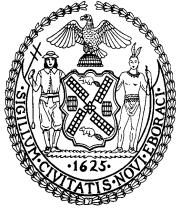


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The City of New York Manhattan Community Board 8

Zoning and Development Committee Meeting
April 21st, 2016, 6:30pm
Lenox Hill Hospital, 130 East 77th St, NYC
Michael Bruno Presentation Room

Present: Elizabeth Ashby and Elaine Walsh, co-chairs, Gayle Barron, Barbara Chocky, Sarah Chu, David Hartzog, Peter Patch, Rita Popper, David Rosenstein, and Marco Tamayo

Representatives of Carnegie Hill Neighbors, CIVITAS, Defenders of the Historic Upper East Side, and Friends of the Upper East Side Historic Districts were also present.

I Discussion of Appropriate Height limits for the Upper East Side (CB8).

(1) R10-A Zoning Districts

Evaluation of the current limits and the need for changes were discussed. Presentations were made by Jameson Mitchell, CIVITAS, and Rachel Levy, Friends of the Upper East Side Historic Districts, based on reports that the civic groups had commissioned along with Office of City Council Member Ben Kallos, Jesse Townsen, office of CM Ben Kallos, Sarah Hale Stern, office of Liz Krueger, and members of the committee and the public contributed to the discussion of the height limits. Rachel Levy summarized their study, identifying the eastern part of the district lacking open space, light and air; pointing out that from 2007 to 2014, there was a 26% loss of affordable housing compared to 6% citywide; and that the community lacks a comprehensive plan. The plan needs to look at contextual zoning and new height limits of 210' for 1st, 2nd, 3rd, and York avenues, where there are no protections, and to include the R8B application that was submitted to city planning about 8 years ago. Jameson focused on the C1-9 and need for contextual zoning and create a C19X district where there would be a base with tower set back 10'; recommends height limits of 210' midblock and 400' on avenues. Jesse reported that CM Ben Kallos will work with the community regarding height limits and supports that height limits should be set for the community. Will Brightbill, office of CM Dan Garodnick, wants to have a hearing on height limits metrics and supports the community on their efforts. Sara Hale Stern suggested that all proposals should also look at the NYS multiple dwelling law which sets a 12 FAR cap on residential buildings. Any change here is a state jurisdiction, and there are efforts being made to lift the cap. Also, the

421a law expired but there are still efforts being made to bring back a tax subsidy program. There was a sense that any set aside for developers did not benefit the community

After discussion with the committee and input from the public and all presenters, it was moved that a letter be written to all appropriate agencies particularly NYC Planning Department to begin the process of submitting our request to set height limits on the avenues east of Lexington Avenue and have a cap of 12 FAR. The public was encouraged to submit their ideas via email to the community board. All civic groups and elected officials will be working on the letter.

(2) R9-X and R10-A Zoning District Changes Under ZQA

The Zoning for Quality and Affordability text amendments included a height increase in these contextual zones, to which Community Board 8 strongly objected. These increases were retained in the final and enacted version. The discussion considered the board's options to address the problem.

The justification given for allowing an extra 25 feet in R10-A districts and an extra 35 feet in R9-X was to provide a bonus for affordable senior housing. This is completely unnecessary; the extra floor area – 2 FAR for R10-A and 0.7 FAR for R9-X – can easily be accommodated within the existing height limits. There is no reason for the destructive increase in height. An example of this fact is the building proposed for 147-151 East 86th Street. Within the 210 foot height limit, it contains not only a two FAR bonus, it also contains an additional 29,000 square feet of floor area that will be transferred from the lot to its north.

It was decided that a letter would be sent to CPC, copied to the Borough President and Councilmembers, asking that the increase be reversed and that the original height limits be retained.

Old Business

(1) 147-151 East 86th Street

An MTA easement with the property owner was established in the 1800's to allow two subway entrances to be in the building. It is unclear how the MTA was permitted to terminate the easement without public review.

There was a discussion regarding the danger of closing the subway entrances on this corner during construction. The following resolution was passed unanimously:

WHEREAS Ceruzzi Properties ("the Developer") intends to demolish the existing building at the northeast corner of Lexington Ave. and 86th Street, which contains on its mezzanine level two of the four entrances to the northbound (uptown) side of the station serving the Express and Local (IRT 4, 5, 6) lines; and

WHEREAS the 86th Street and Lexington Ave. IRT subway station is the ninth busiest stations in the system with 20 million travelers per year; and

WHEREAS the Developer and the MTA have agreed that the Developer will install a sidewalk elevator to serve the northbound side of the subway station, make changes to the existing mezzanine-level entrance/exits on the NE corner, and add a sidewalk staircase entrance on the 86th Street sidewalk; and

WHEREAS any construction-related temporary closure of the NE corner staircases could reduce the available exits by half; and

WHEREAS when both local and express trains arrive at the same time during the evening rush hour, hundreds of passengers seek to exit the station at the same time; and

WHEREAS, in the event of an incident on a train or platform, e.g., a shooting, fire or smoke condition, or terrorism-related event, this would inevitably create panic and a rush to exit the station, and

WHEREAS any temporary decrease in exit capacity could present an unacceptable risk to the public,

THEREFORE BE IT RESOLVED, that New York City's public safety agencies, and all agencies with a permitting role in the project, move to assure that under no circumstances will a closure of existing exits be permitted unless equivalent egress is provided at all times during construction.

VOTE: Yes: Elizabeth Ashby, Gayle Barron, Barbara Chocky, Sarah Chu, Peter Patch, Rita Popper, David Rosenstein, and Marco Tamayo; No: 0; Abstain: 0

(2) 180 East 88th Street Update

The current filing with the NYC Dept. Of Buildings is under 1558 Third Avenue and not the East 88th Street address. The discussion included the configuration of the building and the Sliver Law. Lo van der Valk provided findings by George James, consultant on this project for Carnegie Hill Neighbors. The building plans were filed, showing a tower on a base, and merging and creating new zoning lots. The building will cantilever over the building to the south on Third Avenue. This application was approved on 6/9/15. CB8 needs to follow up on the letter sent to the Department of Buildings regarding a possible Sliver Law violation. Carnegie Hill Neighbors has filed a law suit against this development.