT bus routes for conversion to BRT, later christened Select Bus Service.

Of course, making the candidate list is only the first step in the extensive research which would be necessary to determine which of these bus routes would be the most appropriate for conversion to light rail. However, neither the MTA nor New York City Transit has ever studied the possibility of converting any of these candidate routes for conversion to light rail, not even as a possible alternative to Select Bus Service routes.

Statement of Michael Gruen
To City Council
June 20, 2017

Concerning East Midtown Rezoning

My name is Michael Gruen. I am President of The City Club of New York. Thank you for the opportunity to share some of our views about problems with the East Midtown rezoning plan.

1. Let good enough alone. The proposed rezoning of East Midtown is built almost exclusively upon a quasi-perceived need for vast increase of so-called “modern” office space with large floor areas, few columns, and high floor to floor height to accommodate wiring. With its doubling of FAR in much of the area; its insensitivity to canyonization (street wall at the property line and absence of set-backs as the building rises), and the consequent loss of any sense of connectivity to the sky; its disinterest in ensuring survival and perpetuation of the small retail that distinguishes this from the typical ho-hum downtowns throughout the world that no sensible traveler seeks out; this plan threatens the very character of East Midtown that makes it uniquely appealing.

Although supporters refer to such a quasi-perceived need, there is in fact no solid evidence or study purporting to justify it. Even its lead proponent, the City Planning Department, is nothing but ambiguous. As DCP says on its web page concerning the rezoning, the area “*currently performs well in terms of overall office district cachet, rents, and vacancy rates.*” But, DCP is concerned that the area “*may not—in the long run—offer the kinds of spaces and amenities desired by tenants.*” That is not reasoning; it’s conjecture.

One assumption is that the business world needs very large floor plates with few columns, such as is desirable for trading floors. But isn’t the demand for trading floors diminishing as trading is increasingly accomplished electronically? Doesn’t a large segment of commercial renters consist of small businesses requiring much less space? If they are ousted from East Midtown, won’t that encourage displacement of the fashion district, also an extremely important part of the City’s economy? And how does the City’s encouragement of other huge new office areas, such as Hudson Yards and downtown Brooklyn, interact with

rezoning of East Midtown? Can all such areas, competing against one another, be successful? A partial answer appears to be that Hudson Yards is not being developed at the expected rate and the City is carrying much greater cost for that area than it expected to. (See “Hudson Yards Offered a Payday for the Subway, but We Got Offices,” New York Times 6-15-17.) Another answer we have heard is, “Don’t worry. Different renters prefer different types of locations.” To which one might ask, “If the rezoning changes the character of East Midtown, will it continue to appeal to those renters who are attracted to it now?”

Lots of questions; no satisfactory answers. Major decisions require major disclosure of the precise data and reasoning on which the recommending agency has based its advice, and ample time to review those materials. This is too important and impactful a matter to undertake without conviction that it is necessary.

2. Follow the money. When government promotes a major project without clearly explaining why, the natural response of constituents is to wonder what the real reason is. It’s not hard to find. Money is the dominant theme of the proposal. Wherever you look, there is a scheme for turning the newly minted FAR into dollars for a quasi-governmental committee to apply to transit improvements to the area.

Money plays such a paramount role here that it is allowed to interfere with the purported planning goal of inducing owners to build. Here’s why. We must assume that, from a planning point of view, the City would offer no more incentive than what it calculates is necessary to induce owners to build the amount of new office space that the City thinks is desirable. To offer more would waste public funds or the public’s interest in an attractive environment. But where, as here, the City demands that an incentivized owner must pay a hefty price for every square foot of “bonus” floor area, the incentive effect is reduced by that additional cost. For the incentive to be effective, it must, therefore, be increased to cover the owner’s additional cost – we have roughly estimated 25% more than necessary.

3. Selling zoning rights is illegal. The zoning power of any municipality is limited. It must be used solely for regulating land-use. Courts have voided attempts to use it for other purposes, including raising money. (Sunrise Check Cashing v. Town of Hempstead, 20 N.Y.3d 481, 485 (2013); Municipal Art Society of New York v. City of New York, 137 Misc.2d 832 (Sup. Ct. N.Y. Co. 1987).)

4. If you want amelioration, ask nicely. The US Supreme Court too takes a dim view of municipalities that demand a quid pro quo from the owner for a zoning or other land use benefit. It can be done, on the theory that exercise of the permission imposes a new burden on

the public, but only if the governmental “exaction” would clearly achieve substantially the same legitimate governmental goal as denying permission would achieve (“nexus”), and the government asks for no more than what is reasonably necessary to achieve that goal (“rough proportionality”). (Nollan v. California Coastal Commission, 483 U.S. 825 (1987); Dolan v. City of Tigard, 512 U.S. 374 (1994).) The Court has also made clear that evasion of these rules, no matter how cleverly, is the same as violating them. (Koontz v. St. Johns River Water Management District, 133 S. Ct. 2586 (2013).)

This proposed rezoning largely fails these tests.

Take a relatively simple example. Existing law allows the owner of an oversized, but grandfathered, building to rebuild the building to its grandfathered size if at least 25% of the original structure is retained after rebuilding. That is a right; no payment is required. The rezoning would provide a unique opportunity to the owner of such buildings, in East Midtown only, to tear down 100% of the overbuilt structure and rebuild to its grandfathered size, but the owner must pay a fee of approximately \$70 per square foot for the excess space over that allowed under the now existing zoning. (Proposed ZR 81-643). Whichever of the two options the owner chooses, the end result is a permitted building that contains the same number of square feet as before. The owner adds no burden on the public. If he chooses 100% demolition rather than 75%, he neither gains nor loses any space and imposes no additional land-use burden. The only thing he is being asked to pay for is the permit itself. That is a perfect example of selling a zoning permit. It is illegal. (See Municipal Art Society, cited above.)

A second example, and we will stop with that, is a complicated, and much more sophisticatedly camouflaged, scheme to allow an owner to build FAR above the otherwise applicable limit if the owner will finance subway transit improvements. The first choice would normally be to finance an improvement in the same sub-subdistrict where the owner intends to build, maybe no more than a few blocks away. Depending on such factors as the actual distance between the owner’s building and the transit improvement, the likelihood that additional users of the building will also use that subway station (rather than Uber or a limousine), and the cost relationship between the additional burden the new building imposes and the price of the exacted transit improvement is reasonable, this could work. But if all the permitted slots for a nearby transit improvement have been taken, the owner (say, at 57th Street and Lexington) may have to finance a transit improvement a mile or so away at, say, 42nd Street and Sixth Avenue (Bryant Park) serving – if the owner is lucky – a line that at least runs through his own sub-subdistrict, though without stopping there, or if he is not so lucky, a line

that has no relationship whatsoever to his sub-subdistrict. These situations, quite obviously, stretch the ideas of nexus and proportionality to their limits and well beyond.

5. Don't invite lawsuits, especially meritorious ones. The adoption of the Vanderbilt Avenue rezoning in 2014 was immediately followed by a lawsuit by Argent Company, owner of the transferable development rights of Grand Central Terminal. Argent argued invalidity under Nollan/Dolan. It settled in a deal that involved sale of its development rights.

It is easy to imagine a similar case based on the payment scheme as presently written. An owner who believes that he should not have to pay just to exercise so-called "as of right" zoning, nevertheless accepts the deal, gets his building permit, starts construction, then sues to void the part of the deal involving illegal sale of zoning rights. He may well win, especially if he drew an improvement a mile from his own construction. Since the purpose of the Nollan/Dolan cases is to deter government from over-reaching, odds are that a court will void the exaction, but allow the owner to complete his building. Result: the public gets all the disadvantages of over-building – excessive height and bulk, canyonization, loss of the ambience East Midtown is now known for. Plus, as taxpayers, the public still has to pay for the subway improvements a mile away. Those voters could get angry as hornets.

19 Jun 17

East Midtown – City Club Testimony

City Council Public Hearing Tuesday 20 June 2017

The City Club of New York has been carefully examining and commenting on the series of proposals to rezone East Midtown during the last several years. We agree with the stated goal of maintaining East Midtown as a premier business address and our cautions and recommendations have been intended to help achieve that vision. We regret that we disagree with the means City Planning has chosen to achieve its goals.

We start by thanking the East Midtown Steering Committee for its efforts to understand East Midtown and to address its problems. We also thank City Planning for its efforts to craft solutions and to explain them. And now we are hopeful that the City Council will improve the City's proposal by turning it back toward the recommendations of the Steering Committee.

Our general criticism is, and has been, that the proposals for East Midtown are not founded on a well-considered plan. Such a plan would put East Midtown in a regional context and would address issues of transit access, local circulation in an improved public realm, and the interrelationships of uses in a complex urban ecosystem.¹

Our specific concerns are of three types:

- Departures from the recommendations of the East Midtown Steering Committee,
- Conflicts of interest between implementing a well-considered plan and zoning for dollars, and
- Conflicts with constitutional protections.

¹ What would make East Midtown more attractive?

- Completion the Second Avenue subway from 63 Street to Lower Manhattan: this would improve access from the Upper East Side and further reduce congestion on the Lexington Avenue line.
- A direct rail connection between Grand Central and Penn station: this would allow NJ Transit trains to bring passengers directly from New Jersey to Grand Central, allow Metro-North trains to travel through Grand Central to Penn Station, and allow Amtrak to serve the east side of Manhattan.
- Direct rail access to the airports.
- A public realm that better connects transit, buildings, and streets.
- A public realm with more and better POPS (Privately Owned Public Space) such as plazas, arcades, and atriums.
- A public realm with streets that better serve all their users, most of whom are pedestrians, but also buses, taxis, trucks, bicyclists, and others. This should include the conversion of 42 Street to landscaped open space and a light rail line as proposed by Vision42¹.
- Preservation of the area's rootedness. (A palimpsest is a page that has been erased and reused but on which the older information is still discernable. The richest built environments are often palimpsests in that the inquiring eye can see their history.)

Steering Committee Recommendations: There are three major recommendations of the East Midtown Steering Committee that the City's proposed zoning contradicts. One is the addition of public open space to the public realm through the encouragement of POPS, another is keeping the Special Midtown height and setback regulations to protect daylight, and the third is maintaining the lower scale of the midblocks.

- The East Midtown Steering Committee report recognizes the dearth of public open space in East Midtown and recommends creating a plan for the public realm that includes on-site spaces such as plazas and covered plazas. By contrast, the proposed rezoning encourages very large buildings to be developed using transferred air rights and off-site subway improvements as-of right and discourages on-site public spaces by limiting them to a new special permit for "public concourse". Consequently, the DEIS finds the lack of public open space in the proposal to be a largely unmitigated significant impact.

With respect to open space and a plan for the public realm the proposed zoning turns the recommendations of the Steering Committee upside down.

- The East Midtown Steering Committee report recommends that new development adhere to the height and setback rules of the Special Midtown District, although a special permit review was anticipated for buildings that tried to fit too much zoning floor area into the zoning envelope. Indeed, sensing a potential conflict between very big buildings with FARs up to 30.0 and maintaining some daylight in the streets, the committee recommended a compromise in which City Planning should examine reducing the passing Daylight Evaluation score from 75 to 66. (Remember that this was in the context of the recently approved One Vanderbilt, a 30.0 FAR building, having a score of negative 62.)

However, the proposed zoning goes further and changes the scoring process for "qualifying sites" to allow much greater encroachment. With respect to protecting light and air in East Midtown the proposed zoning appears to be surreptitiously ignoring the recommendations of the Steering Committee. By way of example, One Vanderbilt if scored using the proposed scoring would earn a score of positive 20 rather than negative 62 – a large difference. (Also, the impact of these changes does not seem to be disclosed or analyzed in the DEIS.)

- The East Midtown Steering Committee report recommended increasing density along wide streets, not in the midblocks. However, the proposed zoning allows greater increases in FAR in the 12.0 FAR midblocks than on the 15.0 FAR wide streets such that the FARs on the midblocks become the same as on the avenues. The proposed zoning also allows the height of the street walls on the midblocks to be as tall as the street walls on the wide streets. Furthermore, these changes seem to obviate the split lot rules.

Conflict of interest: (zoning for dollars)² We are concerned that there is a conflict of interest when the City uses zoning to raise revenues rather than for the authorized purposes of zoning -- to regulate land use, light and air, and density in conformance with a well-considered plan -- and that this conflict results in bad planning. For example:

- If the City charges a fee for the privilege of the remote transfer of development rights from landmarks, as it does in the Theater Subdistrict and proposes in the East Midtown Subdistrict, is it likely to allow unused floor area to be transferred further and to allow greater increases on receiving sites? Such transfers violate the principle of a geographic nexus between the benefit of the preserved landmark and the burden of the larger building.
- If the City requires developers to improve subway stations, some of which are even outside of the East Midtown Subdistrict, to obtain bonus floor area it effectively supplements the MTA's budget. Does this financial benefit to the MTA influence the City to not require traditional, much needed, density ameliorating amenities on the development sites, such as plazas, covered pedestrian spaces, and access to adjacent subway mezzanines?
- If the City allows bonus floor area for an improvement in a subway station that then becomes the responsibility of the MTA to operate, maintain, repair, and replace, the development is relieved of the traditional obligation, which it would have in the case of a plaza, to maintain the density ameliorating amenity for the life of the bonus floor area on the top floors of the benefitted building. Does the City see the one time benefit to the MTA as more important than the long term relationship between the increased density and the public improvement?
- If the City charges a fee to reconstruct the portion of an overbuilt building in excess of the site's base FAR (rather than retain 25% of the existing structure) the City is collecting dollars rather than requiring the provision of the traditional plazas and arcades that would ameliorate the additional density. Does this reflect a greater interest in obtaining dollars than in increasing the amount of public space in East Midtown?
- If the City relaxes height and setback in order to facilitate the redevelopment of a site that will pay fees to reuse overbuilt zoning floor area and to transfer floor area and will make improvements to subway stations thereby supplementing the MTA's budget, is it doing so in furtherance of a well-considered plan or in order to raise revenues?

At issue is the height and setback exemption proposed along Vanderbilt Avenue. It would allow height and setback to be measured from the far side of the street rather than the near side, which is detrimental to the public's light and air but allows larger floors in the upper part of the building. Would the City include this provision if it were not benefiting financially?

² See the Coliseum case: *Municipal Art Soc. of N.Y. v. City of N.Y.*, 137 Misc. 2d 832 (Sup. Ct. N.Y. Co. 1987)

This only affects one site, the Postum Building at 250 Park Avenue, which would presumptively be illegal spot zoning.

- If the City insists on including Third Avenue in the rezoning of East Midtown does it do so in furtherance of a well-considered plan or to create more development sites?

In response to the draft scope of work for the environmental analysis of East Midtown Manhattan Community Board Six passed a resolution last year that an alternative be considered that omitted the area east of Third Avenue from the rezoning. The community board sees Third Avenue as an area of transition between the CBD and the residential neighborhoods of Turtle Bay and Tudor City in which development should be transitional in scale and mixed in use. It also sees it as an area that should not have its density increased until the Second Avenue subway is extended south.³

It appears that the City is including Third Avenue in order to have enough development sites to use all of the transferable development rights from landmarks and all of the bonus floor area for subway improvements in order to collect the fees for TDRs and pay for improvements to MTA facilities.

The City Club has repeatedly suggested that other ways than zoning be considered to fund public realm improvements, including the possibility of tax increment financing as a way to fund transit improvements in the area that will be served by East Side Access for the LIRR.

Alternatives such as the capital budget and tax increment financing would allow zoning to address improvements to the public realm on development sites rather than bonusing improvements within subway stations so as to supplement the MTA budget or collecting fees to supplement the DoT budget. These alternatives would avoid conflicts of interest between planning and raising revenue, would spread the cost over all the properties that benefit from the transit improvements, and, in the case of tax increment financing, would likely provide significantly more funds to the MTA. (Keep in mind that this is not an addition to the real estate tax, like a BID, but an assignment of a portion of the natural increase resulting from the completion of East Side Access – which should be appealing to local property owners).

³ Community District Six is the area generally east of Lexington Avenue between 14 and 59 Streets. This is the eastern edge of Midtown Manhattan. It is an area of transition between the Midtown Central Business District and the residential areas of Turtle Bay and Tudor City. It is an area of transition in scale and use.

Community Board Six has recommended that the area east of Third Avenue not be subjected to the large increases of density and scale of buildings proposed for East Midtown. It is also concerned that the uses be mixed or residential in character rather than primarily commercial. In addition it notes that residential development seems to be doing quite well in this area and to not be in need of any zoning incentives.

On the other hand, we also understand that there are arguments against tax increment financing, not least of which is that it diverts tax revenues from the City's general budget. Nevertheless, we believe it is a tool that is worth thorough and objective consideration.

Constitutional Protections: We believe that the proposed rezoning of East Midtown threatens three constitutional protections generally enjoyed under zoning: **Nexus** -- there should be geographic proximity such that the same community enjoys the benefit and carries the burden of an action such as transfers of development rights from landmarks and bonus floor area for density ameliorating amenities. **Proportionality** -- there should be a proportional relationship between the impact of increased density on a site and the amenity that is intended to ameliorate that density and that the relationship should be maintained for the life of the increased density. **Exactions** -- the agreement of a suppliant to a deal does not make it right.

For example:

- There needs to be a geographical nexus between the benefit of a preserved, smaller, landmark building and the burden of the larger development that uses its air rights. For instance, the daylight in the street that is assured by the granting site should be enjoyed by the same community that suffers the shadows and increased congestion of the receiving site.

The proposed rezoning would allow unused development rights to be transferred from any landmark in the East Midtown Subdistrict to any "qualifying site"⁴ in the subdistrict. It would also allow the fee charged for the privilege of a remote transfer to be spent on subway or street improvements anywhere in East Midtown.

This might, for example, allow air rights from St Patrick's at Fifth Avenue and 50 Street to land on the Pfizer site at 42 Street and Second Avenue and improvements be made to a subway station at Lexington and 53 Street. As a result, the burden of increased density, less light and air, and greater congestion would be at one corner of East Midtown, the light and air benefit of St Patrick's at another and the circulation improvement in a subway station somewhere else. Is this fair?

We suggest that smaller transfer districts, such as the existing Grand Central Subdistrict, be established rather than allowing air rights to be transferred throughout East Midtown.

- There is a need for proximity between a density ameliorating amenity and the development that incorporates its bonus zoning floor area. Traditionally, a plaza provides public open space on the same site as the building generating the need,

⁴ A "qualifying site" qualifies for the transit improvement bonuses and district-wide transfers of landmark development rights by (i) having buildable frontage on a wide street, (ii) having no more than 20% of its zoning floor area in residential use, (iii) being environmentally efficient (ZR 81-681), and (iv) if in a transit improvement zone providing required subway station improvements (ZR 81-682).

although it probably could also be justified by separate sites that are adjacent or nearly so.

The proposed rezoning would allow “qualifying sites” located in the Grand Central Transit Improvement Zone Subarea and in the Other Transit Improvement Zone Subareas to earn bonus zoning floor area from improving subway stations as far away as outside of the East Midtown Subdistrict.⁵

We suggest that the subway station being improved be much closer to the development using the bonus floor area such that the increased density is more convincingly ameliorated by the improvement to the subway station.

- Is there adequate proportionality between the impact of a development on a subway station and the bonus floor area received for improving that station when the bonus is the same whether the station is adjacent to the development or many blocks away?

If the subway station being improved is adjacent to the site that is being developed it seems likely that the new building will be creating some of the congestion being mitigated in the station; if the station is remote it is likely that only a diminishingly small portion of the congestion will be caused by the new building. To maintain proportionality less bonus floor area should be given for the remote improvement. If not, this may risk a finding that the cost of the improvement to the non-adjacent subway station amounts to an unconstitutional exaction.

We suggest that the subway station improvement bonus only be allowed when the station is near, preferably adjacent, to the site on which the increased density will be developed.

- As proposed, the subway improvement is to be built by and at the expense of the developer and then operated, maintained, repaired, and replaced by and at the expense of the MTA. This means that in the long run the MTA, rather than the developer, is paying for the development’s bonus floor area.

We suggest that in addition to building the subway improvement the developer establish a trust fund for its operation, maintenance, repair, and replacement and that the building replenish the fund as necessary as long as the bonus floor area exists.

- The zoning resolution requires overbuilt buildings to follow the current zoning regulations if redeveloped. There is, however, a sort of casualty provision that allows the building to retain its excess zoning floor area if no more than 75% of the building is demolished. The proposed zoning would allow the existing building to be completely demolished and

⁵ ZR 81-682 prioritizes improvements to stations close to the development site but allows more remote stations when closer stations are not available.



to pay a fee to reuse the overbuilt floor area. Because there is no difference in the impact of the overbuilt portion on the city the fee becomes an exaction.

We suggest that the overbuilt provisions be left as is and that the developer use other provisions of the zoning, such as transfers of development rights or bonus floor area from density ameliorating amenities to achieve greater FAR.

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MAS Comments for New York City Council Subcommittee of Zoning and Franchises on the Greater East Midtown Proposal, ULURP No. 170186 ZRM Manhattan, NY

June 20, 2017

Background

The Municipal Art Society of New York (MAS) has played an active role in the rezoning of East Midtown. In 2012, MAS engaged planning, preservation, and development practitioners to explore ways to maintain East Midtown as not only the city's premier business district, but as a vital, working neighborhood. This effort culminated in the report, *East Midtown: A Bold Vision for the Future*, issued by MAS in February 2013, which laid out a framework for reinvigorating the area's public realm, improving transit infrastructure, encouraging a vibrant mix of uses, protecting the area's valuable historic resources, and fostering forward-thinking sustainable design.

MAS and many other stakeholders found the 2013 East Midtown rezoning proposal to be deficient in achieving critical goals, and it was later withdrawn. Mayor de Blasio then formed the East Midtown Steering Committee, including MAS, to spearhead a stakeholder-driven effort. In October 2015, the Steering Committee issued its Final Report, which included recommendations that frame the current Greater East Midtown Proposal—with a few critical exceptions.

MAS recognizes that the primary goal of the current proposal is to incentivize significant expansion of commercial office space to improve the area's viability as New York's premier business district. We also acknowledge the effort made by the City to foster and incorporate stakeholder input.

Position

MAS remains steadfast that a number of critical issues need to be addressed before we can fully support the proposal. Therefore, we urge the City to incorporate our recommendations in the following areas:

Public Realm Improvements

Mindful of the congestion in the area's public transit stations and sidewalks, the limited open space in the area, and the incremental 28,000 workers expected under the plan, we find the proposed improvements under the Public Realm Improvement Concept Plan to be fundamentally deficient. MAS is also concerned about the role the Public Realm Improvement Fund Governing Group will play and we believe that Privately Owned Public Space (POPS) have largely been ignored under the plan.

Public Realm Improvement Concept Plan

The current plan proposes more than 300,000 square feet (sf) of ROW improvements under the Public Realm Improvement Plan. This includes pedestrian plazas near Grand Central Terminal (i.e., Pershing Square, Park Ave West, East 43rd Street), pedestrian improvements along the Park Avenue median, and the inclusion of shared streets within the district. However, at present, unlike the proposed transit infrastructure improvements, these measures are not codified into the text amendment, which provides little assurance that they will be implemented.

Public Realm Improvement Fund

Central to the proposed amendment is the Public Realm Improvement Fund, into which contributions would be made from a portion of each transferred landmark development right or when developments on qualifying sites seek to exceed the proposed maximum floor area ratio. The public realm improvement fund floor price has been set at 20 percent of each transferable development right (TDR) sale, or a minimum contribution of \$78.60 per square foot. The floor price will be evaluated by qualified professionals and will be reviewed and adjusted by the City Planning Commission (CPC) at least once every three years.

MAS strongly urges the City to work with the Steering Committee to establish firm criteria for a floor price that is sufficiently flexible to adjust to potential fluctuations in the real estate market and to ensure that funds will be available for the necessary public realm improvements.

Additional Funding Sources

MAS questions whether the Public Realm Improvement Fund, which draws from contributions from the additional floor area for the reconstruction of overbuilt buildings and a portion of transferred development rights from landmarks, is sufficient to address the transit infrastructure improvements identified by the Metropolitan Transportation Authority (MTA) let alone the additional proposed public realm improvements. MAS suggests exploring additional funding sources beyond the improvement fund, including the MTA capital budget, tax increment financing, Payment in Lieu of Taxes (PILOT) financing, equitable road pricing, and Transit Assessment District benefits.

Public Realm Improvement Fund Governing Group

Under the current proposal, the Public Realm Improvement Fund will be managed by a nine-member governing group, five of whom will be selected by the Mayor. We understand that the City is amenable to adding a member from a civic organization, while keeping a majority of mayoral appointees. The group has the responsibility of prioritizing improvements to be funded under the Concept Plan and would address the future public realm needs of the Subdistrict. MAS asks the City to provide the precedent by which the group framework was conceived, particularly with regard to efficacy in executing and allocating funding, which is critical to the success of the proposal.

Privately Owned Public Space (POPS)

Although POPS account for 50 percent of the area's approximately 39 acres of public open space, they have been largely ignored under the current proposal. Because they serve as important retreats for area workers and visitors, MAS remains firm in our view that POPS are a viable option for increasing and improving open space in the project area.

- Reevaluate the 1.0 FAR bonus under current zoning
- Reconsider requiring developers to exhaust all other options for increasing commercial density before the FAR bonus for POPS can be utilized
- Explore offsite bonus opportunities
- Establish guidelines for improving existing and future indoor and outdoor POPS
- Provide incentives for renewing POPS

If properly designed and maintained, POPS can help reduce environmental and health concerns, such as urban heat island effect, and provide opportunities for implementing sustainable storm-water management practices. We are including a memo that expands upon these recommendations and provides further details regarding potential environmental benefits.

Additional Public Realm Recommendations

MAS encourages the City to explore mechanisms for improving the public realm through temporary and permanent art installations in existing and new public spaces in the district, including POPS.

While we recognize that the current proposal relaxes certain stacking rules, which would permit non-residential uses such as restaurants and observation decks in new buildings, we also ask the City to explore ways of utilizing floor area on second and third levels of existing and proposed buildings for public space, gardens, and art displays.

Sustainability

One of the City's stated primary goals for the proposal is to incentivize state-of-the-art development and "to facilitate modern and sustainable buildings." Under the current proposal, qualifying sites would be required to either utilize the area's steam network or exceed the Core and Shell 2016 Energy Code Standards by three percent. Since the build year for proposed development under the plan is 2036, MAS questions whether the sustainability and energy efficiency goals of the project go far enough.

As outlined in the Steering Committee recommendations, new developments should achieve LEED Gold standard for the core and shell of the buildings. Alternatively, developments should achieve more than three percent energy efficiency—MAS recommends 15 percent—above the City's Energy Conservation Code (NYCECC) standard.

In addition, since the proposal would likely result in wholesale demolition of pre-1961 buildings, we recommend that the City promote adaptive reuse of structures or portions of structures to the extent practicable and explore sustainable practices, guided by LEED or equivalent standards, regarding the reuse of demolition and construction materials.

Promoting Mix of Uses

MAS recommended a variety of retail uses throughout the 78-block project area. However, the proposal calls for an incremental increase of only 139,000 gross square feet (gsf) of retail space. As such, MAS recommends that the text amendment include provisions for a mix of retail, restaurants, and entertainment venues to increase the vibrancy of the area.

Residential Conversion

Since 1981, the Zoning Resolution has allowed commercial buildings to be converted to residential without regard to generally applicable bulk regulations if certain criteria are met (e.g., built in 1961 or earlier, exceed 12 FAR, and have zero residential floor area). Based on these criteria, more than a hundred buildings—representing millions of square feet—would be eligible for residential conversion in the project area (see Figure 1). Because this would be contrary to the stated goals of the proposal, MAS urges the City to explore mechanisms that would restrict residential conversions.

Historic Preservation

Although Landmarks Preservation Commission designated 16 buildings prior to the project's certification for ULURP, eight additional buildings recommended by MAS remain unprotected.

MAS also urges the City to develop bulk controls to protect important view corridors to historic buildings within the rezoning area. As shown in the photo-simulations in the DEIS "Chapter 7: Urban Design and Visual Resources", certain proposed new development would block existing view corridors of historic buildings, particularly the Chrysler Building, Chanin Building, and Waldorf Astoria Hotel, despite the conclusions to the contrary in the document.

Daylight Evaluation

MAS believes that the modifications to the daylight evaluation methodology proposed under Section 81-663 of the text amendment that lower the scoring standards for qualifying sites and would allow more encroachment from larger and taller buildings would be highly detrimental to the preservation of light and air on the public realm. The daylight evaluation methodology embedded in the Special Midtown District zoning height and setback regulations in 1982 draws from decades of combined effects of as-of-right building bulk regulations. We find that, in order to allow taller buildings,

the current proposal ignores rules that were based on a reliable record of community expectations about the sunlight that reaches the public realm and potential impacts from developments in Midtown.¹

Therefore, MAS concurs with the recommendations in the 2015 East Midtown Steering Committee Report that the existing height and setback regulations should generally remain in place. Furthermore, if a project cannot be completed in conformance with these regulations, a Special Permit should be required.

MAS urges the City work with the Steering Committee to reexamine potential height and setback modifications and study proposed changes to the daylighting methodology.

East Midtown Subdistrict Boundary Recommendation

Currently, Third Avenue is the transition between the high-rise business district to the west and the currently low-scale residential communities of Turtle Bay and Tudor City to the east. MAS has identified 13 properties with less than 50 percent of their lot surface within the proposed East Midtown Subdistrict, eight of which are on the eastern boundary, adjacent to lower density development in Community Board 6 (see Figure 2).

Under the current bulk regulations, these properties hold approximately 214,000 sf of unused development rights. If they remain in the proposed East Midtown Subdistrict, the amount of potential transferable development rights could increase significantly.

In order to protect this important transition area, MAS believes that the rules for the proposed Subdistrict should not apply to these 13 sites, and that the proposed East Midtown Subdistrict boundary and text amendment should be revised to exclude them.

Environmental Review

Our comments below pertain to key areas in the DEIS that MAS finds deficient and require additional analysis:

- **No-Build Projects:** The DEIS does not include a list of projects for the No-Build Development Scenario. This is particularly important for the shadow analysis, since it is not clear which buildings have been included in the baseline condition used for the analysis.
- **Shadows:** The DEIS evaluated shadow impacts of proposed and projected developments on open space and historic resources in the project area. Although the evaluations show new incremental shadows, they do not indicate from which sites they would come, nor does it include the height of the buildings used in the analysis. Therefore, we expect that the FEIS will be revised to include these two important components.

MAS is greatly concerned about the shadow impacts on Greenacre Park, one of only three vest pocket parks in the city. Despite the conclusion in the DEIS that incremental shadows from developments under the proposal would not affect vegetation or the public's enjoyment of the park, MAS believes substantive mitigation measures, including, but not limited to, height and bulk limitations, should be implemented to reduce shadow impacts on Greenacre Park from projected and potential development sites 7, 10, 11, C, D, and J.

In addition, the DEIS identified adverse shadows on St. Bartholomew's Church and Community House and recommended as potential mitigation the installation of artificial lighting on the exterior of the building. MAS questions the validity of this approach and strongly urges that the EIS include an evaluation of potential bulk

¹ Michael Kwartler and Raymon Masters, *Daylight as a Zoning Device for Midtown*, (New York City, 1984).

regulation changes that would reduce shadow impacts on this historic resource, as indicated in Chapter 22: Unavoidable Adverse Impacts.

- **Open Space:** The DEIS concludes that because the CEQR threshold for evaluating open space impacts has been exceeded based on existing conditions (ratio of daily worker population to available passive open space), no quantitative analysis would be conducted since the project would not be able to achieve the City's goals of 0.15 acres of passive open space per 1,000 non-residential users.

Although MAS understands that CEQR regulations hold that if thresholds are exceeded under existing conditions, no further quantitative analysis is required, we are duly mindful of the incremental 28,000 new workers anticipated under the proposal and the additional open space these numbers would demand. We argue that this condition further underscores the need for POPS to be explored thoroughly as part of the overall proposal as a way to increase and improve open space in the project area.

- **Transportation:** The DEIS identifies significant impacts on pedestrian accessways at three subway stations (GCT, 42-Bryant Park and Lex-53rd), two of which would be unmitigated under the proposal. MAS contends that the pre-identified transit improvements under the proposal should have anticipated and addressed potential adverse impacts to pedestrian circulation at transit stations in the project area.
- **Urban Design and Visual Resources:** We find the evaluation of the proposal's impacts on critical view corridors to be highly flawed. Although many of the photosimulations contained in the DEIS clearly show that development under the proposed action would obscure critical views of historic buildings—in particular, the Chrysler Building, the Chanin Building, and the Waldorf Astoria New York Hotel—the DEIS concludes that no adverse visual resource impacts would occur. Therefore, we expect the FEIS to include an accurate analysis of the proposal's impact on view corridors, particularly those that would be affected by the rezoning and subsequent redevelopment of the Pfizer World Headquarters site (235 42nd Street) and substantive mitigation measures (e.g., bulk regulation changes) that would reduce impacts on visual resources.
- **Alternative and Conceptual Analyses:** For a project of this magnitude we find the DEIS Alternative and Conceptual Analyses to be deficient. The DEIS discusses which qualifying development sites could increase density by a 3.0 FAR by utilizing special permits to construct a public concourse, make transit improvements, permit a hotel, and modify the Subdistrict's bulk and qualifying site regulations, but it does not include an actual analysis of this or other alternatives to the proposal. At a minimum, we expect the FEIS to include an evaluation of shadow impacts on open space and historic resources from the sites that could utilize the special permit option to increase FAR and building height.

Summary

As a member of the Steering Committee with a long history of involvement in the rezoning of East Midtown, MAS urges the City to address a number of critical deficiencies and issues before we can fully support the proposal. We ask that the City incorporate our recommendations regarding proposed public realm improvements, further scrutiny of the Public Realm Improvement Fund Governing Group, codification of identified public realm improvements, exploration of POPS as a viable option for enhancing and increasing open space, regulations to prevent housing conversions, the inclusion of art in public spaces, and utilizing upper floors of buildings for additional public space and gardens.

We also recommend that the City revise the eastern boundary of the proposed Subdistrict to protect the critical transition area between the business district and smaller scale residential areas. We respectfully ask that the City work with the leadership of the East Midtown Steering Committee to arrive at a daylighting evaluation methodology that truly protects our public realm from further impacts on light and air.

Thank you for the opportunity to comment on this critical project.

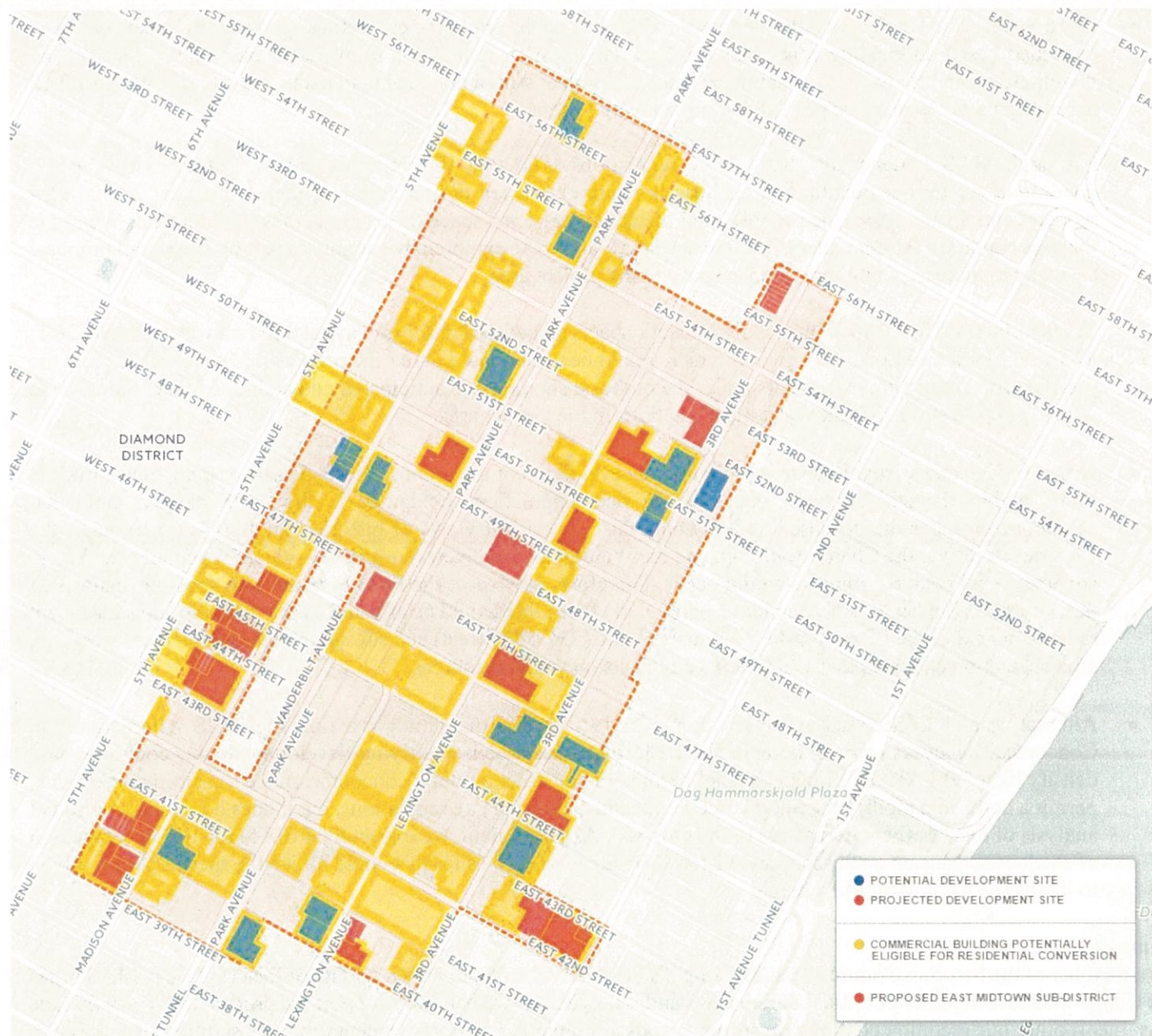


Figure 1: Buildings eligible for residential conversion in the project area

The list of these properties and additional information can also be seen by visiting our online [CARTO map](#)

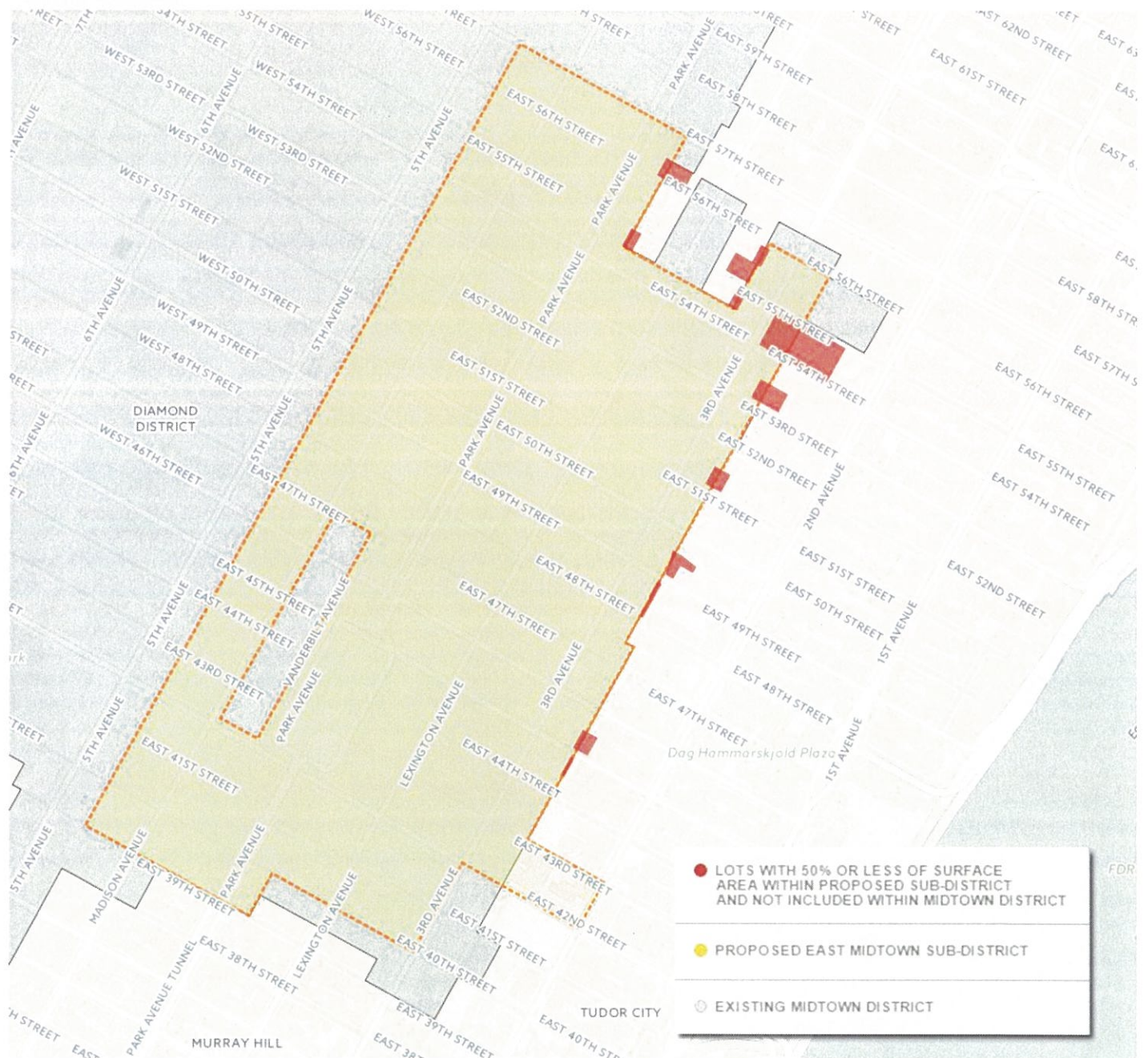


Figure 2: Properties With Less Than 50 Percent Lot Area Within Proposed East Midtown Subdistrict
The list of these properties and additional information can also be seen by visiting our online [CARTO map](#)

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June 20, 2017

Honorable David G. Greenfield
Chair, New York City Council Committee on Land Use
250 Broadway, 17th Floor
New York, NY 10007

Dear Council Member Greenfield,

The Municipal Art Society of New York (MAS) welcomes the opportunity to offer recommendations for improving Privately Owned Public Space (POPS) in East Midtown. These recommendations are provided in response to the April 26 City Planning Commission hearing on the Greater East Midtown Rezoning proposal. We believe that POPS are an integral part of the public realm in East Midtown and we urge the Council to take our recommendations under careful consideration.

MAS has been actively involved with the rezoning of East Midtown and POPS advocacy for many years. MAS was a member of the East Midtown Steering Committee. We maintain the Advocates for Privately Owned Public Space (APOPS) website (<http://apops.mas.org>), which is the most comprehensive online resource for information on all 500-plus POPS, and we published the foremost book on POPS, *Privately Owned Public Space: The New York Experience* (2000), written by Jerold S. Kayden. MAS also co-owns the official POPS database with Mr. Kayden and the Department of City Planning.

East Midtown Open Space

One of the city's densest areas, East Midtown sees 600,000 people each day. Yet the neighborhood is grossly underserved by open space, with a mere third of the City benchmark for open space based on the number of residents and workers.¹ Meanwhile, the 99 POPS in the area account for half of the 39 acres of open space in East Midtown. Demand for open space will undoubtedly become more urgent with the introduction of 28,000 workers under the rezoning proposal.

MAS believes that the City needs to examine existing and future POPS as valuable elements of the urban landscape. POPS provide a respite for area workers and visitors. They also offer opportunities to improve and activate the public realm and reduce potential public health risks, such as urban heat island effect. However, we find that POPS have been largely ignored in the East Midtown rezoning Public Realm Improvement Plan.

With current and future conditions in mind, MAS has the following recommendations for improving POPS in East Midtown:

¹ According to the *New York City Environmental Quality Review Technical Manual*, as a planning goal, a ratio of 2.5 acres per 1,000 residents represents an area well-served by open space and is used as an optimal benchmark for residential populations in large-scale plans and proposals. According to the Greater East Midtown Rezoning, Draft Environmental Impact Statement (DEIS), the existing passive open ratio in the East Midtown project area is 0.068 for non-residents and 0.062 for combined residents and non-residents. In the future with the proposed rezoning, the open space ratio for residents would be 0.63 and combined non-residents and residents, 0.057. Each of which is far below the CEQR benchmark for the project area of 0.15 and 0.187 respectively.

POPS FAR Bonus

- As recommended in the 2015 *East Midtown Steering Committee Report*, the existing 1.0 FAR plaza bonus should be increased to 2.0 FAR, which was the case in the original incarnation of the Special Midtown District. We recommend that the plaza bonus be largely connected to outdoor plazas and should be allowed through certification by the City Planning Commission Chair.

An additional 1.0 FAR should be allowed through a Special Permit, similar to what is proposed for transit improvements or public concourse bonuses under the rezoning (i.e., maximum of 3.0 FAR per site in addition to the floor area earned through the as-of-right mechanism.) As suggested in the Steering Committee Report, we agree that the additional FAR should be tied to higher standards and expectations of POPS, such as indoor or other types of all-season plazas, or plazas that incorporate cultural destinations, provide features and activities that generate evening or weekend use, or are part of significant transit improvements (e.g., connections to the below grade transit network.)

POPS Design Guidelines and Improvements

- Older POPS in East Midtown, designed before the zoning standards were changed in 2007, are often less useful or inviting to the public. When an application is received to modify a POPS, the City must use its authority to require performance improvements rather than mere regulatory compliance.
- The 2007 POPS zoning changes led to a general improvement of new plazas. However, indoor plazas in East Midtown are often indistinguishable from office lobbies, uninviting to passersby, and/or do not contain amenities that attract users from outside the building (see Appendix A - Figure 1). The current rezoning proposal should include indoor plaza regulations regarding improved signage, required amenities (e.g., tables, seating, lighting, plants) and provide features and activities that will generate use. For example, the indoor POPS at BlackRock Park Avenue Plaza at 55 East 52nd Street, features a piano and attractive plants as well as ample seating and tables (see Appendix A - Figure 2 & Figure 3).
- The current zoning regulations for public plazas (Section 37-70, Public Plazas) occupy 36 pages. By contrast, the regulations for arcades (Section 37-80, Arcades) occupy only one page. MAS believes arcades, including through-block arcades and covered pedestrian plazas, carry equal importance in the public realm as open plazas. Therefore, we suggest updating the zoning requirements for arcades to the current standards for open plazas (see Appendix A – Figure 4).
- POPS can be much improved through programming. They should be inviting and encourage activity. Temporary open recreational or dining uses could be allowed. Property owners and local Business Improvement Districts (BIDs) could be encouraged to program activities in POPS.

Offsite POPS

- With the plaza bonus, the rezoning should allow POPS offsite or on sites within close proximity in the East Midtown rezoning project area. As recommended in the Steering Committee report, consideration should be given to promoting the location of plazas on mid-block side streets where the area's more intimate public spaces are located (e.g., Paley Park at 3 East 53rd Street) and to merging adjacent POPS to create larger, contiguous park-sized spaces.
- To avoid the potential disincentive for property owners to maintain offsite POPS once the floor area bonus is issued, we agree with the recommendation of the Steering Committee that an endowment should be paid by the property owner, perhaps into the Public Realm Improvement Fund, to assure maintenance of the offsite plazas.

Process and Incentives for Renewing POPS

- We recommend adopting a streamlined process for private owners to renew their POPS and plazas in East Midtown. The focus should be on the older POPS built before 2007. As suggested by the Steering Committee, incentives could also be offered for upgrades to plazas built before 1961, which are in need of functional and aesthetic improvement.

The Public Realm Improvement Fund could be a source of matching grants for capital improvements. In addition, the Governing Group's staff or consultants could be made available to assist with or carry out the designs, and/or to manage the approvals process in connection with the improvement of POPS.

- Under the current rezoning proposal, developers are required to exhaust all other options for increasing commercial density (i.e., reconstruction of overbuilt floor area, construction in a Transit Improvement Zone, districtwide transfer of landmark air rights) before the FAR bonus for POPS can be utilized. MAS believes POPS should be given equal weight with the other options, with the exception of new development in Transit Improvement Zones, which should first exhaust the option of increasing 10 percent to 20 percent of earned floor area through completion of pre-identified transit improvements.

POPS Regulation Compliance and Enforcement

- While we commend new legislation (Intro 1488) that would increase monetary penalties for properties with POPS violations, in light of the findings in the Office of the Comptroller's *Audit Report on the City's Oversight Over Privately Owned Public Spaces*, we urge the City to see that the regulations regarding POPS compliance are enforced in East Midtown and throughout the city.
- Another means for improving POPS would be to require periodic property owner certification of all regulated public open spaces, not just those subject to the reporting requirement introduced in the 2007 POPS zoning regulations. Submitting a certification would familiarize the property owner with their obligations and provide an opportunity to address any deficiencies.

Environmental Benefits of Enhancing and Improving POPS

POPS can be designed, enhanced, and improved to provide shading, increased airflow, and opportunities to implement sustainable stormwater management practices, which help reduce the impacts of Urban Heat Island (UHI) effect.

- UHI effect describes how developed areas are hotter than nearby rural areas based on development, human activities, and energy use. Reducing UHI has become a primary concern for the City, as evidence the inclusion of measures in the Mayor's Office of Recovery and Resiliency's (ORR) new Climate Resiliency Design Guidelines and the recently announced Cool Neighborhoods NYC initiative.

The Cool Neighborhoods initiative responds to the public health impacts of extreme heat and designates \$106 million to combat UHI by planting trees and constructing green roofs. The initiative acknowledges that vegetation cools the surrounding air directly through shading and indirectly through evapotranspiration. According to the United States Environmental Protection Agency, shaded surfaces may be 20°F to 45°F cooler than unshaded surfaces.²

The health risks of UHI are real. According to the ORR, the mean annual temperature will increase between 4.1 and 6.6°F by the 2050s. The frequency of heat waves is expected to triple by the 2050s, resulting in five to seven events per year. A recent study by the New York Institute of Technology School of Architecture and Design (NYIT) projected that by 2050 developed areas such as East Midtown would suffer a 42 percent increase in time of cumulated heat stress over current conditions.³

With additional vegetative cover, increased ventilation between buildings, and the implementation of green infrastructure measures in POPS, surrounding spaces in East Midtown can be cooled. According

² U.S. Environmental Protection Agency. (2008). Reducing Urban Heat Islands: Compendium of Strategies, Trees and Vegetation. Available at: <https://www.epa.gov/heat-islands/using-trees-and-vegetation-reduce-heat-islands>.

³ Heat stress temperature ranges from slight (78.8°F) to extreme (over 96.8°F).

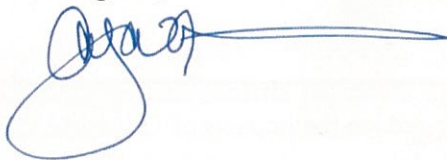
to the NYIT study, a 20 percent increase in “green cover,” including street trees on adjacent sidewalks and increased vegetation in POPS alone would result in a decrease of 0.58°F in air temperature.

Green cover could also decrease the temperature of intake air of nearby air conditioning units, which in turn would help increase their efficiencies and decrease electricity consumption. The NYIT study showed that electricity demand for cooling increases by 1.5 to 2.0 percent for every 1°F increase in air temperature. Moreover, the study shows that for every 1°F of air temperature decrease in East Midtown made possible by increased vegetation and air circulation, it is possible to save \$1 million in electricity costs and 1,730 metric tons of carbon dioxide.⁴

- POPS also offer unique opportunities for implementing green infrastructure such as permeable pavers, rain gardens, and right-of-way bioswales to improve storm water management. These methods can help reduce combined sewer outfall (CSO) volume and costs associated with upgrading and constructing traditional infrastructure, such as storage tanks, tunnel expansions, and water treatment plants.

Again, thank you for giving us the opportunity to provide recommendation for improving POPS in East Midtown. While the ones mentioned here are by no means exhaustive, we urge the City to take them under careful consideration to address the identified deficiencies in the Public Realm Improvement Plan under the Greater East Midtown proposal. We look forward to a continued dialogue on these critical issues.

Best regards,



Elizabeth Goldstein
President

⁴ New York Institute of Technology School of Architecture and Design, 2017, Urban Climate Lab, *East Midtown Rezoning Analysis*.

APPENDIX A



Figure 1 – Through block arcade at 10 East 53rd Street.



Figure 2 – Northview indoor POPS at BlackRock Park Avenue Plaza, 55 East 52nd Street



Figure 3 – Southview of indoor POPS at BlackRock Park Avenue Plaza, 55 East 52nd Street



Figure 4 – Arcade at 800 Third Avenue with no amenities or signage.

517 West 35th Street

Block 707B

Zoning Text Amendment Application

New York City Council Zoning Subcommittee Presentation

June 20, 2017

 **RELATED**

517 WEST 35TH STREET: Location



ZONING TEXT AMENDMENT

- Current zoning allows phased development only for lots larger than 69,000 sf
- The requested change would allow residential to proceed ahead of commercial in this location
- There is no change to the total zoning area or commercial/residential mix
- The text would provide that on a zoning lot of at least 55,000 but less than 69,000 sf of lot area in Subarea A3 of the Large Scale Plan, phased development would be allowed upon certification by the Chair that:
 - (i) a portion of the zoning lot with at least 35,000 sf would be reserved for future development of commercial floor area; and
 - (ii) upon full development of the site, the ratio of commercial floor area to residential floor area would be no smaller than 3:1 (18:6)

AREA CONTEXT

Area Map
451 Tenth Avenue, Manhattan
Block 707, Lots 20, 26, 31, 41 & 45

Project Information

- 600' Radius
- Development Site
- Project Area
- Zoning Districts
- Special Districts

Existing Commercial Overlays

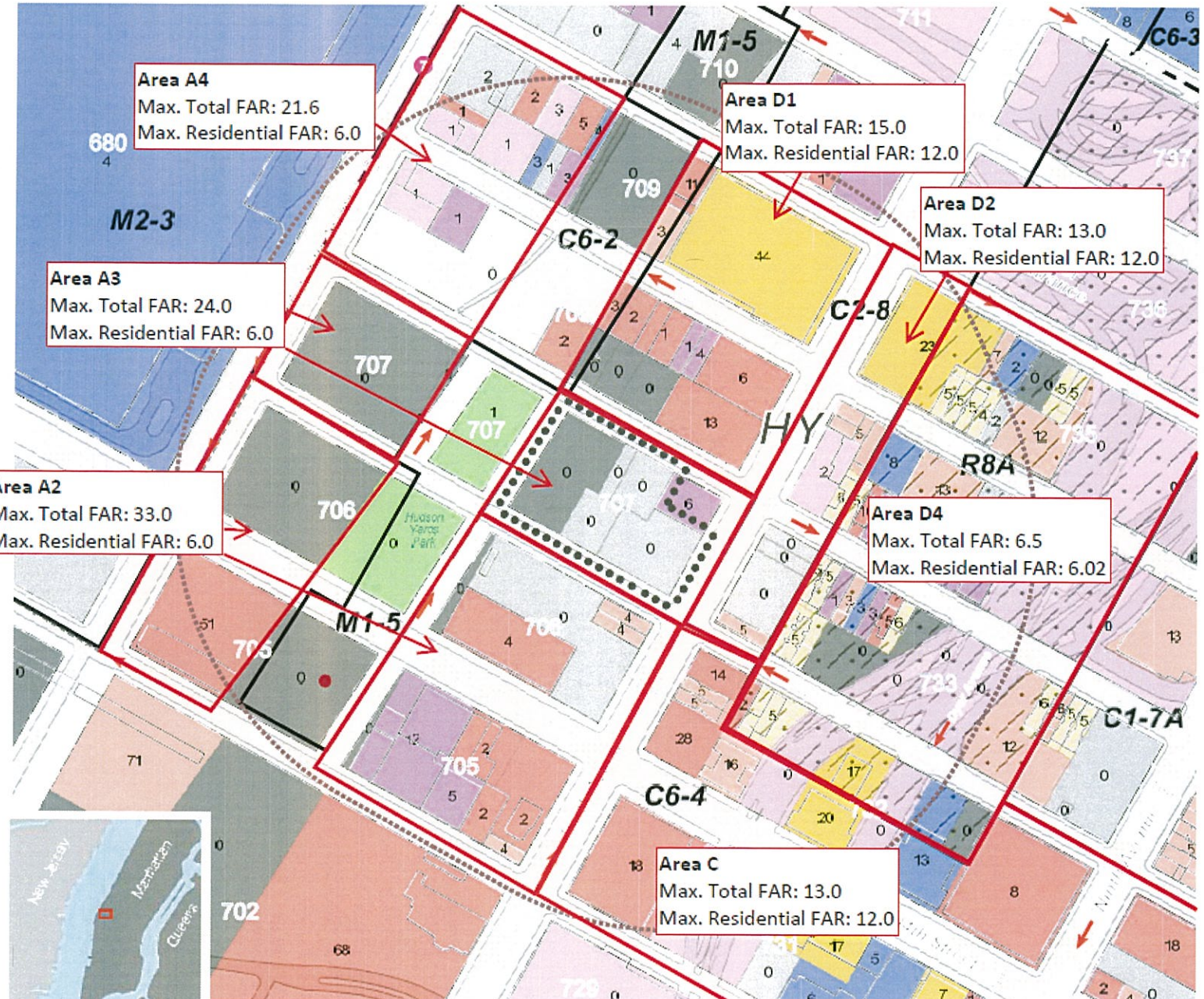
- | | |
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| | |

- Subway Entries
- 5037 Block Numbers
- Property Lines
- 5 Number of Floors

Land Uses

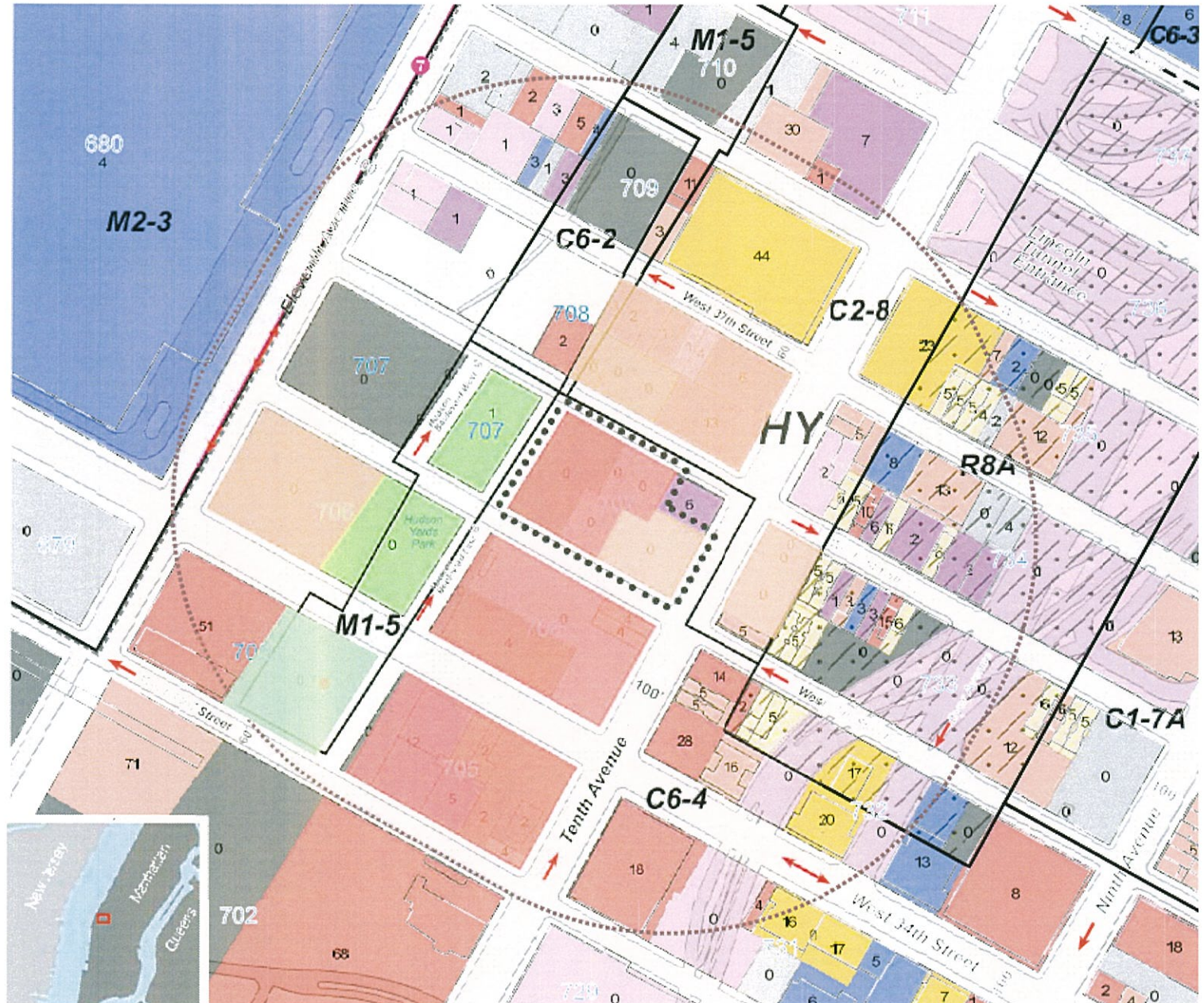
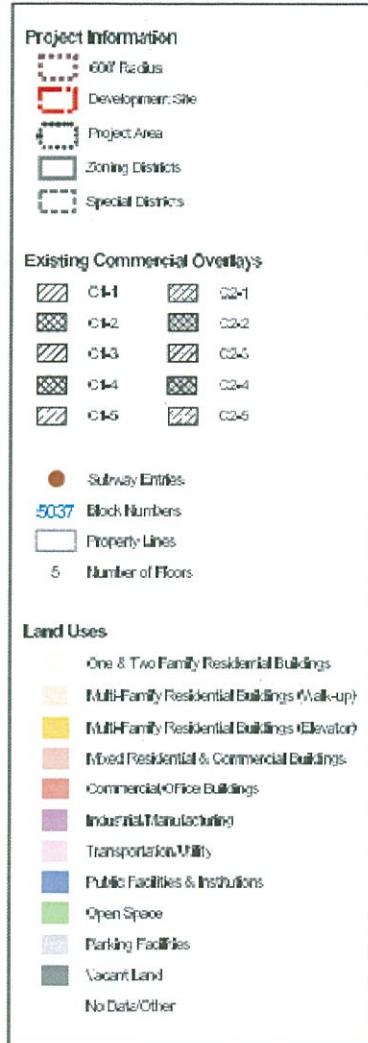
- One & Two Family Residential Buildings
- Multi-Family Residential Buildings (Walk-up)
- Multi-Family Residential Buildings (Elevator)
- Mixed Residential & Commercial Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- No Data/Other

North



AREA CONTEXT

Area Map
451 Tenth Avenue, Manhattan
Block 707, Lots 20, 26, 31, 41 & 45



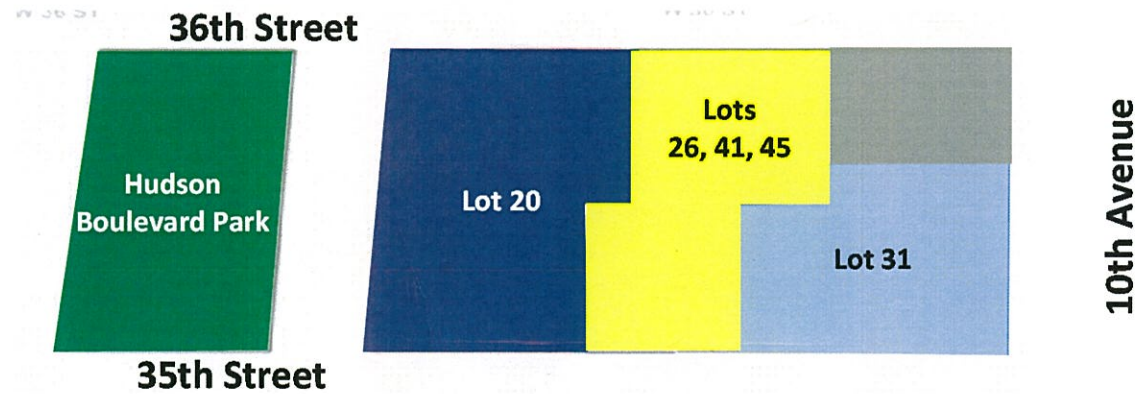
517 WEST 35TH STREET: Location



Block 707B: Aerial View



517 WEST 35TH STREET: Block 707B



<u>Key</u>	<u>Lots</u>	<u>Lot SF</u>	<u>Base FAR: 10</u>	<u>Bonus FAR: 8</u>	<u>ERY TDR: 6</u>	<u>Total FAR: 24</u>
	20	22,237	222,370	177,896	133,422	533,688
	26, 41, 45	17,281	172,810	138,248	103,686	414,744
	31	17,275	172,750	138,200	103,650	414,600
	Subtotal	56,793	567,930	454,344	340,758	1,363,032

PROPOSED DEVELOPMENT PLAN

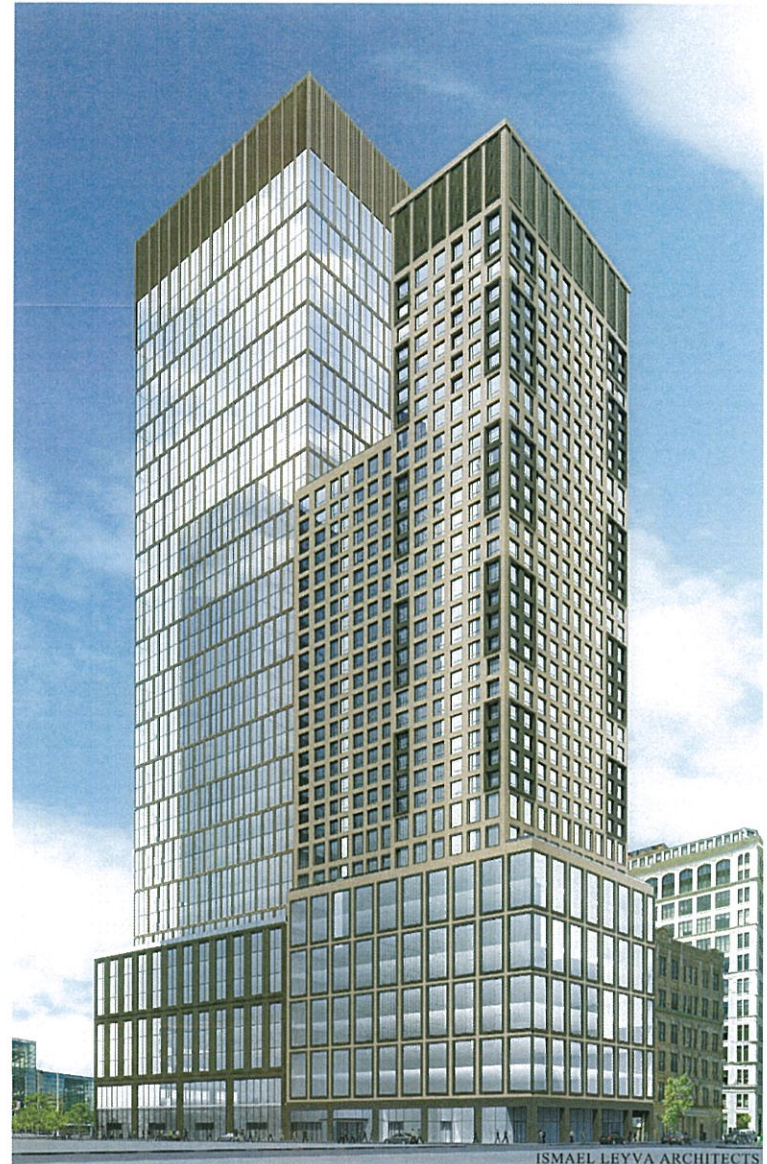
- Phase 1: Primarily residential building on 10th Avenue
 - 17,275 square foot lot
 - 414,744 ZSF
 - Approximately 38 stories
 - Mix of studios, 1, 2 and some 3 bedroom units
 - Affordable New York program

- Phase 2: Commercial building on Hudson Boulevard
 - 39,518 square foot lot
 - 948,432 ZSF

CONCEPTUAL MASSING STUDIES

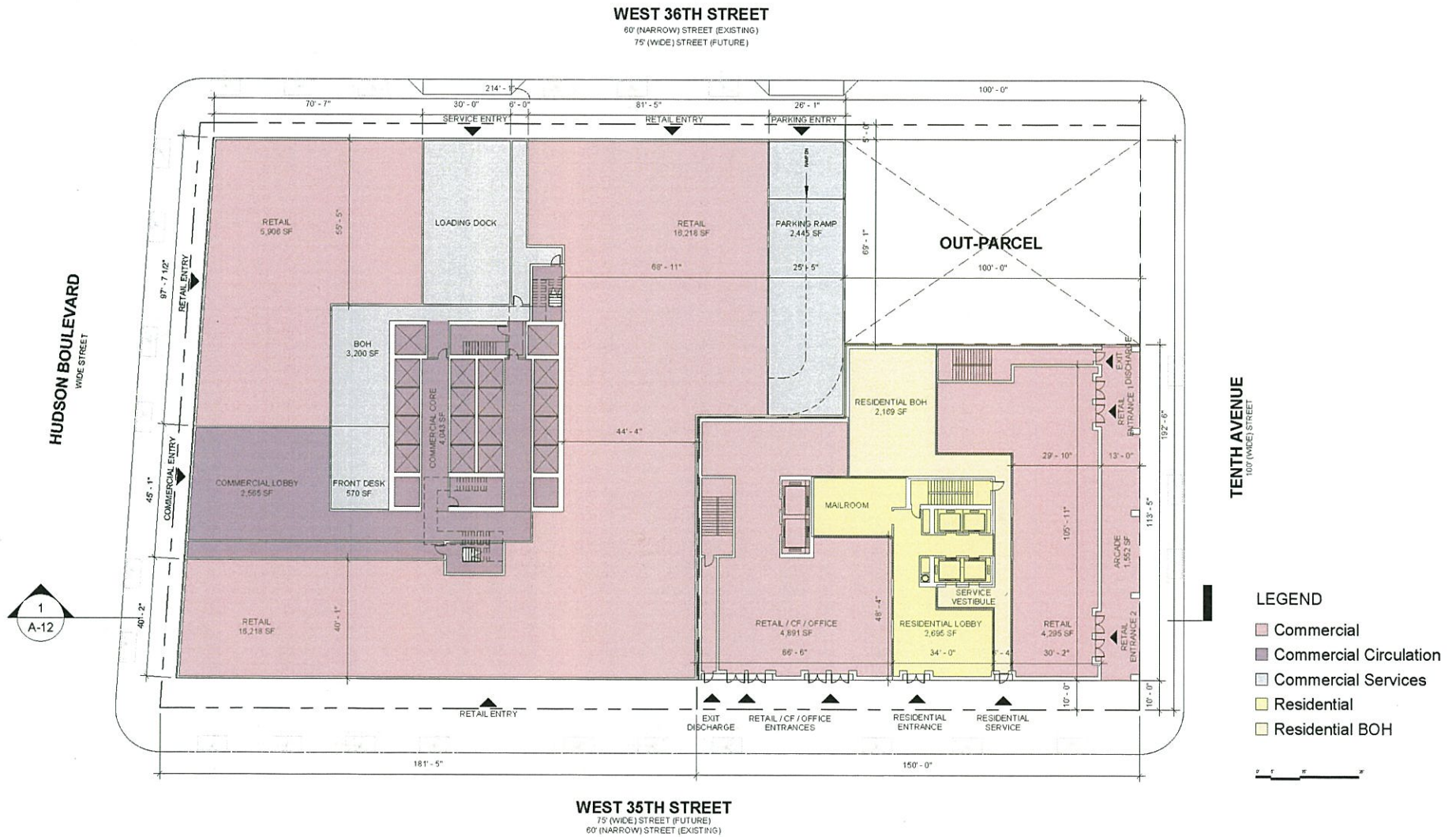


View from Hudson Boulevard



View from Tenth Avenue

GROUND FLOOR PLAN



WHITLOCK

BRONX, NEW YORK

DATE: 5-10-17

JOB #: 15.36

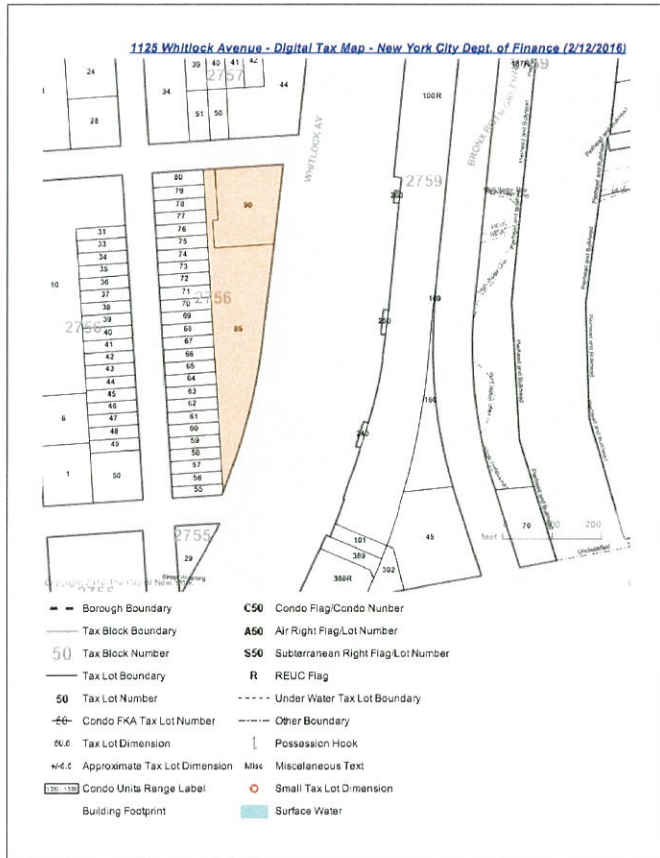
1125 WHITLOCK AVENUE BRONX, N.Y.

Applications:
C170087 ZMX
N 170088 ZRX

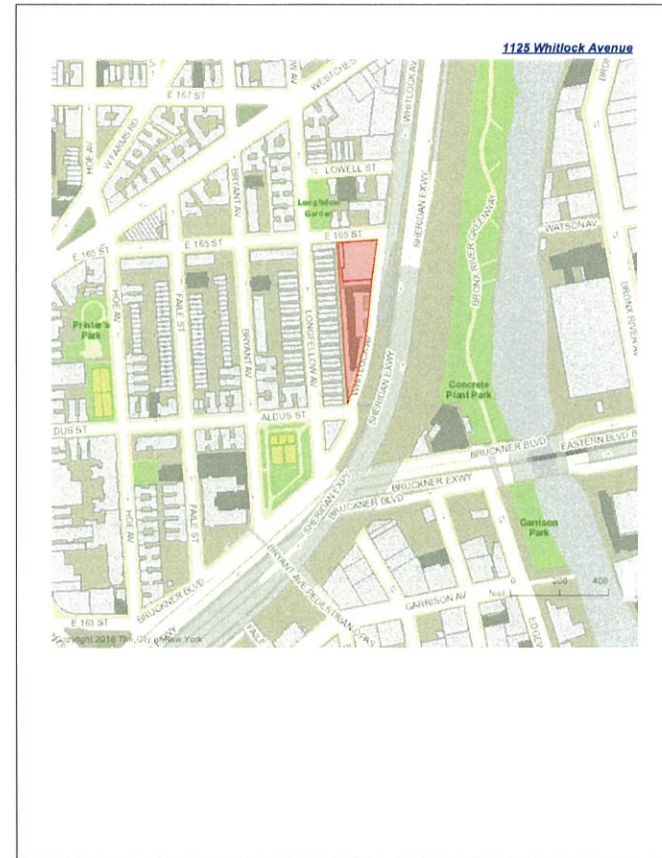
Whitlock Avenue @ 165th Street
Rezoning



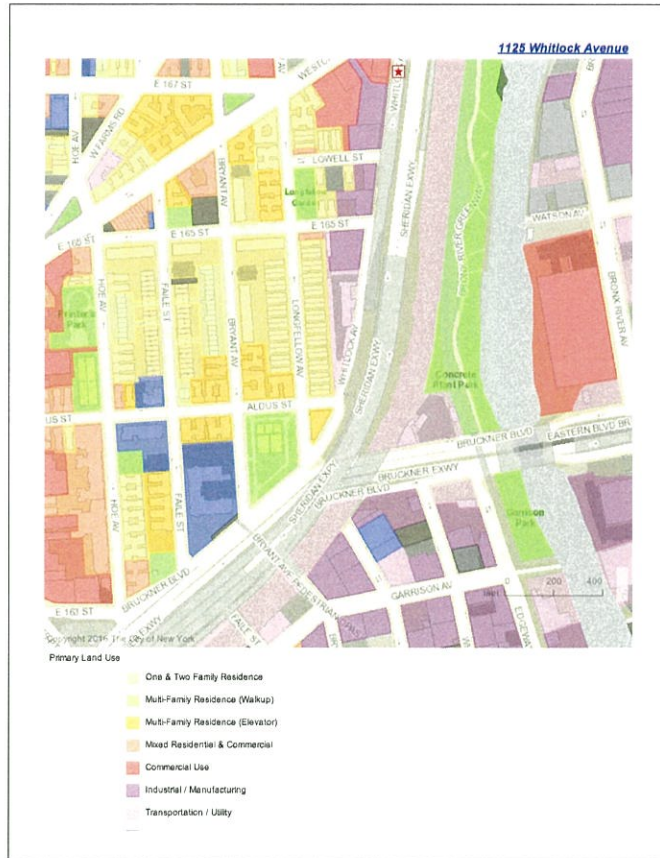
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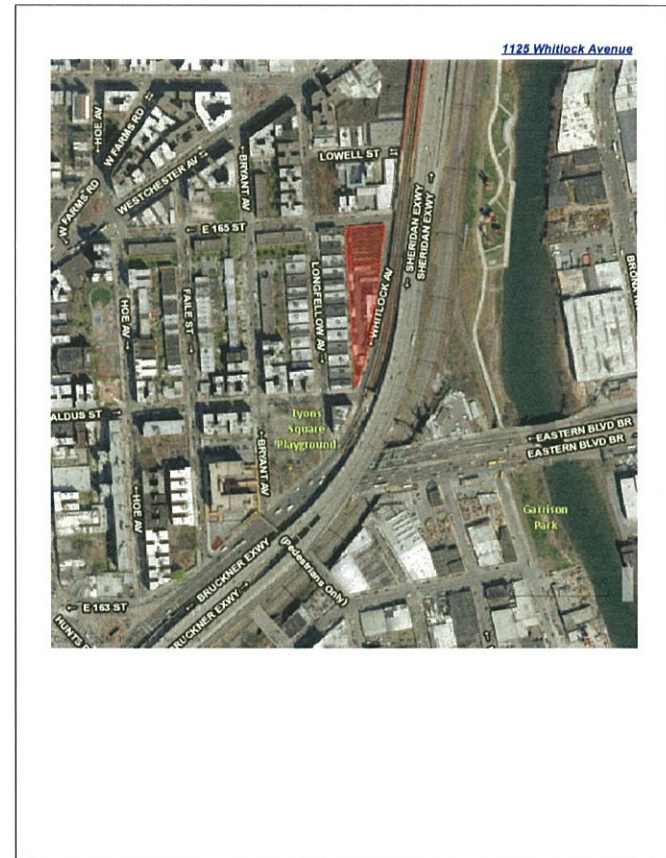
TAX MAP



GREEN INFRASTRUCTURE MAP



CURRENT USE MAP



AREA MAP



WHITLOCK AVENUE
(NORTH)



WHITLOCK AVENUE
(NORTH)



CORNER OF WHITLOCK & 165TH



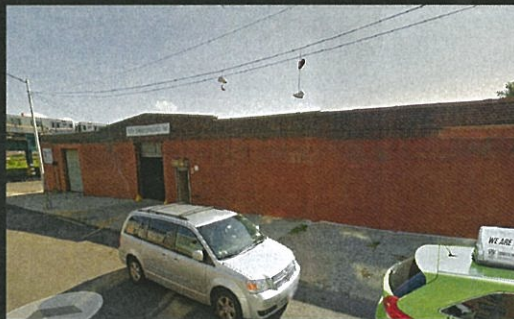
WHITLOCK AVENUE
(SOUTH)



WHITLOCK AVENUE
(SOUTH)



WHITLOCK AVENUE
(MIDDLE OF WHITLOCK)



E 165TH STREET



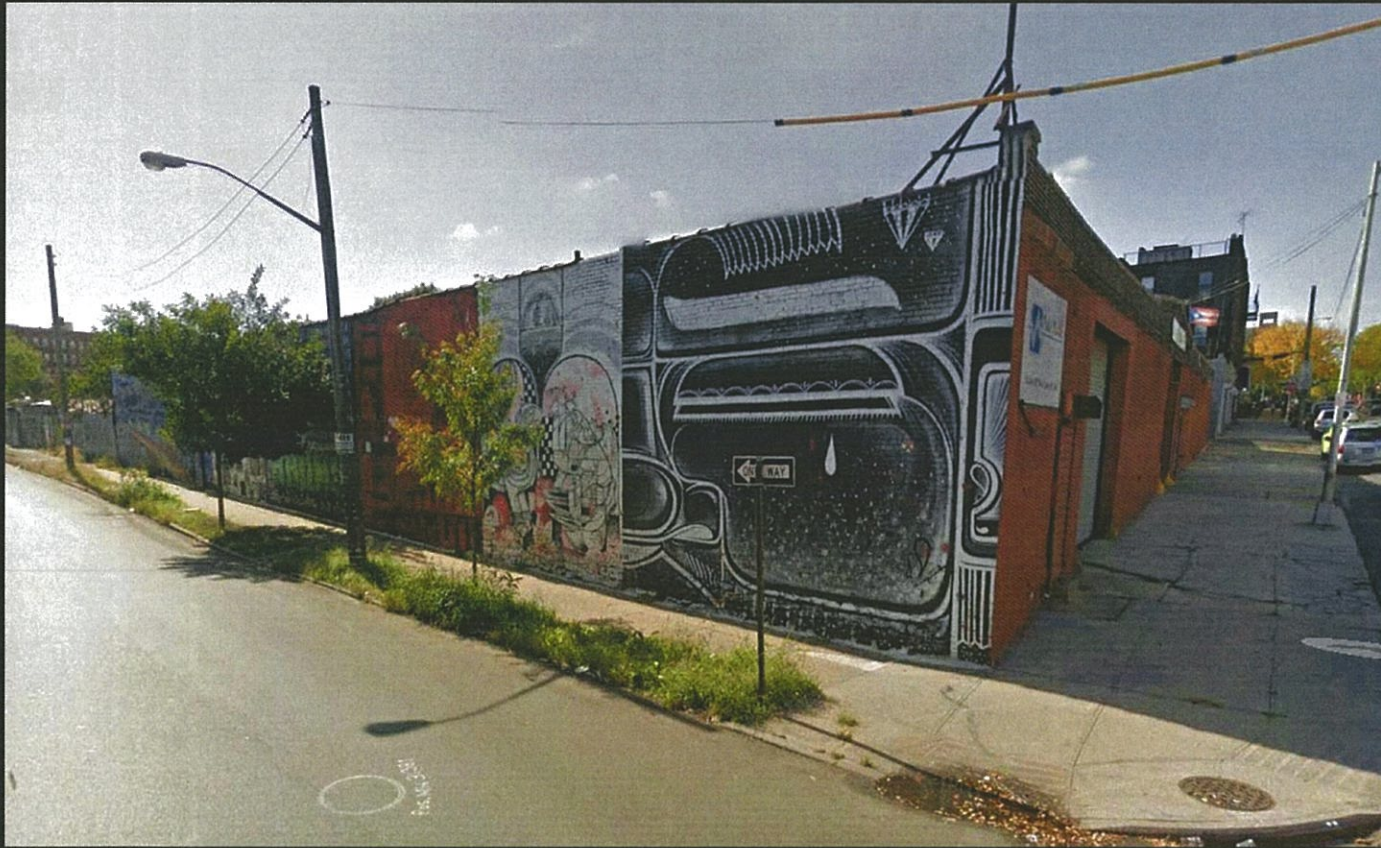
E 165TH STREET



WHITLOCK AVENUE
(MIDDLE OF WHITLOCK)

EXISTING STREETScape

1125 WHITLOCK AVENUE
BRONX, NY



C O R N E R O F W H I T L O C K & 1 6 5 T H

E X I S T I N G S T R E E T S C A P E

1 1 2 5 W H I T L O C K A V E N U E
B R O N X , N Y



W H I T L O C K A V E N U E
(S O U T H)

E X I S T I N G S T R E E T S C A P E

1 1 2 5 W H I T L O C K A V E N U E
B R O N X , N Y



1 1 2 5 W H I T L O C K A V E N U E
B R O N X , N Y



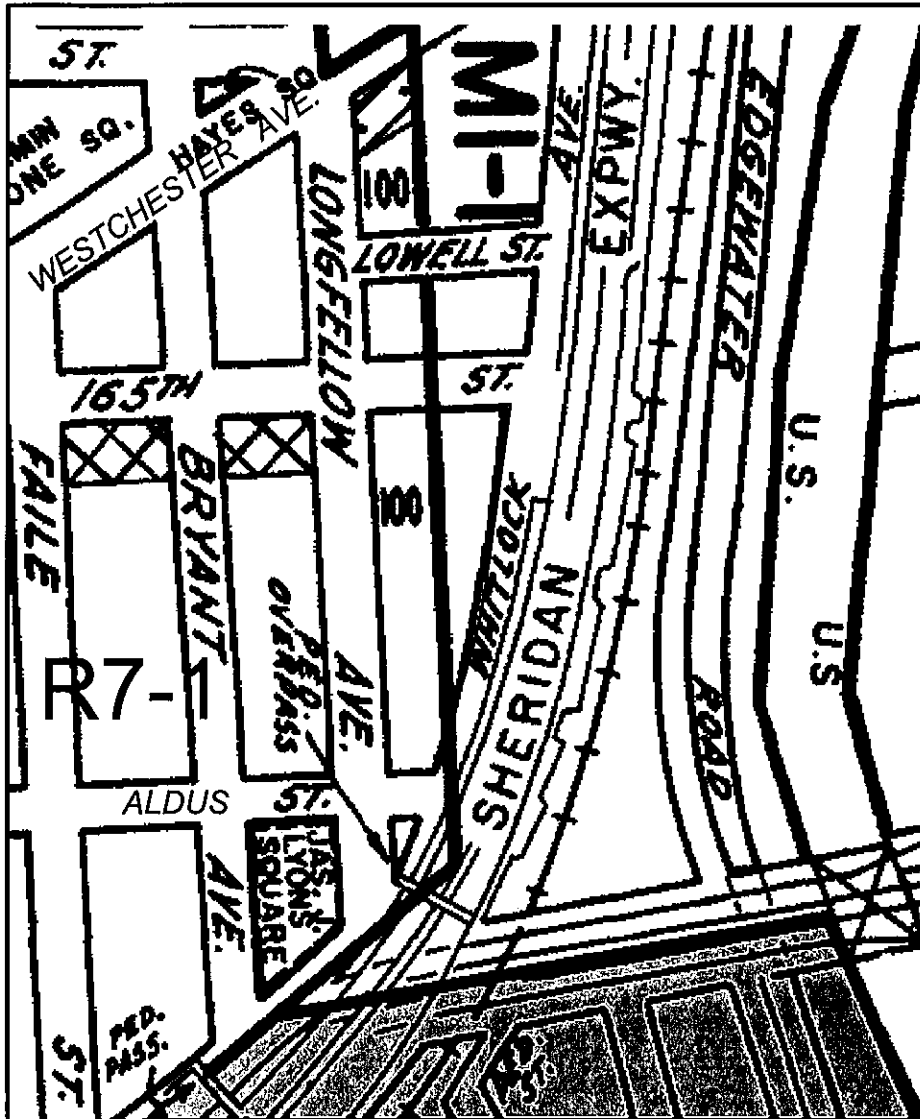


1 1 2 5 W H I T L O C K A V E N U E
B R O N X , N Y

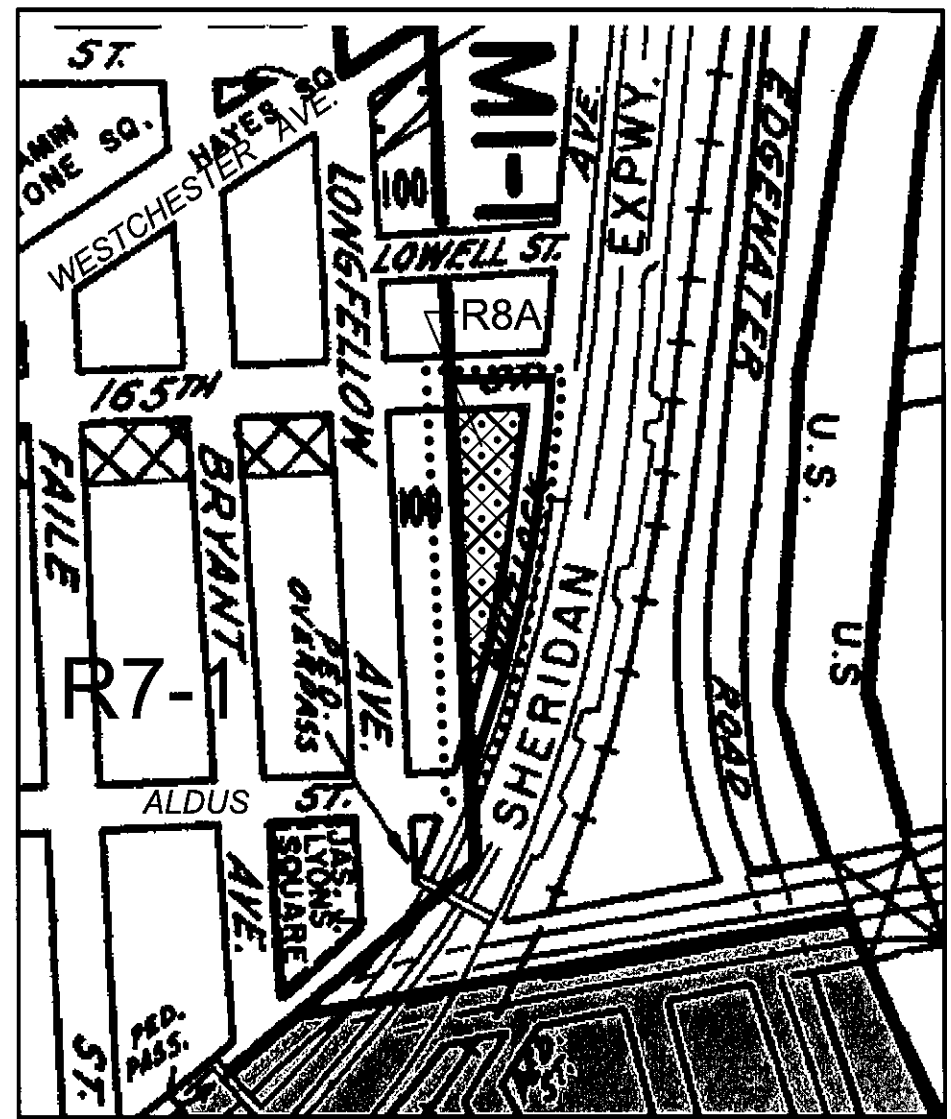


C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

Zoning Change Map



CURRENT ZONING MAP



PROPOSED ZONING MAP - area being rezoned is outlined in dotted lines

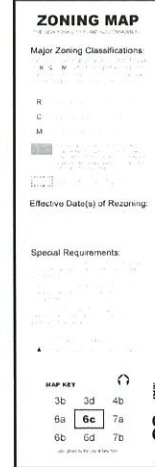
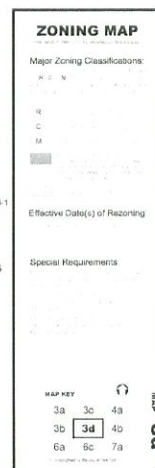
Changing a M1-1 district to a R8A w/ C2-4 overlay district



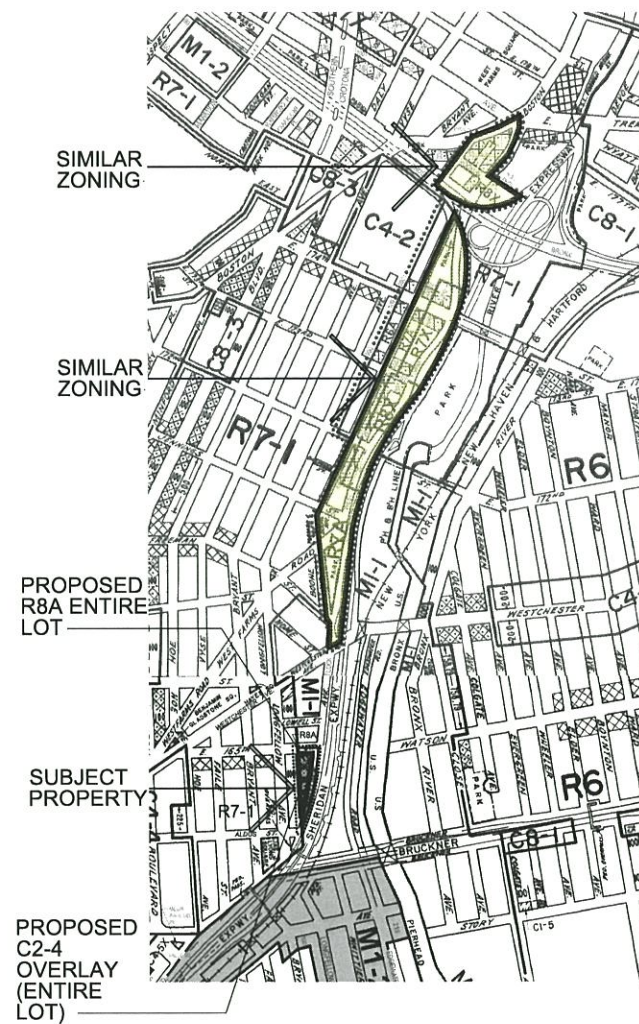
PROPOSED
R8A ENTIRE
LOT _____

SUBJECT
PROPERTY

PROPOSED
C2-4
OVERLAY
(ENTIRE
LOT) _____

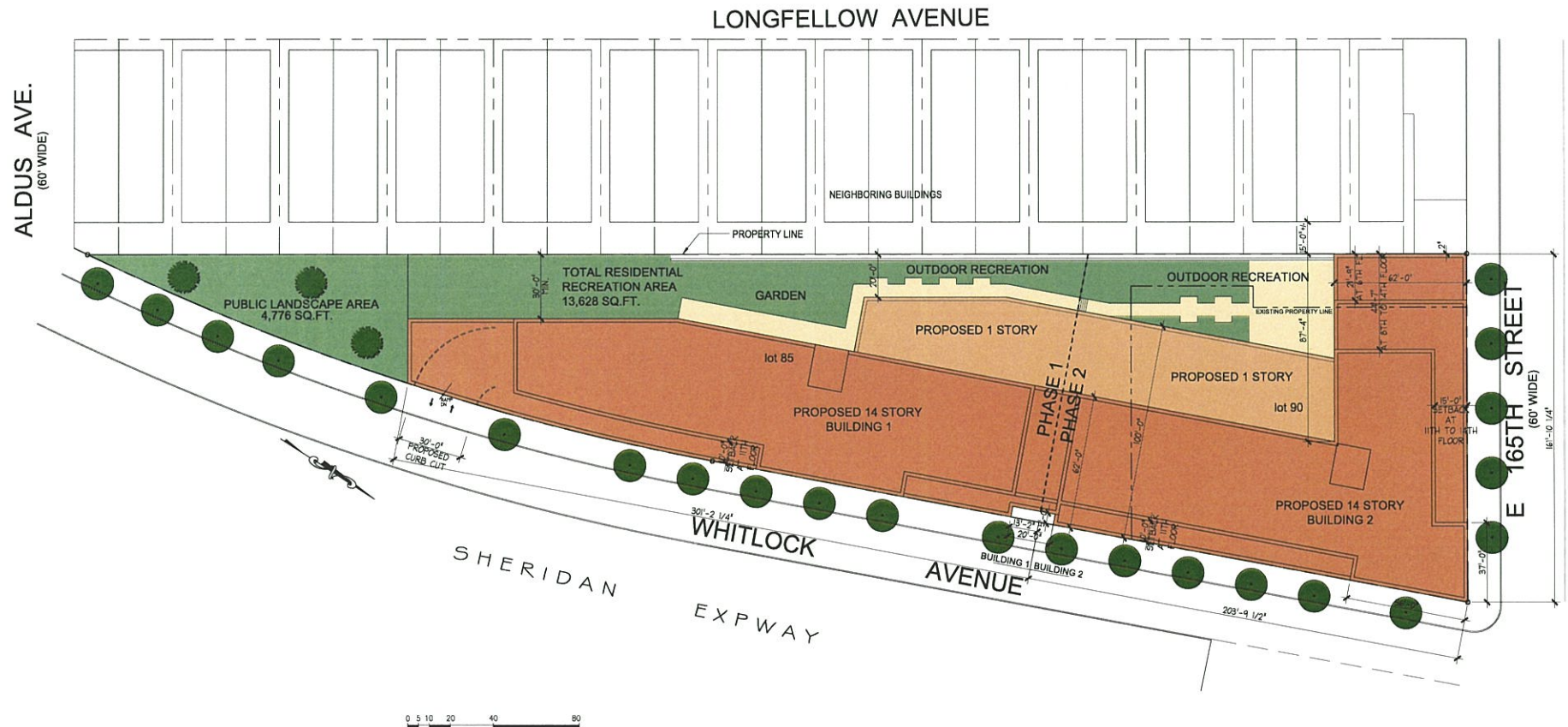


NOTE: Long transfer is done as follows: a round is changed to a new one with date among others to be made by the Department of Planning website. My issue has the planning schedule for 2009, it means that it is 2009, 2010, 2011.

SIMILAR
ZONINGSIMILAR
ZONINGPROPOSED
R8A ENTIRE
LOT _____

SUBJECT
PROPERTY

PROPOSED
C2-4
OVERLAY
(ENTIRE
LOT) _____



FOR ILLUSTRATIVE PURPOSES ONLY

WHITLOCK

BRONX, NEW YORK

DATE: 5-10-17
JOB #: 15.36

ZONING REGULATIONS

as per N.Y.C. ZONING ORDINANCE

ZONING RESOLUTION BLDG. CODE	BLOCK - 2756 , LOT- 85, 90	BOROUGH - BRONX
	MAP NUMBER	6C
	EXISTING ZONING DISTRICT	M1-1
	RE-ZONE DISTRICT	R8A (INCLUSIONARY HOUSING)/w/ C2-4 OVERLAY (QUALITY HOUSING)
	TAX LOT NUMBERS	85 & 90
FLOOR AREA CALCULATIONS (F.A.R.)		
	LOT SIZE AREA	61,586 SQ. FT. (41,807.8 (lot 85) + 19,778.2 (lot 90) = 61,586)
23-154b	BASE FLOOR AREA RATIO	5.4 x 61,586 = 332,564.4 SQ. FT.
	MAXIMUM FLOOR AREA RATIO	7.2 x 61,586 = 443,419.2 SQ. FT.
	TOTAL ALLOWABLE FLOOR AREA	443,419.2 SQ. FT.
	TOTAL PROPOSED FLOOR AREA	443,216 SQ. FT. (7.2 F.A.R.) DEDUCT 60% OF RESIDENTIAL CORRIDOR AREA BLDG. 1 = 8,349.7 S.F. (FLOORS 2 THRU 14) BLDG. 2 = 8,982.7 S.F. (FLOORS 2 THRU 14) TOTAL = 17,312.4 S.F. 443,216 - 17,312.4 S.F. = 425,903.6 SQ. FT. (6.9 F.A.R.)
	FLOOR AREA RATIO BY USE	
	RESIDENTIAL	418,759 - 17312.4 = 401,446.6 / 61,586 = 6.51 F.A.R.
	COMMUNITY FACILITY	9,520 / 61,586 = .154 F.A.R.
	COMMERCIAL	14,937 / 61,586 = .242 F.A.R.
	TOTAL	6.9 F.A.R.
PARKING REQUIREMENTS		
	COMMUNITY FACILITY	NONE REQUIRED
36-361	COMMERCIAL	1 per 1,000 SQ. FT. 14,937 sq. ft. / 1,000 = 15 SPACES 36-361 WAIVER FOR 15 COMMERCIAL SPACES - NONE REQUIRED
25-251	RESIDENTIAL	12% OF TOTAL DWELLING UNITS 474 UNITS x 12% = 56.88 SPACES REQUIRED < 69 SPACES PROVIDED

ZONING RESOLUTION BLDG. CODE	BUILDING HEIGHT	ALLOWABLE	PROPOSED	
23-664b	BUILDING 1 BASE HT.	105'-0"	99'-0 1/2"	O.K.
	BUILDING 1 BLDG. HT.	145'-0"	139'-7 1/2"	O.K.
	BUILDING 2 BASE HT.	105'-0"	97'-8"	O.K.
	BUILDING 2 BLDG. HT.	145'-0"	138'-3"	O.K.
MAXIMUM NUMBER OF STORIES				
		ALLOWABLE	PROPOSED	
23-664b	MAXIMUM # OF STORIES	14	14	O.K.
BUILDING SETBACK				
23-661c		ALLOWABLE	PROPOSED	
	BUILDING 1 - WIDE STREET	10'-0" MIN.	10'-0"	O.K.
	BUILDING 2 - WIDE STREET	10'-0" MIN.	10'-0"	O.K.
	BUILDING 2 - NARROW STREET	15'-0" MIN.	15'-0"	O.K.
LOT COVERAGE				
23-153 QUALITY HOUSING	LOT AREA = 61,586 SQ. FT. 100% CORNER = 10,173 SQ. FT. x 100% = 10,173 SQ. FT. 70% INTERIOR REMAINING = 51,413 SQ. FT. x 70% = 35,989.1 SQ. FT. MAXIMUM ALLOWABLE LOT COVERAGE = 46,162.1 SQ. FT.			O.K.
24-12	PROPOSED BUILDING AREA = 35,033.25 SQ. FT. (COMMUNITY FACILITY AND COMMERCIAL AREA NOT COUNTED, UNDER 23' HT., SECT. 24-12)			



ZONING REGULATIONS



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ZD -1a

WHITLOCK

BRONX, NEW YORK

DATE: 5-10-17
JOB #: 15.36

Revised by: [Signature] and [Signature]
[Signature] is a duly Licensed Professional Engineer

FLOOR AREAS				
	FLOOR	BUILDING 1	BUILDING 2	GRAND TOTAL
	CELLAR	16,993	12,275	29,268 SQ. FT.
RESIDENTIAL	FIRST FL. RESIDENTIAL (EXCL. TENANT RECREATION AND LAUNDRY)	5,855	7,834	13,689 SQ. FT.
	COMMUNITY FACILITY	9,520	0	9,520 SQ. FT.
	COMMERCIAL	0	14,937	14,937 SQ. FT.
	SECOND FLOOR	16,926	18,006	34,932 SQ. FT.
	THIRD FLOOR	16,926	18,006	34,932 SQ. FT.
	FOURTH FLOOR	16,926	18,006	34,932 SQ. FT.
	FIFTH FLOOR	16,926	18,006	34,932 SQ. FT.
	SIXTH FLOOR	16,926	16,668	33,594 SQ. FT.
	SEVENTH FLOOR	16,926	16,668	33,594 SQ. FT.
	EIGHTH FLOOR	16,926	15,252	32,178 SQ. FT.
	NINETH FLOOR	16,926	15,252	32,178 SQ. FT.
	TENTH FLOOR	16,926	15,252	32,178 SQ. FT.
	ELEVENTH FLOOR	13,323	12,602	25,925 SQ. FT.
	TWELTH FLOOR	13,323	12,602	25,925 SQ. FT.
	THIRTEENTH FLOOR	12,639	12,246	24,885 SQ. FT.
	FOURTEENTH FLOOR	12,639	12,246	24,885 SQ. FT.
TOTAL (NOT INCL. CELLAR)		219,633	208,646	428,279 SQ. FT.
TOTAL RESIDENTIAL = (WITH COMMUNITY FACILITY)		219,633	208,646	428,279 SQ. FT.
TOTAL COMMERCIAL =		0	14,937	14,937 SQ. FT.
TOTAL GROSS AREA =		472,484 SQ. FT.		

UNIT COUNT & DISTRIBUTION						
BLDG. 1	FLOOR	BEDROOM TYPES				TOTAL
		STUDIO	ONE	TWO	THREE	
	FIRST FL.	0	0	0	0	0
	SECOND FLOOR	5	7	5	2	19
	THIRD FLOOR	5	8	4	4	21
	FOURTH FLOOR	5	8	4	4	21
	FIFTH FLOOR	5	8	4	4	21
	SIXTH FLOOR	5	8	4	4	21
	SEVENTH FLOOR	5	8	4	4	21
	EIGHTH FLOOR	5	8	4	4	21
	NINETH FLOOR	3	8	5	4	20
	TENTH FLOOR	3	8	5	4	20
	ELEVENTH FLOOR	2	6	6	1	15
	TWELTH FLOOR	2	6	6	1	15
	THIRTEENTH FLOOR	2	6	5	1	14
	FOURTEENTH FLOOR	2	6	5	1	14
23-22	TOTAL DWELLING UNITS	49	95	81	38	243
BLDG. 2	FLOOR	BEDROOM TYPES				TOTAL
		STUDIO	ONE	TWO	THREE	
	FIRST FL.	0	0	0	0	0
	SECOND FLOOR	5	8	8	3	22
	THIRD FLOOR	5	8	6	3	22
	FOURTH FLOOR	5	8	6	3	22
	FIFTH FLOOR	5	8	6	3	22
	SIXTH FLOOR	5	7	5	3	20
	SEVENTH FLOOR	5	7	5	3	20
	EIGHTH FLOOR	2	7	5	3	17
	NINETH FLOOR	2	7	5	3	17
	TENTH FLOOR	2	8	4	3	17
	ELEVENTH FLOOR	2	7	2	2	13
	TWELTH FLOOR	2	7	2	2	13
	THIRTEENTH FLOOR	2	8	1	2	13
	FOURTEENTH FLOOR	2	8	1	2	13
23-22	TOTAL DWELLING UNITS	44	98	54	35	231
	GRAND TOTAL DWELLING UNITS	93 (20%)	193 (40%)	115 (24%)	73 (16%)	474
BEDROOM SQ. FT.						
		STUDIO	1 BEDROOM	2 BEDROOM	3 BEDROOM	
	RESIDENTIAL	364 SQ. FT. (14'x25'-10")	520 SQ. FT. (20'x25'-10")	784 SQ. FT. (29'x25'-10")	1,015 SQ. FT. (39'x25'-10")	S.F. TAKEN FROM INSIDE EXTERIOR WALLS TO 1/2 OF CORRIDOR & CORRIDOR WALLS



FLOOR AREAS & UNIT COUNT DISTRIBUTION



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ZD -1b

WHITLOCK

BRONX, NEW YORK

DATE: 5-10-17

JOB #: 15.36

DESIGNED BY: NEWMAN DESIGN
FOR: OWNER'S REPRESENTATIVE



EAST ELEVATION (WHITLOCK AVENUE)



NORTH ELEVATION (165TH STREET)



ELEVATIONS
FOR ILLUSTRATIVE PURPOSES ONLY



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210 West Rogers Path • Cold Spring Hills, NY 11743

A-8

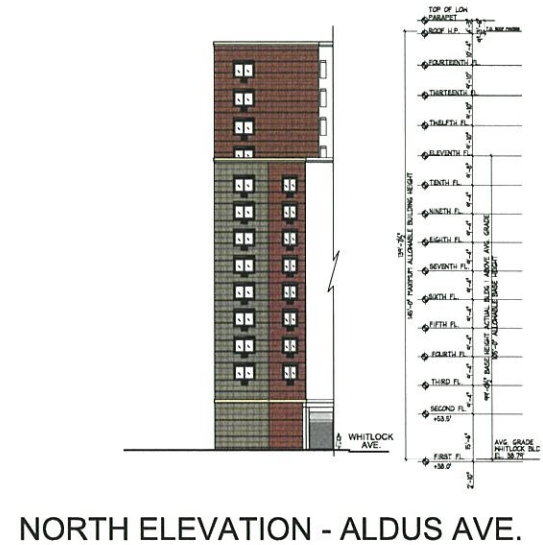
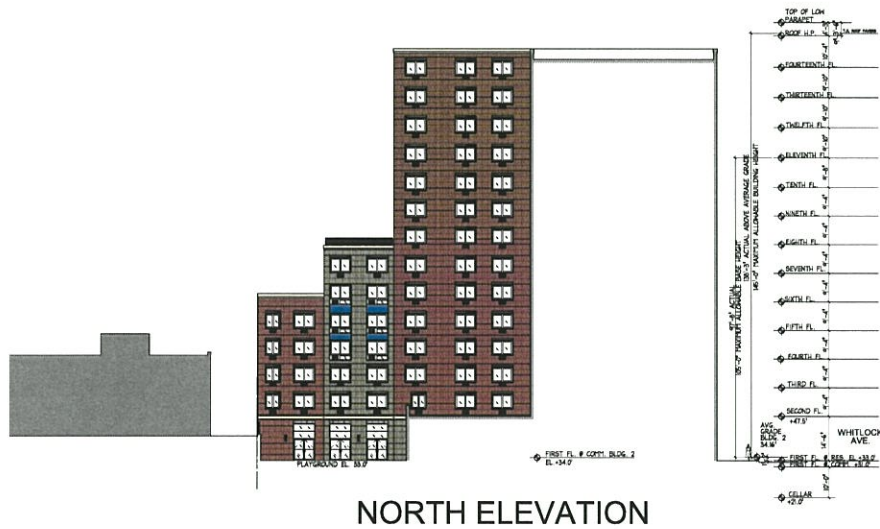
WHITLOCK

BRONX, NEW YORK

DATE: 5-10-17

JOB #: 15.36

DESIGNED BY: NEWMAN DESIGN ARCHITECTURE + URBAN PLANNING
PREPARED BY: NEWMAN DESIGN ARCHITECTURE + URBAN PLANNING



ELEVATIONS
FOR ILLUSTRATIVE PURPOSES ONLY



ARCHITECTURE + URBAN PLANNING
210 West Huguenot Path • Cold Spring Hills, NY 11743

A-9

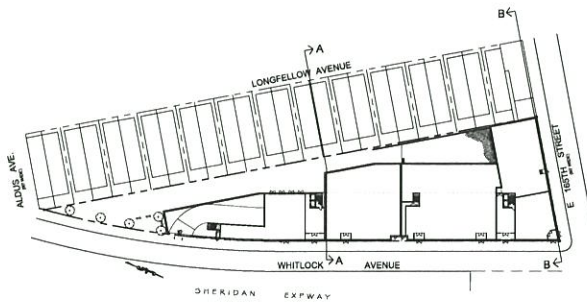
WHITLOCK

BRONX, NEW YORK

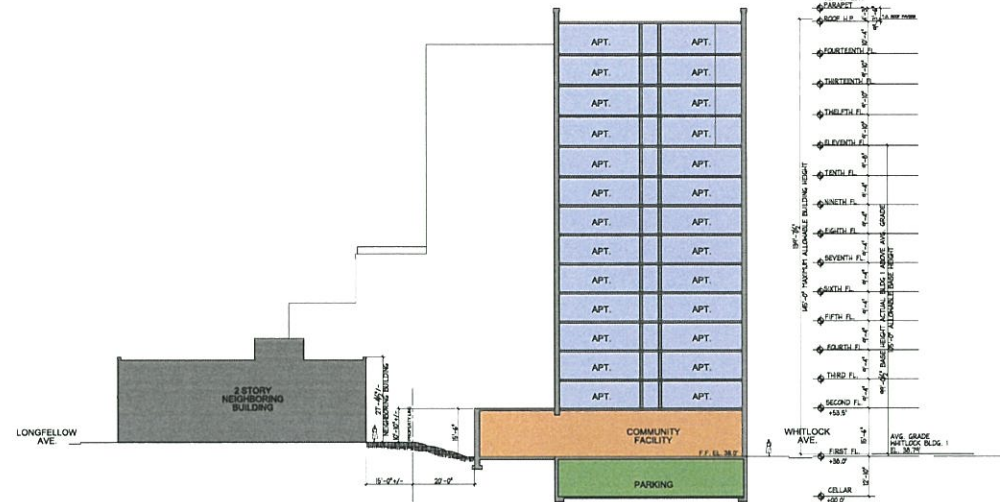
DATE: 5-10-17

JOB #: 15.36

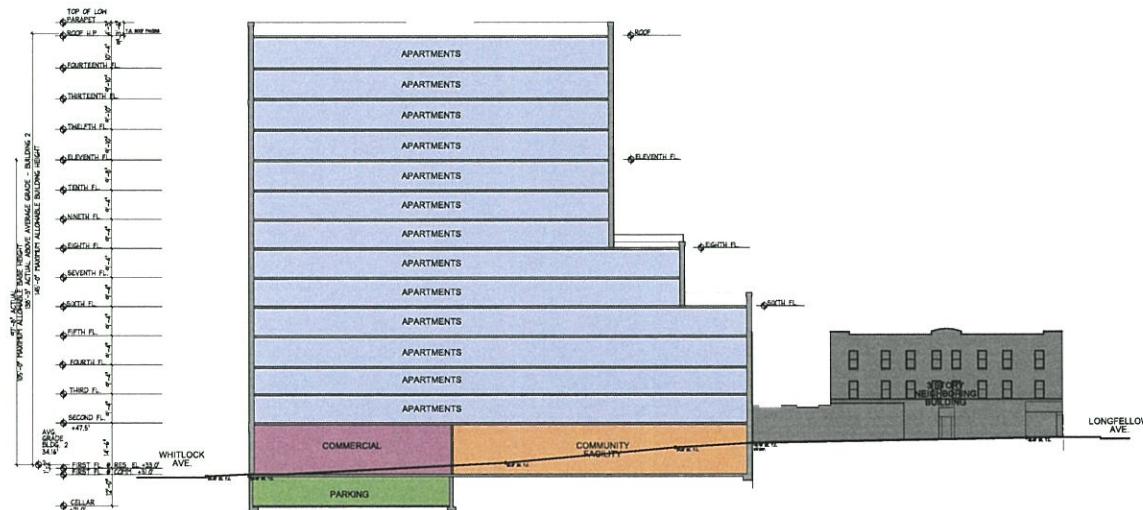
Images are for illustrative purposes only and do not represent actual conditions. All dimensions are in feet unless otherwise noted.



SECTION KEY PLAN



SECTION A - BLDG. 1



SECTION B - BLDG. 2



SECTIONS
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A-10

Project Unit Distribution

Phase I – HDC/ HPD's Extremely Low & Low-Income Affordability (ELLA) Program

	Homeless	30% AMI	40% AMI	50% AMI	60% AMI	Total
Studio	5	5	5	5	29	49
1 Bedroom	10	10	10	10	55	95
2 Bedroom	6	6	6	6	36	60
<u>3 Bedroom</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>22</u>	<u>38</u>
Total	25	25	25	25	142	242

Phase II – HDC/ HPD's Mix & Match Program

	Homeless	30% AMI	40% AMI	70% AMI	80% AMI	Total
Studio	4	2	16	2	20	44
1 Bedroom	10	5	36	5	42	98
2 Bedroom	5	3	19	3	23	53
<u>3 Bedroom</u>	<u>4</u>	<u>2</u>	<u>12</u>	<u>2</u>	<u>15</u>	<u>35</u>
Total	23	12	83	12	100	230

Affordability By Unit Type

0 BR (Studio)				
Affordability	Monthly Rent	Minimum Income	Maximum Income	
30% AMI	\$ 331	\$ 11,349	\$ 20,040	
40% AMI	\$ 475	\$ 16,286	\$ 26,720	
50% AMI	\$ 618	\$ 21,189	\$ 33,400	
60% AMI	\$ 761	\$ 26,091	\$ 40,080	
70% AMI	\$ 947	\$ 32,469	\$ 46,760	
80% AMI	\$ 1,091	\$ 37,406	\$ 53,440	

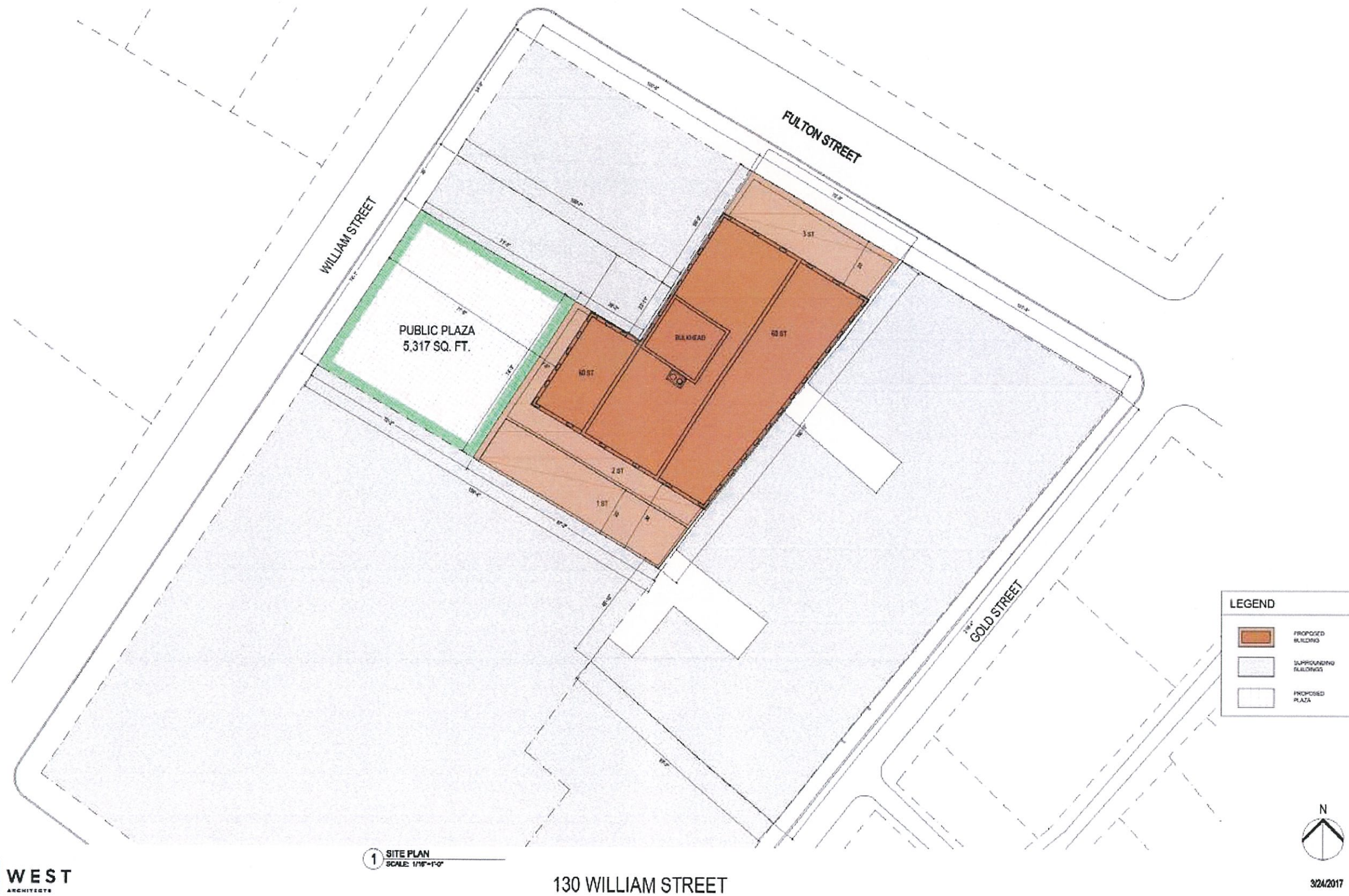
1 BR				
Affordability	Monthly Rent	Minimum Income	Maximum Income	
30% AMI	\$ 426	\$ 14,606	\$ 22,920	
40% AMI	\$ 605	\$ 20,743	\$ 30,560	
50% AMI	\$ 784	\$ 26,880	\$ 38,200	
60% AMI	\$ 963	\$ 33,017	\$ 45,840	
70% AMI	\$ 1,196	\$ 41,006	\$ 53,480	
80% AMI	\$ 1,375	\$ 47,143	\$ 61,120	

2 BR				
Affordability	Monthly Rent	Minimum Income	Maximum Income	
30% AMI	\$ 521	\$ 17,863	\$ 28,620	
40% AMI	\$ 736	\$ 25,234	\$ 38,160	
50% AMI	\$ 951	\$ 32,606	\$ 47,700	
60% AMI	\$ 1,166	\$ 39,977	\$ 57,240	
70% AMI	\$ 1,445	\$ 49,543	\$ 66,780	
80% AMI	\$ 1,660	\$ 56,914	\$ 76,320	

3 BR				
Affordability	Monthly Rent	Minimum Income	Maximum Income	
30% AMI	\$ 594	\$ 20,366	\$ 33,210	
40% AMI	\$ 843	\$ 28,903	\$ 44,280	
50% AMI	\$ 1,091	\$ 37,406	\$ 55,350	
60% AMI	\$ 1,339	\$ 45,909	\$ 66,420	
70% AMI	\$ 1,661	\$ 56,949	\$ 77,490	
80% AMI	\$ 1,910	\$ 65,486	\$ 88,560	



130 William Street Plaza – Zoning Text Amendment



130 William Street Plaza – Zoning Text Amendment



[illegible]

130 William Street Plaza – Zoning Text Amendment



Existing Text: **NOT PERMITTED**

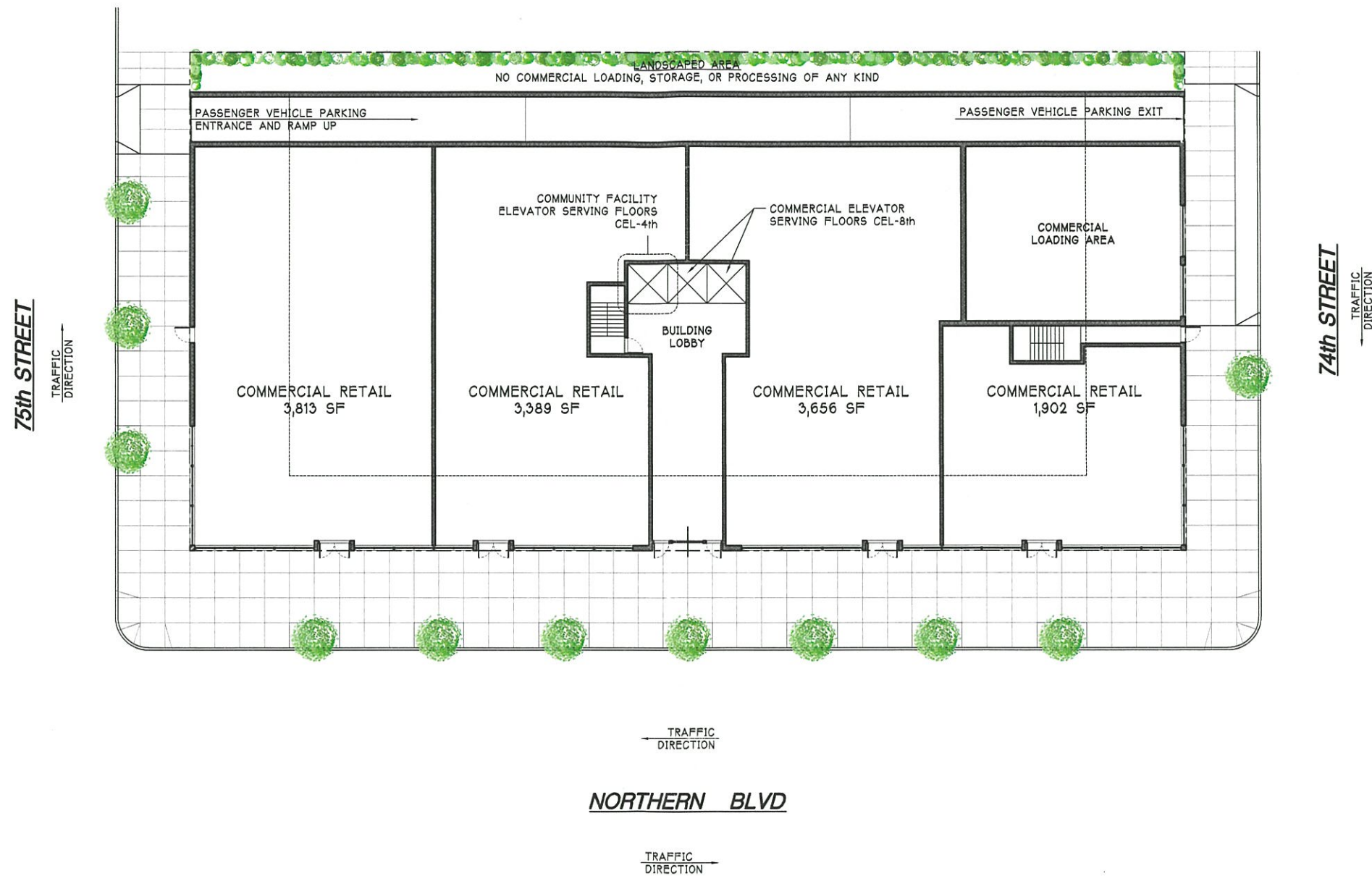
Proposed Text: **NOT PERMITTED**



Existing Text: **NOT PERMITTED**

Proposed Text: **PERMITTED**

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 02/21/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot: 1

ZONING MAP, ZONING DATA, SITE PLAN

CHRISTOPHER PAPA
ARCHITECT

22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 04/25/2017

74-04 NORTHERN BOULEVARD JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

FRONT PERSPECTIVE - NORTHWEST

CHRISTOPHER PAPA
ARCHITECT
22-02 STEINWAY STREET
ASTORIA, NY 11105
OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 04/25/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

FRONT ELEVATION - NORTH



CHRISTOPHER PAPA
ARCHITECT

22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202

WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 02/21/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

REAR ELEVATION - SOUTH

CHRISTOPHER PAPA
ARCHITECT

22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 04/25/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

LEFT SIDE ELEVATION - EAST

CHRISTOPHER PAPA
ARCHITECT
22-02 STEINWAY STREET
ASTORIA, NY 11105
OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 04/25/2017

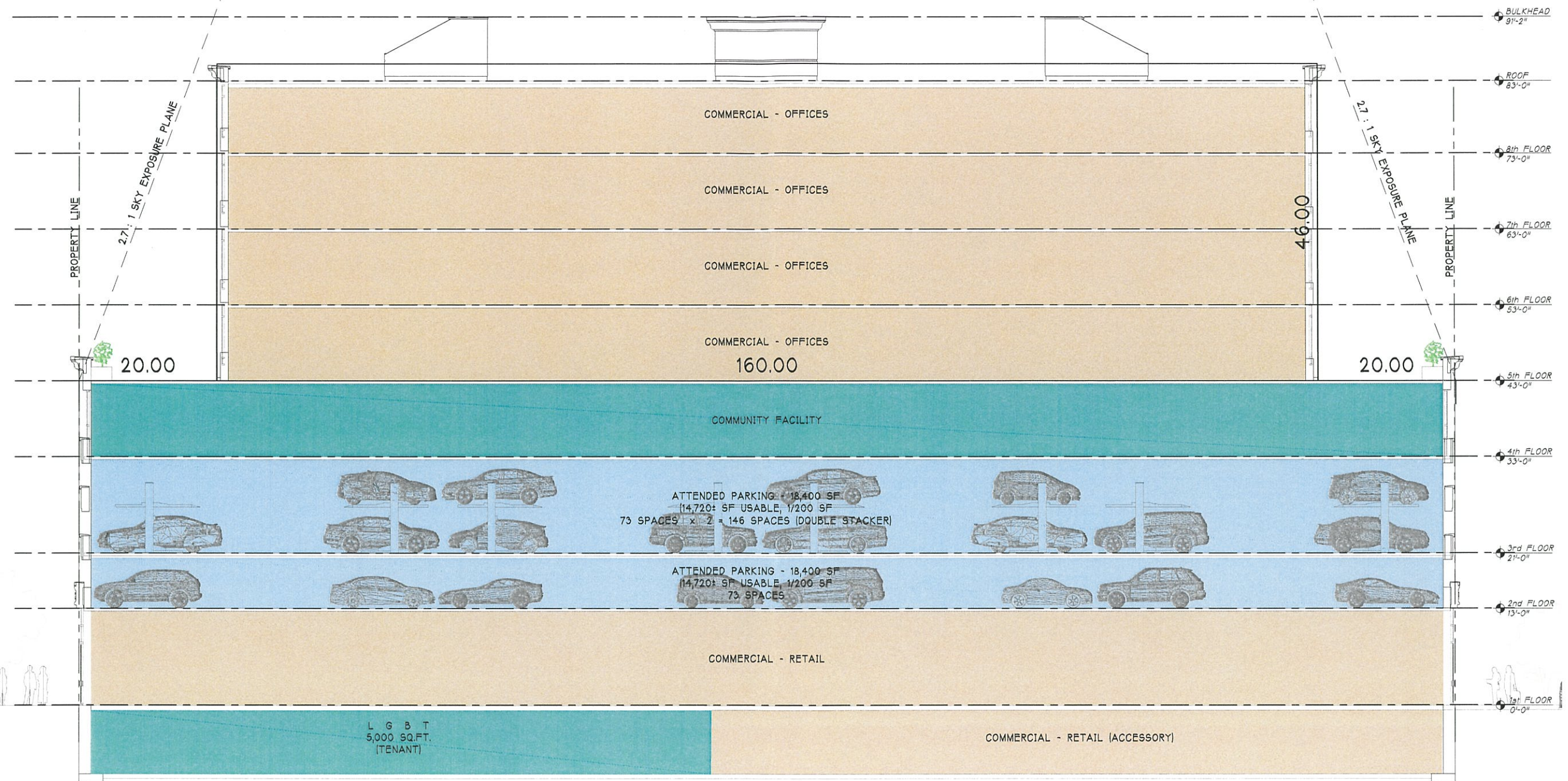
74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

RIGHT SIDE ELEVATION - WEST

CHRISTOPHER PAPA
ARCHITECT
22-02 STEINWAY STREET
ASTORIA, NY 11105
OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 02/03/2017

74-04 NORTHERN BOULEVARD JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

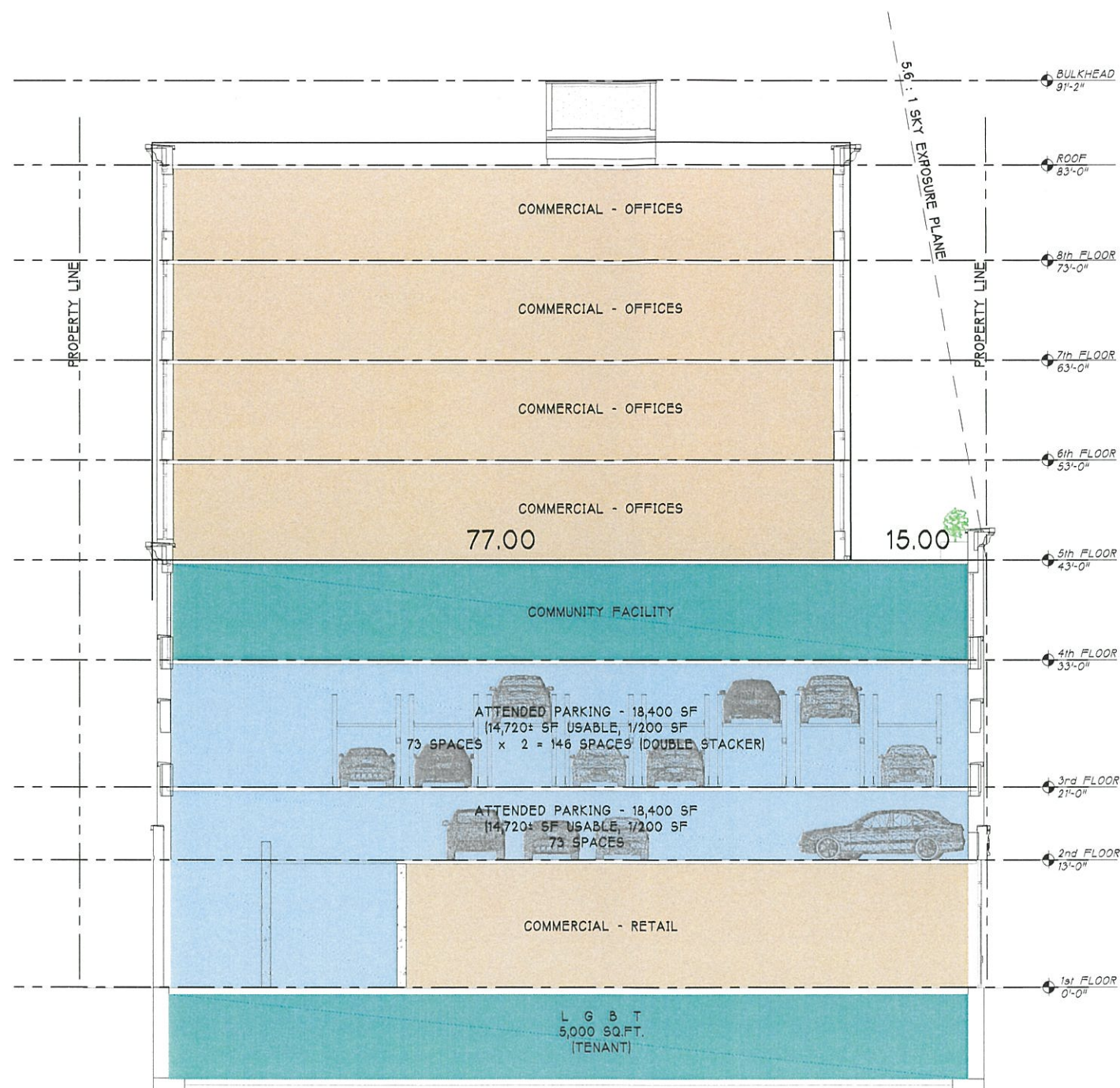
AREA DIAGRAM - SECTION

CHRISTOPHER PAPA
ARCHITECT

22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



Project No.: 15011 02/03/2017

74-04 NORTHERN BOULEVARD JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

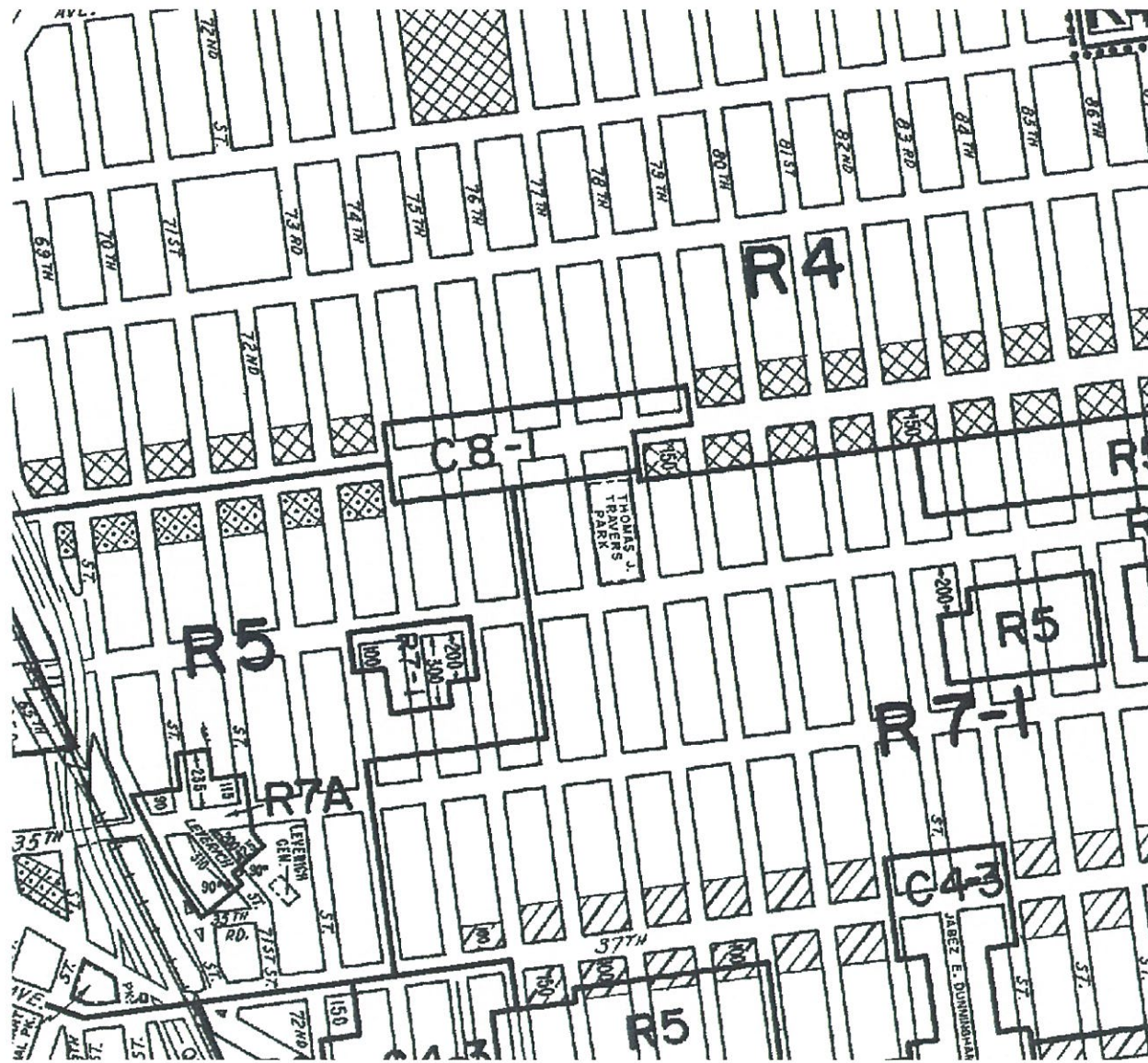
AREA DIAGRAM - SECTION

CHRISTOPHER PAPA
ARCHITECT

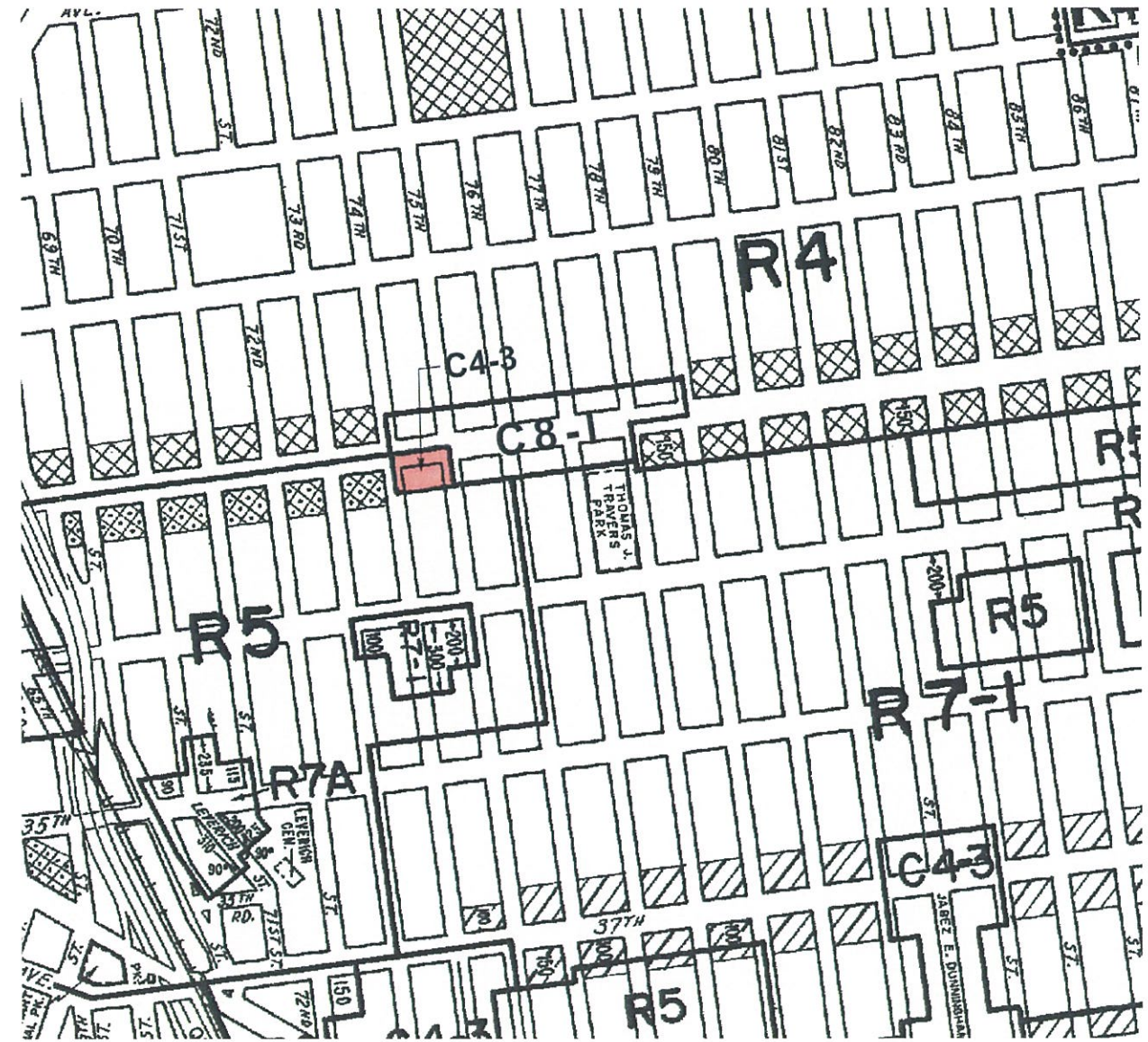
22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



EXISTING ZONING MAP No. 9d



PROPOSED ZONING MAP No. 9d

Project No.: 15011 02/03/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

ZONING COMPARISON MAP



22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202

WWW.CVPARCHITECT.COM

ILLUSTRATIVE PURPOSE ONLY



NYC Digital Tax Map

Effective Date : 09-20-2010 11:45:59

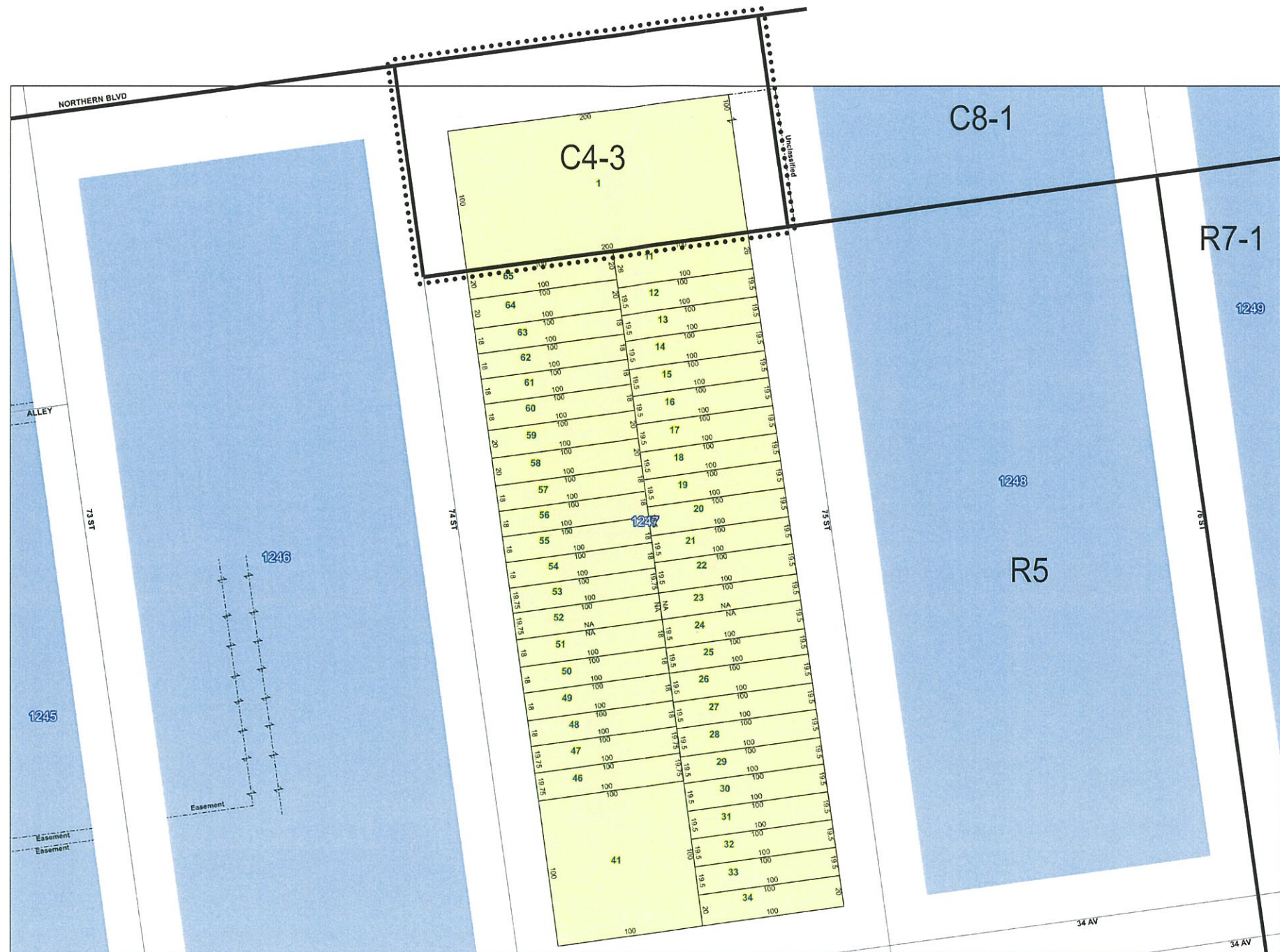
End Date : Current

Queens Block: 1247



Legend

- Streets
- Miscellaneous Text
- Possession Hooks
- Boundary Lines
- Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon



0 510 20 30 40 Feet

Project No.: 15011 02/03/2017

74-04 NORTHERN BOULEVARD
JACKSON HEIGHTS, NEW YORK

Block: 1247 Lot :1

TAX MAP

CHRISTOPHER PAPA
ARCHITECT

22-02 STEINWAY STREET
ASTORIA, NY 11105

OFFICE 718.777.5200
FAX 718.777.5202
WWW.CVPARCHITECT.COM

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 691 Res. No. 692
☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: CRAIG WHITAKER

Address: 39 5th AVE

I represent: CITY CLUB

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 691/692 Res. No. _____
☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: John West

Address: 250 W 94 St NY NY 10025

I represent: City Club

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 691/2
☒ in favor ☐ in opposition

Date: 6/20/2017

(PLEASE PRINT)

Name: ROB BYRNES

Address: EAST MID 875 THIRD AV.

I represent: EAST MIDTOWN PARTNERSHIP

Address: 875 THIRD AV.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 691/2
☐ in favor ☒ in opposition other

Date: 6.20.17

(PLEASE PRINT)

Name: Andrea Goldwyn

Address: _____

I represent: NY Landmarks Conservancy

Address: 1 Whitehall St NYC 10004

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0692-0017 Res. No. _____
☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: JAMES G. COLLINS

Address: 201 EAST 17TH ST.

I represent: N/A

Address: 201 EAST 17TH ST. NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 641/692 Res. No. _____
☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Mike Slattery

Address: _____

I represent: Real Estate Board of New York

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 692 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/20

(PLEASE PRINT)

Name: Jim Korein

Address: _____

I represent: Omnispective Management Corp

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Edward Polanski

Address: 64 East 94th St

I represent: Development Consulting Services

Address: 2300 Wy 42nd St NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691/692 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: JEFFREY KROESSLER

Address: 39-24 146th St Sunnyside 11104

I represent: CITY CLUB OF NEW YORK

Address: SAME

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691-692 Res. No. _____

☐ in favor ☒ in opposition

Date: 20 JUNE 2017 E. MIDTOWN

(PLEASE PRINT)

Name: MICHAEL KWARTLER

Address: 116 W. 29th ST. NY NY 10001

I represent: MICHAEL KWARTLER + ASSOC

Address: ABOVE + CITY CLERK

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691-692 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Deirdre Anderson

Address: Greenbay Tranny, 200 Park Avenue, 15th Fl.

I represent: 1248 Associates, LLC

Address: 150 W 4th St

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Kenny Mendoza

Address: 75-35 31st Ave. Suite 206B E. Elmhurst

I represent: Assemblymember Michael Den Dekker NY 11370

Address: 75-35 31st Ave. Suite 206-B E Elmhurst

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

LU689

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Roseau

Address: _____

I represent: Related / 517 W 35th Street

Address: 60 Columbus Circle 10023

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

691-82

I intend to appear and speak on Int. No. East Midtown Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: WALLY RUBIN for VICKY BARBERO

Address: COMM. B.D. 5

I represent: COMMUNITY BOARD FIVE

Address: 450 7th Ave, 10123

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

691-82

I intend to appear and speak on Int. No. East V. Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: WALLY RUBIN for VICKY BARBERO

Address: COMM. B.D. 5

I represent: COMMUNITY BOARD FIVE

Address: 450 7th Ave, 10123

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

LU 0682-2017 ☒ in favor ☐ in opposition
LU 0683-2017

Date: 6.20.2017

(PLEASE PRINT)

Name: BRIAN NEWMAN

Address: 210 WEST ROGUES PATH, COLD SPRING HILLS, NY

I represent: HP WHITLOCK HOUSING

Address: C/O PARK MANAGEMENT 571 E. N.Y. AVE
BROOKLYN, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 691-92

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Lawrence Sullivan

Address: 360 Riverside Drive

I represent: City Club

Address: _____

THE COUNCIL LU 677
THE CITY OF NEW YORK 678

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 2017

(PLEASE PRINT)

Name: RICHARD BASS

Address: 466 5TH AVE

I represent: HAM

Address: 74-04 NORHEK BLVD

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL LU 677
THE CITY OF NEW YORK 078

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: MARIC MISK

Address: 37-51 76ST, JAYCSON HTS 11372

I represent: OWNER

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 065

☒ in favor ☐ in opposition

Date: 6/20/2017

(PLEASE PRINT)

Name: RON SCHULMAN

Address: BDG LLC 111 NORTH CENTRAL AVE 11425

I represent: PIER 21 Development LLC

Address: NY NY 100

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: Andrew Garle

Address: 33-12 75th St.

I represent: residential neighborhood

Address: 75th St. b/w 34th Ave + Northern

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

687
688

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: Melissa Herlitz

Address: 120 Broadway, 31st flr.

I represent: NTC Dept. of City Planning

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

20 0682-2017 ☒ in favor ☐ in opposition

0683-2017

Date: _____

(PLEASE PRINT)

Name: ALDEN GRIBBIN

Address: 184 THOMPSON ST NY NY 10012

I represent: HP WHITLOCK HOUSING

Address: 90 PARK MGMT

571 EAST NEW YORK AVE BROOKLYN

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

L4689

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 6/19

(PLEASE PRINT)

Name: DAVID KALNOVSKY

Address: 1 NY PLAZA

I represent: 5174 TOT TENTH LLC (RELATED)

Address: 60 COLUMBUS CIRCLE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

684

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Jodi Stein

Address: 460 Park

I represent: Applicant

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 682 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Frank Caruso Beshe Gerhard S

Address: _____

I represent: Manhattan Borough Pres

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

684

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Anne McCaughey, Herrick

Address: 2 Park Ave

I represent: Applicant

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Bedford Ave Res. No. _____

☒ in favor ☐ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Jordan Press

Address: 100 Gold

I represent: HPD

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

LU 0682-2017 ☒ in favor ☐ in opposition

LU 0683-2017

Date: 6/

(PLEASE PRINT)

Name: Ross Moskowitz

Address: 180 MADISON LANE, NYC 10038

I represent: HP Whitlock Housing

Address: c/o PARK MANAGEMENT 571 EAST 47th Ave Brooklyn, NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: CHRISTOPHER PAPA

Address: _____

I represent: DUNN'S ARCHITECT

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

685
686

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: Melissa Herlitz

Address: 120 Broadway, 31st flr.

I represent: UTC Dept of City Planning

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

6677
678

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Sean Collins

Address: 210 Central Ave, Bethpage NY

I represent: LGBT Network

Address: 20 Crossways Pl. Dr. N., Ste 110, Woodbury NY

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

684

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: LM Text Amer

(PLEASE PRINT)

Name: Jennifer Dickson

Address: 2 Park Avenue

I represent: Applicant

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

682

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: Rahn Wade

Address: 25 W. 18th Street

I represent: SEIU 32BJ

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 621 Res. No. 692

☐ in favor ☒ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: George Haisalis

Address: 1 Wash. Sq. Vill. #5D NY 10012

I represent: Inst. for Rational Urban Mob

Address: 1 Wash. Sq. Vill. #5D NY 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691 Res. No. 692

☐ in favor ☒ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: Edward Walker

Address: 83-10 35th Ave. SJ

I represent: IRUM

Address: NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691/692 Res. No. _____

☒ in favor ☐ in opposition

Date: June 20, 2017

(PLEASE PRINT)

Name: Alan Dutta

Address: _____

I represent: Yale Club

Address: 50 Vanderbilt Avenue

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691-692 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: MICHAEL GRUEN

Address: 249 W 34th St.

I represent: CITY CLUB OF NEW YORK

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691/692 Res. No. _____

☐ in favor ☐ in opposition

TO RESPOND TO ANY QUESTIONS
Date: _____

(PLEASE PRINT)

Name: JOSEPH GINEX

Address: _____

I represent: 1248 ASSOCIATES LLC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691692 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: TOM DEWANNEY

Address: 488 MADISON AVENUE

I represent: MUNICIPAL ART SOCIETY (MAS)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691692 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Lois Crammins

Address: _____

I represent: Greenacre Foundation

Address: Rockefeller Center

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Michael Pantelidis

Address: _____

I represent: New York Building Congress

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL Greater
THE CITY OF NEW YORK East
Midtown

Appearance Card

I intend to appear and speak on Int. No. 691/692 Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Marcia Caban 21 Bergen St

Address: 123 E 55th St Brooklyn NY

I represent: Central Synagogue

Address: 123 E 55th St

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 691-692 Res. No. _____

☒ in favor ☐ in opposition

Date: 6/20/2017

(PLEASE PRINT)

Name: Joseph Rosenberg

Address: 80 Maiden Lane

I represent: Catholic Community Relations Council

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. East Midtown Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Rahn Wade

Address: 25 W. 18 Street NY

I represent: 32 BJ SEIU

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

691-692

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: DEPHIE TOTTENHAM VICKI FARMER

Address: COMM. 145

I represent: SANITARY BOARD FIVE

Address: 4450 77TH ST 103

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

691-692

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: RICK EGGERS

Address: 11A 300 E 40TH ST, NY, NY

I represent: Manhattan Community Board 6

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 691692 Res. No. _____

☐ in favor ☒ in opposition

Date: 6/20/17

(PLEASE PRINT)

Name: ROXANNE WARREN

Address: 1841 BROADWAY #1208, NYC 10023

I represent: VISION 42

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 651/652 Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Peter Venturi

Address: 122 E 42 Street, NYC

I represent: 67th Council District

Address: 122 E 42 Street, NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Edith How Chen

Address: _____

I represent: DCP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Fixed middle Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Anita Loremont (G8 AD)

Address: _____

I represent: DCP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. East Midtown Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Bob Tuttle (AS A)

Address: _____

I represent: DCP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. Graphic East Midtown Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Ed Pincus

Address: _____

I represent: NYC DOT

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Engl. Millin Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Fredericka Cuenca

Address: _____

I represent: MTA/NYCTA

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Engl. Miller Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Ezra Miller (RBA)

Address: _____

I represent: D/P

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀