

**James G. Clynes**  
**Chairman**

**Latha Thompson**  
**District Manager**



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**The City of New York**  
**Manhattan Community Board 8**  
**Zoning and Development Committee Meeting**  
**January 24, 2017**  
**Lenox Hill Hospital, Einhorn Auditorium**

**Present:** Elizabeth Ashby (co-chair), Michele Birnbaum, Barbara Chocky, Craig Lader, Rita Popper, Marco Tamayo, and Elaine Walsh (co-chair)

The meeting was called to order at 6:30 PM.

**Avenue Zoning:** The Community Board's position regarding the zoning for R-10, R10-A, and R9-X zoning districts was recalled and relevant excerpts from the June 2016 letters to the City Planning Commission were read. Copies of those letters are attached to these minutes.

Rachel Levy, representing *Friends of the Upper East Side Historic Districts*, described the organization's studies and thinking about ways to prevent the excessively tall buildings that are proliferating in the city. She also called attention to the questionable tactics used to create greater building heights – particularly adding more than a dozen unnecessary mechanical floors.

Jameson Mitchell, representing *CIVITAS*, spoke of the organization's similar work and its favoring of tower-on-a-base zoning to solve the problem. He referred to the urgency of dealing with the issue – a view shared by all. Sarra Hale-Stern of State Senator Liz Krueger's office said that the state limit of 12 FAR for residential districts was under attack again. The Senator had stopped the previous effort to remove this limit.

Councilmember Ben Kallos described how zoning applied to Community District 8 and voiced his support of human-scale development.

It was recommended that future housing development take into account both changing demographics and changing work practices. The population is aging and more housing for senior citizens should be provided; it should include space for an aid to permit "aging-in-place." As more people now work at home – either part-time or full-time – dedicated space for this work should be provided.

The public was advised that there is no height limit on First, Second, Third, and York Avenues in Community District 8. The wide cross-town streets, east of Park Avenue, have what is called contextual zoning, which reflects the scale of the existing buildings, and has a height limit of 210 feet. "Zoning for Quality and Affordability" permits an additional 25 feet if affordable housing is included..

After discussion of alternatives, no member of either the committee or the public favored a height limit greater than 210 feet.

**180 East 88<sup>th</sup> Street/ 1558 Third Avenue:** It was reported that the stop work order had been lifted and that the Department of Buildings had given the developer permission to build his 526-foot tower. Community Board 8

challenged the permit last year, based on noncompliance with the “Sliver” Law. We will challenge the virtually unchanged proposal again.

Councilmember Ben Kallos will be again challenging the permit, as will Carnegie Hill Neighbors.

**Illegal Signage:** The following was reported:

Byron Munoz, CB#8 Department of Buildings liaison did not attend the meeting. Discussion centered on the number of illegal signs and encouraged attendees to get involved by calling 311 to report violations. The number of violations continues and the many that we had asked DOB to respond are no longer in existence as the stores have relocated or eliminated via demolition to site. The DOB does not send out inspectors due to lack of staff. The only response is if 311 called to report violation. There is a brochure on the east 86<sup>th</sup> st web site that provides information on what signs are allowed. Currently a new illegal sign has been installed at 1390 3<sup>rd</sup> ave and PC Richards continues in violation. Suggested again the liaison be invited to a meeting to discuss concerns. We have learned there is only 1 community liaison for the 12 Manhattan Community Boards.

In the budget sessions for city agencies recommended that we ask for increased staffing for community liaison.

**Old Business:** The following was reported regarding the northeast corner of 86<sup>th</sup> Street and Lexington Avenue (147-151 East 86<sup>th</sup> Street):

There still is no commitment from MTA/NYCT to build new permanent stairs for subway and the elevator prior to construction of the building. According to NYC Department of Buildings website, the Zoning Resolution Determination Form prepared by the developer states, “they are asking for a waiver of a loading berth--for this site requires a loading dock.. Reasons for waiver: their application states that the retail site is slightly above exceeds the threshold for a loading berth(25,000 is threshold; their site is 28,000); curbs cuts are not prohibited but given congestion and both are wide streets and busy retail streets with both retail and transportation uses and heavy pedestrian and vehicular traffic and in light of existing and proposed NYCTA infrastructure, newsstand to be relocated, and sidewalk located along East 86 st – there is no feasible place to locate a loading berth” **Dept. of buildings has waived the requirement for a loading berth provided “applicant provide a letter from NYCTA that includes an explanation of the proposed NYCTA infrastructure and how the infrastructure will make such loading berth infeasible and a report from a licensed engineer stating why the loading dock would be infeasible.”**

**The entrance to the residential part of the building will be on Lexington Avenue. The subway grates will be replaced with a closed area. The concern here is air flow for the subway as other buildings been told nothing can be on a subway grate due to air flow concerns.**

The NYCTA is working with the developer on a builders pavement plan that would include a bump out of 9’ with a dimension of 133’ going east.

Given all of the concerns that the developer raises for not having a loading berth is exactly why the subway stairs need to be kept within the building on the 86th street side. Without a loading berth the conditions will be the same we have with Fairway if not worse given the location. Follow-up will be had with appropriate city agencies and the office of Senator Liz Krueger who has taken the lead with the MTA. The builders pavement plan still does not provide any information re how stores will receive deliveries.. Discussion will continue and developer will again be asked to attend our meeting

**New Business:** There was no new business.

The meeting was adjourned at 8:30 PM.

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**The City of New York**  
**Manhattan Community Board 8**

June 3, 2016

Carl Weisbrod  
Commissioner, NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor,  
New York, NY 10271

**RE: Height Limits for R10-A and R9-X Zoning Districts**

Dear Commissioner Weisbrod:

When Manhattan Community Board 8 considered Zoning for Quality and Affordability, we objected to any increase in the height limits to our avenue contextual zones (R10-A and R9-X). They are generous and exceed the context they are supposed to replicate. For example, the height limit for R10-A is 210 feet, while the context – prewar apartment buildings – ranges from 160 to 180 feet. Lexington Avenue, where R9-X is located, is the minimum width for a Wide Street; at 75 feet, if it were any narrower it would be a Narrow Street.

The justification for allowing an extra 25 feet in R10-A districts and an extra 35 feet in R9-X districts 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 this 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, but it also contains an additional 29,000 square feet of floor area that will be transferred from the lot to its north.

At our April 21, 2016, Community Board 8 Zoning and Development Committee meeting, there was a thorough discussion with civic associations regarding height limits in our community. Carnegie Hill Neighbors, CIVITAS, Defenders of the Historic Upper East Side, Friends of the Upper East Side Historic Districts, and residents participated. They all support maintaining the original height limits for the R10-A and R9-X zoning districts.

We ask that you immediately reverse this damaging increase to the height limits for R10-A and R9-X zoning districts, leaving them as originally enacted.

Thank you for your consideration.

Sincerely,

James G. Clynes  
Chairman

cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Daniel Garodnick, NYC Council Member, 4<sup>th</sup> Council District  
Hon. Ben Kallos, NYC Council Member, 5<sup>th</sup> Council District

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June 3, 2016

Carl Weisbrod  
Commissioner, NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor,  
New York, NY 10271

**RE: Height Limits for the R-10 Zoning District**

Dear Commissioner Weisbrod:

Community District Eight is a long-established residential community, characterized by its human scale. The prevailing building forms are townhouses, particularly brownstones, in the mid-blocks and prewar apartment buildings and six-story tenements on the avenues and wide cross-town streets.

The livability of the area depends upon this human-scale development. This condition has been protected by contextual zones, special districts, and historic districts. However, First, Second, Third and York Avenues are zoned R-10 or its equivalent and remain at risk from the out-of-scale buildings that are now proliferating in the city.

A generous and appropriate height limit for these avenues would be 210 feet. That is the height limit for all the remaining avenues and wide cross-town streets in the district, with the exception of Lexington Avenue whose height limit is 170 feet.

The context of First, Second, Third and York Avenues is almost entirely buildings that are less than 210 feet tall. On York Avenue, 90% of the buildings are below 210 feet; on First Avenue, 92% are below 210 feet; on Second Avenue, 93% are below 210 feet; and on Third Avenue, 87% are below 210 feet. Currently, the average height is only 83 feet on Second Avenue. The New York State Multiple Dwelling Law limits residential buildings to 12 FAR, which can easily be accommodated in a 210-foot-tall building.

At the April 21, 2016, Community Board 8 Zoning and Development Committee meeting, there was a thorough discussion with civic associations and elected officials regarding height limits in our community. Carnegie Hill Neighbors, CIVITAS, Defenders of the Historic Upper East Side, Friends of the Upper East Side Historic Districts, and residents participated. All recognized the need for human-scale buildings and a 210 foot height limit was favored.

Buildings taller than 210 feet would diminish light and air; cast long shadows over homes, parks, playgrounds and schools; and damage the residential character of the area. In order to prevent this, Quality Housing could be mandated, a height limit of 210 feet could be mandated, or these avenues could be rezoned to an existing or new contextual zone with a 210-foot height limit. We ask that steps be taken immediately to achieve this necessary height limit.

Thank you for your consideration.

Sincerely,

James G. Clynes  
Chairman

cc: Hon. Bill de Blasio, Mayor of the City of New York  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Carolyn Maloney, 12<sup>th</sup> Congressional District Representative  
Hon. Liz Krueger, NYS Senator, 28<sup>th</sup> Senatorial District  
Hon. Dan Quart, 73<sup>rd</sup> Assembly District  
Hon. Rebecca Seawright, 76<sup>th</sup> Assembly District  
Hon. Daniel Garodnick, NYC Council Member, 4<sup>th</sup> Council District  
Hon. Ben Kallos, NYC Council Member, 5<sup>th</sup> Council District