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**The City of New York**  
**Community Board 8 Manhattan**  
*Tuesday, March 22, 2022 - 6:30 PM*  
*Conducted remotely on Zoom*

**Minutes**

**Board Members Present:** Elizabeth Ashby, Michele Birnbaum, Loraine Brown, Alida Camp, Anthony Cohn, Craig Lader, Jane Parshall, Sharon Pope-Marshall, Rita Popper, Margaret Price, Barry Schneider, Marco Tamayo, Adam Wald, Elaine Walsh, Sharon Weiner, and Leo Yu (Public Member)

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

**Item 1: Update on Lenox Hill and Yorkville Special Districts**

Charles Edelstein brought the committee up to date on the status of our proposed **Lenox Hill and Yorkville Special Districts**. A draft of the text for the Preliminary Application is attached. With our approval, he will combine this info with supporting background and boiler plate materials (zoning, land use data, photos) and submit the package to DCP.

By way of a reminder, Mr. Edelstein reviewed the three major aims of the proposed special districts, and the rationale for their creation:

- 1) **The preservation of affordable Housing in the eastern half of CD8M.** By preserving existing affordable housing stock in Old Law and New Law Tenements, many of which have a greater density of affordable housing than would new construction, displacement of current neighborhood residents would be minimized. The added benefit of protecting neighborhood scale and character was also mentioned.
- 2) **The imposition of a 210-foot height limit on Third, Second, First, and York Avenues.** Recent projects in the district demonstrate that the existing zoning, which allows for development up to FAR 10 (12 with the Affordable Housing bonus), can be fully satisfied under the proposed height limit. The Zoning Special Districts would discourage the assembly of large zoning lots, and air-rights transfers – maneuvers necessary for the construction of buildings employing “tower on a base” zoning strategies but would not limit development. Furthermore, 210 feet represents the height limit throughout the balance of the CD8 Avenues and major streets (except for Lexington Avenue, which is lower) and would create consistency along all the East Side Avenues.
- 3) **The retention of small retail businesses through the preservation of existing low to mid-rise buildings.** The loss of neighborhood retail accelerated during the pandemic, but much neighborhood retail displaced by demolition and new construction predated 2020. Retaining local businesses has become an urgent priority. Preserving existing neighborhood character depends upon preserving existing buildings.

He noted that there is quite a bit of advocacy in this presentation in response to two ideas:

- 1) In various conversations with DCP, and specifically in response of our initial Preliminary Application and follow up meeting, they asked him for expanded discussion of the rationale for our proposed actions.

- 2) He felt that what we present here will define not only the ideas but also clearly reinforce the need and the energy around them and that this is our opportunity to contextualize the problem—and shape the solution—going forward.

He said that he included a possible provision to allow building additions above existing tenements, with setbacks from the existing elevations and preservation of existing regulated housing. He believes that there's some logic to this in urban design terms as well as the justifiable economics of enabling tenement property owners to realize some of the development potential of their properties.

Mr. Edelstein then answered questions and provided further clarification.

## **Item 2: Discussion of Adam Wald's proposal to rezone several blocks in the East 90's**

Adam Wald described his **Upper Yorkville Rezoning** proposal; a copy is attached. A brief discussion followed, and Mr. Wald was asked to identify what is currently located on the proposed sites. The committee will discuss the proposal at a future meeting when more information is available. The response to the ideas the proposal represents was enthusiastic, but tempered by a general lack of information relating to the existing character of the blocks in question.

The meeting was adjourned at 8:55 PM

*Anthony Cohn and Elizabeth Ashby, Co-Chairs*

## **6. Project Description**

### **INSTRUCTIONS**

Please complete this attachment with detailed information, to the best of your ability. If you need assistance, please contact the appropriate Borough Office.

#### **6a. Why is this application being proposed? What is the legal, environmental, or land use background?**

Please see attached pages.

#### **6b. What is the land use rationale for all the proposed actions?**

Please see attached pages.

#### **6c. Description of land uses and built context in surrounding area (within 1000 ft):**

Please see attached pages.

**6d. Description of existing land uses and structures in the proposed Project Area and Development Site:**

Please see attached pages.

**6e. Description of the proposed development being facilitated by the land use actions:**

Please see attached pages.

**6f. Description of proposed CEQR scope.**

Include to expedite CEQR guidance: If proposed actions are not approved, what is the applicant's as-of-right development (CEQR "no-action") proposal? What would be expected to occur on non-applicant-controlled sites because of the Proposed Actions (CEQR "with-action")?

Please see attached pages.

## **6A. Why is this application being proposed? What is the legal, environmental, or land use background?**

This is a proposal to create two Special Districts to address three inter-related issues in the eastern part of the larger area that is collectively known as the Upper East Side of Manhattan; that is, part of the area encompassed by Manhattan's Community Board 8.

As with many areas in the City, the "Upper East Side" is really an umbrella term, comprising several different communities. Broadly speaking, the Upper East Side is comprised of the western community, from 5<sup>th</sup> Ave to Lexington and 59<sup>th</sup> St north to 96<sup>th</sup> St, and the two communities on the eastern side, known as the Lenox Hill community, stretching from 59<sup>th</sup> St north to 79<sup>th</sup> St and 3<sup>rd</sup> Ave east to York Ave, and the Yorkville community, stretching from 79<sup>th</sup> St north to 96<sup>th</sup> St and again, from 3<sup>rd</sup> Ave east to York Ave.

The Lenox Hill and Yorkville communities are distinct from the larger Upper East Side in important ways, with a separate character and a separate set of challenges. This initiative proposes to create two Special Districts, to be known as the Lenox Hill Special District and the Yorkville Special District, to more effectively regulate aspects of development within these specific neighborhoods.

Current zoning in Lenox Hill and Yorkville is chiefly of three types: R10/C1-9 along the avenues, R8-B in the low-rise side streets, and R10-A in the cross-town arterial streets. Development in the low rise R8-B zones has been shown, over the years since that designation has been enacted, to effectively regulate those classic mid-block streets. Similarly, the crosstown arterial streets (72<sup>nd</sup> St, 79<sup>th</sup> St, 86<sup>th</sup> St and 96<sup>th</sup> St), with height and setback regulations, have effectively guided the development of those major east/west streets. But development along the avenues of Lenox Hill and Yorkville—3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup> and York Avenues, in the R10/C1-9 districts, is proving to be ever more out of control. While much of the City faces significant development challenges, the Lenox Hill and Yorkville communities face particularly extreme development pressures. Currently there are no height limits on these avenues; building development is controlled only through bulk and massing prescriptives. Experience has shown that these are readily manipulated by zoning lot mergers, and subject to loopholes of various sorts. Despite recent efforts to close some of these loopholes, and to that degree regulate such manipulation, there are a number of components able to be subverted. Attempts to correct these loopholes have been shown to be a lengthy step-by-step process, of limited effectiveness, and easily challenged.

Given contemporary development strategies, combined with technical advances in engineering and construction and a basically global funding base, building heights have, to borrow a phrase, skyrocketed. Under these conditions, the community is facing unprecedented new building heights, distorting the intent of zoning controls, and placing great pressure on the existing community fabric. All expectations are that, barring some creative intersection, these pressures will continue to increase.

As a result of these development pressures, the Lenox Hill and Yorkville neighborhoods specifically face three inter-related problems:

1. Lack of overall building height limits, enabling the creation of tall and super-tall buildings out of scale and character with their surrounding communities.
2. Loss of existing tenements, and loss of their associated rent-regulated, affordable housing.
3. Loss of local, ‘mom-and-pop’ small scale retail, and associated neighborhood services and character.

It’s important to note that the development problems we’re addressing are chiefly a question of avenue control, specifically concerning 3<sup>rd</sup>, 2<sup>nd</sup>, 1<sup>st</sup>, and York Avenues. These issues are distinct to the Lenox Hill and Yorkville neighborhoods, separate from the larger Upper East Side, whose western avenues (that is, 5<sup>th</sup> Ave to Lexington) are effectively regulated through a combination of historic districts, limited height districts, and other special districts zoning. Thus, maximum building heights in those areas are basically defined, while along the avenues of Lenox Hill and Yorkville, there are currently no such limits.

The poorly managed growth of very large buildings impacts all aspects of Lenox Hill and Yorkville’s community life and character. Such growth doesn’t represent the interests of these communities—in fact, they are in danger of being completely overrun. The fundamental concern of the Lenox Hill and Yorkville communities is to have limits on out-of-control building heights and the related loss of affordable housing and local retail—to have predictable, appropriate development in the one half of the overall Upper East Side currently lacking that. These communities are economically diverse, but this diversity will—and increasingly is—being destroyed by overdevelopment. And thus, the fundamentals of Lenox Hill and Yorkville’s character are at stake. There is a great need for predictability, built on reasonable rules to accommodate present and future realities.

The Upper East Side, of which the Lenox Hill and Yorkville communities are a part, is the most densely developed of all community districts in the City, and indeed, it’s reported to be the most densely developed community in the entire country. Even in the face of that reality, the Special District proposals are not intended to lessen that density. Rather, the great need is to shape future development in these neighborhoods so that it works as effectively as possible with the breadth of the communities’ population. The Special Districts legislation, as described in the next section, is designed to do that.

## **6B. What is the land use rationale for all the Proposed Actions?**

The land use rationale to address the fundamental concerns of the Lenox Hill and Yorkville communities is to create limits on out-of-control building heights, to enable the preservation of existing affordable housing, and to enable support for local, small-scale businesses. There is a great need to have predictable, appropriate development in the one half of the Upper East Side currently lacking such enlightened regulations.

Specifically, the proposed action seeks the creation of two Special Districts, to be known as the Lenox Hill Special District and the Yorkville Special District, to revise development standards along 3rd, 2nd, 1st, and York Avenues in these communities. The objective is to provide predictability for new development while allowing reasonable growth in accordance with the intent of the zoning code, and to strengthen the character and features of Lenox Hill and Yorkville in terms of scale, density, affordable housing and retail features.

This action will accomplish three broad objectives along these avenues:

1. Limit building heights to the well-established standard of 210 ft, with a maximum base height of 85 ft before setbacks, while still allowing building developments of FAR 10/FAR 12 (including the affordable housing bonus);
2. Preserve existing Old Law and New Law Tenements and their associated affordable housing. That is, to preserve not only the buildings themselves, but specifically, preserve the rent regulated apartments contained within them.
3. Provide realistic, effective support for local small business development and operations in accordance with the City Council's "Plan for Retail Diversity."

Establishing these Special Districts will enable these communities to calm the pressures of rampant, inappropriate transformation, while allowing reasonable development. They will provide predictability, and as a strategy, they are tightly focused, economically sound and broadly popular. As such, they present a realistic tool to address current and future problems.

Following is a more detailed description of the three specific elements that define the proposed Lenox Hill Special District and Yorkville Special Districts:

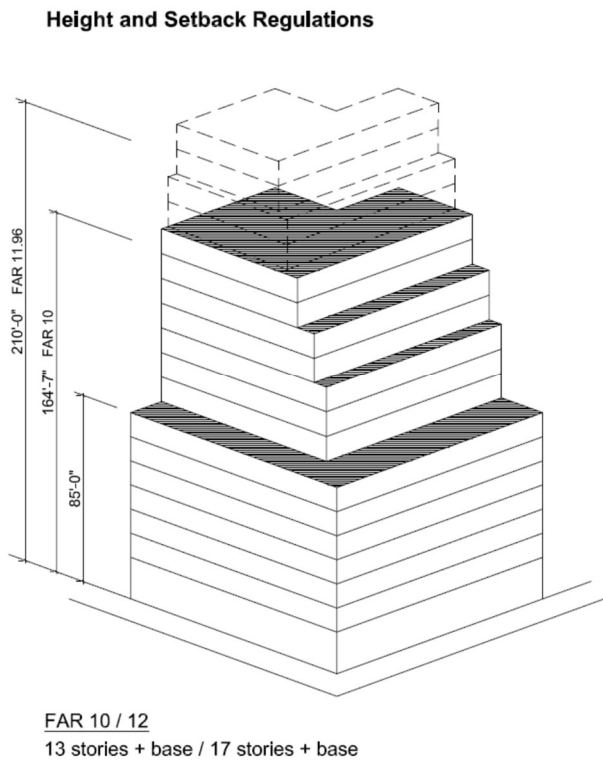
## **1. BUILDING HEIGHTS**

The establishment of an absolute building height is based on a "height and setback" development model, with an overall height limit of 210 ft. Additionally, it proposes typical contextual base configurations with a street wall of 60 ft to 85 ft high, and then setbacks of 15 ft and a 5.6:1 sky exposure plane, and 20 ft and 2.7:1 sky exposure plane, for wide and narrow streets respectively. Within this configuration, FAR limits of 10 as-of-right, and 12 including housing bonus, can be fully utilized. (Please see diagram below.)

Note that it is not envisioned that tower-on-a-base developments would be applicable under these limits. Further, enactment of this height limit will obviate the use of zoning lot mergers, because the full developable area of a given site will be able to be realized within established density regulations (ie, FAR 10/12). Thus the additional floor area provided by a zoning lot merger would not add usable additional developable area.

However, since the 210 ft height limit allows for full development of FAR 10 and FAR 12 buildings, it does not decrease density; it merely regulates where that development can take place more

effectively. For a relatively simple, light hand in terms of the actual proposed zoning regulation, it has the promise to be remarkably effective for the interests of both the broad development community and the residential population of Lenox Hill and Yorkville alike. That said, it is expected that in developing these provisions into applicable regulations, there may be consideration given to appropriate, limited variance procedures.



210 ft is a well-established height limit in the R10A arterial cross streets of the Upper East Side, is typical for wide streets City-wide in R10A districts, and is considered a contextual height limit. While 210 ft is somewhat higher than the actual configuration of many pre-war apartment buildings and related developments along the western avenues of the Upper East Side (ie, 5<sup>th</sup> through Lexington Aves), with typical maximum heights in the 160 ft to 180 ft range, it is consistent with the general character of the whole of the Upper East Side—excepting of course the intermittent and pending larger scale development of some Lenox Hill and Yorkville sites. Going forward, these proposed Special Districts are intended to shape such future developments more appropriately. As such, the idea of these proposed Special Districts enjoys wide public support.

## 2. TENEMENT PRESERVATION, AFFORDABLE HOUSING

The current stock of Old Law and New Law tenements are comprised, to an important degree, by affordable, rent regulated apartments. Currently demolition of these tenement buildings is affected by the ability of property developers to assemble larger development sites through zoning lot mergers. Such assemblages often then have the effect of preserving only a minor portion of those existing tenements because their developable area is utilized by newly created taller buildings concentrated on only a portion of the combined lots.



In this way, using current zoning regulations to transfer developable area has the effect of preserving a certain number of tenement buildings—and their associated affordable rent-regulated housing—where they adjoin those larger developments. However, in its limited usefulness, this is in effect using the current zoning code as a rather blunt instrument to preserve some existing tenements, while (within the requirements of rent regulations) allowing demolition of the majority of other tenements.

A consequence of limiting building heights, as a provision of the proposed Special Districts, will result in a given lot being mostly or entirely developable to its maximum FAR of 10/12 without the benefit of zoning lot mergers being a consideration. In fact, development pressures now and in the future will mean that, in all likelihood, rules that limit development to a height of 210 ft, achievable with FAR 10/12 will—without tenement preservation—lead to gradual elimination of existing tenements, and their associated traditional affordable housing stock, in favor of larger developments.

Therefore, an important component of the proposed Special Districts will be to preserve existing Old Law and New Law tenements outright. This is a key requirement in conjunction with a 210 ft height limit. As the existing Old Law and New Law tenements are predominately rent-regulated, this action results in de facto affordable housing preservation. It will also serve to protect the scale, context and character of the built environment existing in Lenox Hill and Yorkville today, in lieu of the establishment of more uniform, unbroken 210 ft street walls, while still allowing reasonable growth.

That said, consideration can be given to enlargement of the existing tenement buildings to 210 ft, with appropriate façade setbacks at the street line, and with no diminishment of existing regulated apartments.

The provision for existing tenement protections, and its related affordable housing preservation, will be patterned after Special Districts established elsewhere in the City, looking to examples such as the Clinton and Little Italy Special Districts. The intent will be to retain the richness of this housing stock in Lenox Hill and Yorkville which has, over time, proved an enduring means of providing affordable housing.

One other note—the overall issue of affordability in the City will not be solved nor diminished by a 210 ft height limit in Lenox Hill and Yorkville. But it will be helped by tenement preservation. In fact, these existing tenements typically have a significantly higher floor area devoted to affordable housing than new developments will. Existing tenements along the avenues are mostly four to six stories tall. If one subtracts the ground floor, which is typically retail, the remaining three to five stories, mostly in rent regulated housing, will have floor area ratios between 2.1 to 3.5—some 5% to 75% greater than the FAR 2 housing bonus available (if utilized) by new developments.

It is understood that the specifics of rent-regulated apartments and other building features are to some degree an assumption at this point in time. It's expected that full enactment of these provisions will require inventory of all sites, including documentation of each existing tenement building, and the rent-regulated dwellings within.

### 3. SMALL SCALE RETAIL

Predominately smaller, local retail establishments are the traditional model throughout the Upper East Side, and indeed throughout many neighborhoods in the City, but their feasibility is threatened in the face of present day realities. Between the pressures of large developments and nationally-based chains on the one hand, and internet-based marketing on the other, “mom and pop” retail and locally controlled businesses are severely challenged. Yet these local businesses are a lifeline of the community in terms of goods and services as well as character.

In response to these types of pressures, in 2017 the City Council approved its plan for local retail, entitled “Diversity Plan to Support New York City’s Businesses.” This is a comprehensive program of zoning and land use provisions, economic development initiatives, tax policy and financial incentives, and includes citywide planning, data collection and research (managed under the Dept of Small Business Services), and related policy provisions.

The specifics of that program are largely in accordance with the regulatory changes sought for the Lenox Hill and Yorkville Special Districts, and as such form the basis of the Special Districts proposal. Following is a summary of those components proposed for implementation that are within the scope and purview of the City’s zoning regulations. (Note the text is adapted directly from the “Retail Diversity Plan” document.)

#### Reform and expand commercial overlays

- Map overlays on corridors that have a significant amount of non-conforming retail to preserve and expand the supply of retail spaces
- Explore a new low-intensity business commercial overlay for side streets to create a new supply of commercial spaces for low-impact neighborhood service businesses like professional offices, limited to these uses that may be appropriate on predominantly residential blocks.
- Consider expanding overlays to New York City Housing Authority (NYCHA) superblocks fronting commercial corridors
- Consider the expansion of use groups allowed in commercial overlays to allow certain low-impact uses of an appropriate scale in commercial overlays

#### Expand use of special enhanced commercial districts

- Consider requirements for retail space on the ground floor of new development to ensure that new residential developments on commercial corridors include ground floor retail

#### Expand use of special enhanced commercial districts that restrict the size of storefronts

- Response to concerns about the spread of large-scale retailers and bank branches

#### Enact formula retail restrictions

- Consider zoning restrictions on chain stores and restaurants to preserve neighborhood character and a diversity of local independent businesses

#### Consider zoning bonus for affordable retail space

- Within the overriding 210 ft height limit, create commercial space zoning to incentivize or

require new development to set aside commercial space as “affordable” with a preference for locally owned businesses and/or businesses that could close a retail gap.

Prioritize affordable local retail space in certain city-sponsored developments

- Create affordable commercial space for local businesses in certain city-sponsored developments. This would be a limited tool to provide entrepreneurship opportunities and address a retail gap in certain places.

Eliminate special permit requirement for gyms and health clubs

- Enact a zoning text amendment to allow these facilities as-of-right in the commercial districts where they are currently allowed by BSA special permit.

## **6C. Description of land uses and built context in surrounding area (within 1,000 ft)**

Adjoining the Lenox Hill and Yorkville neighborhoods to the west, still within the Upper East Side Community District 8, is that portion of the district that extends from 5<sup>th</sup> Ave to Lexington Ave, and from 59<sup>th</sup> St north to 96<sup>th</sup> St. That area is effectively regulated with respect to building heights and other development criteria through a combination of historic districts, limited height districts, and other special districts zoning. Thus, maximum building heights and related property uses in those areas are basically defined in ways that guide future development consistent with that community.

The area south of the proposed Lenox Hill Special District is bounded by the northern edge of the Midtown East area of Manhattan (Community District 6). This area, business-focused and not predominantly residential, has a considerably different character and purpose than the Lenox Hill and Yorkville communities, and correspondingly different zoning, reflective of that community’s needs.

The area north of the Yorkville community is bounded by East Harlem, in Community District 11. Development in this area, also like Lenox Hill and Yorkville, predominantly residential with a mix of commercial, is largely guided by maximum height and lower density regulations relative to the Yorkville and Lenox Hill communities just south of it. The East Harlem zoning regulations have been further regulated recently by carefully considered rezoning, particularly along some of the avenues, further guiding development appropriate to those communities.

To the east of the proposed Special Districts is the 12-block long East End Ave, though through most of Lenox Hill and all of Yorkville, the eastern boundary is the FDR Drive and the East River.

## **6D. Description of existing land uses and structures in the proposed Project Area and Development Site**

The Lenox Hill and Yorkville communities are predominantly residential in nature. While accommodating a broad mix of retail, commercial and institutional uses, particularly along the avenues and arterial cross streets, these communities are characterized by a varied building and

housing stock. There is a mix of housing types and costs, including traditional tenement buildings, mid-rise apartment buildings and contemporary high-rise residential buildings. The low-rise side streets are typically residential, while development along the avenues is typically a mix of residential and retail. Also, in the south-eastern area of Lenox Hill, there are significant health-related facilities in addition to the primarily residential uses.

Lenox Hill and Yorkville are characterized by their diverse, rich history. The varied building stock is reflected in a population with a dynamic mix of incomes, ages, ethnicities, and backgrounds. Yorkville in particular is noted for its historical population of people of German, Czech, and generally Central European descent. Both communities are characterized by their walkability, local retail, and generally human scale.

While the Third Avenue El hasn't existed for over 60 years (it was demolished in 1955), it established a boundary in terms of development patterns and character that has gradually subsided, but whose traces clearly remain. In particular, historically, the part of the Upper East Side that was west of the El (ie, 5<sup>th</sup> Ave to Lexington), as mentioned previously, had various economic forces and zoning regulations that guided its development in terms of building heights and related development. On the other hand, the Lenox Hill and Yorkville areas from 3<sup>rd</sup> Ave to the east have no direct height limits, allowing in effect unlimited building heights. Also largely uncontrolled is the preservation of existing tenement buildings (and associated affordable, rent-regulated housing), nor zoning-based and related regulations in support of local retail viability. Such controls along 3rd, 2nd, 1st and York Avenues are the purpose of the proposed Special District.

The very character of Lenox Hill and Yorkville is now under significant threat due to out-of-control development. Studies have shown that much of this area is not built to capacity; in fact, the majority of blockfronts still contain only buildings lower than 210 ft. Consequently, the avenues in the subject area are under great pressure from many projects currently built, planned, or in construction, with heights far greater than the 210 ft limit prevailing elsewhere on the Upper East Side.

The proposed Special Districts actions reflect the communities' interest in allowing predictable, reasonable growth while providing for the same height limits as elsewhere in the Upper East Side and maintaining the long-established character of the Lenox Hill and Yorkville communities.

## **6E. Description of the proposed development being facilitated by the land use actions**

*As expressed in the NYC Zoning Code, paraphrased here, Special Districts customize zoning requirements and/or incentives to fit the distinctive qualities of a specific neighborhood. They may embody specific rules that may not lend themselves to generalized zoning and standard development. Special Districts are often broadly aimed at preserving and enhancing neighborhood character.*

The proposed action described in this application seeks creation of Special Districts in Lenox Hill and Yorkville to revise development standards along 3rd, 2nd, 1st, and York Avenues. The objective is to

provide predictability for new development in accordance with the intent of the zoning code, and to strengthen the character of the community in terms of its scale, density, affordable housing, and retail features. These areas are proposed to be known as the “Lenox Hill Special District” and the “Yorkville Special District.”

This action will accomplish three broad objectives along these avenues: 1) limit building heights to the well-established standard of 210 ft with a maximum base height of 85 ft before setbacks, while retaining the current buildable area FAR 10/FAR 12 (incl affordable housing bonus); 2) preserve existing tenements and associated affordable housing by preserving existing Old Law and New Law tenements; and 3) support smaller scale, local business in accordance with the City Council’s “Plan for Retail Diversity.”

For further specifics please see Section 6B, preceding this section, where these features are described in detail.

Overall, this initiative is in response to the ever-growing pressures of out-of-scale development in the Lenox Hill and Yorkville communities of the Upper East Side. These two communities are seeing unprecedented new building heights, distorting the intent of zoning controls, and creating great pressure on the existing community fabric. Present practices clearly aren’t sustainable; unaddressed, such pressures will only grow.

In the face of such rampant, inappropriate transformation, establishing these Special Districts will allow Lenox Hill and Yorkville communities to calm this situation down. As a development question, however, it’s important to note that, while still allowing reasonable development, limiting building height (as well as other provisions) will not reduce developable area—aka density—as measured by FAR.

Creation of these Special Districts will provide predictability, and as a strategy, they are tightly focused, economically sound and broadly popular. These proposals present a realistic tool to address current and future problems. They will strengthen the communities’ scale and development patterns, strengthen affordable housing preservation, and strengthen their retail features. While the Special Districts will discourage demolition of traditional buildings that contribute to the character of the urban fabric, they will encourage development in scale with the existing community, allowing reasonable, predictable growth. And they will thereby serve to enhance the City’s tax base consistent with these values.

The issues presented by building height and massing, tenement protection, and retail support are very interrelated—they work in coordination with each other, and addressing them together will aid the adoption of each. They are about more than height limits; in fact more than their individual component parts-- they are each integral parts of a three-legged stool, and as such, they stand together. They affect all aspects of the community, from transportation and infrastructure, to the tax base, and even energy usage (amongst other impacts, it has been shown that energy consumption rises exponentially with building height).

The development of these Special Districts is a direct response to public pressure. Given the increasing pace of out-of-scale development on the Upper East Side—focused most strongly on the Lenox Hill and Yorkville communities in particular—timely enactment of these proposals is becoming urgent. There is a groundswell of concern to address the needs of these neighborhoods in a way that will support a vibrant, thriving community of predictability and benefit for all.

## **6F. Include to expedite CEQR guidance:**

### **1. If Proposed Actions are not approved, what is the applicant's as-of-right development (CEQR "no-action") proposal?**

If the proposed Special Districts, which will serve to modify current development regulations in specific ways are not enacted, then going forward current regulations will continue to define allowable development in the Lenox Hill and Yorkville communities. Specifically, consolidation of zoning lots enabling developments of very tall, out-of-scale buildings, controlled only by the ability of developers to assemble large lots to merge into single development entities, will continue unabated. Such actions will be further enabled by the ever-increasing potentials created by advances in engineering, construction technology, and new applications of globally-based investment capital.

Currently, the rules governing zoning lot mergers have been stretched well beyond what was reasonably intended, to allow the assemblage of such barely limited, inappropriate building sites that the parcels have now sometimes been referred to as "balkanized." Further, once those developable lots are assembled, there will be any variety of building cut-outs, stilts, oversize floor heights, vacant spaces passing as "mechanical floors," etc in future projects. While there have recently been efforts to curb such loopholes, as mentioned elsewhere, reasonable regulation of such practices has proven to be very difficult.

Such out-of-scale developments will find a basically unlimited source of funds, as the international investment community seeks the presumably safe haven of United States, and in particular, Manhattan real estate, as a strategic place to reliably, securely invest assets. Such investment, often at very tax-advantaged terms, has virtually nothing positive in terms of its effects on local communities—including support for schools, municipal services, mass transit, cultural support and the like.

Furthermore, existing affordable housing in rent-regulated tenements will face ever-increasing pressure to be included in or subsumed by such larger scale developments. While there are now more limits on various rent-regulated de-controls, such limits, and their legislative enactments, are difficult to achieve, and subject to change. And the potential to lessen such protections with suitable funding to existing tenants will be significant.

And finally, the small-scale local retail and service establishments that so characterize life in Lenox Hill and Yorkville, and are so valued because of that, will continue to dwindle in the face of larger economic and technological forces.

These are the conditions that the Lenox Hill and Yorkville communities currently face. And it is likely that, absent more enlightened and effective use of available zoning tools, over time the environment enabled by the relatively limited zoning regulations in effect now will allow future development to further degrade the form and character of these communities.

On the other hand, the Special District proposals encompass a comprehensive, well-considered package of regulations that present an effective program to move forward for the broad constituencies of Lenox Hill and Yorkville. With the Special District legislation proposed, while zoning lot mergers will not be explicitly banned, because a given lot could be fully developed to the allowable FAR only as a function of its actual tax-based footprint, there will be no benefit to assembling larger lots. Similarly, the various zoning loopholes currently in play, and those that may be developed in the future, are utilized in building designs because they enable such buildings to be taller, often very much taller, without detracting from developable area. The proposed legislation, while not explicitly banning such zoning loopholes, will obviate their usefulness by enacting height limits, because within a 210 ft height limit, the economic incentive will be to maximize developable floor area within the overall allowable building envelope.

Further, tenement preservation will accomplish two very central purposes of the Special District designations. First, it will serve to protect the current stock of affordable, rent regulated housing. Such housing has been shown to achieve typical FAR values (ie density) of FAR 2.1 to FAR 3.5, ie, some 5% to 75% greater than the FAR 2 housing bonus currently in effect. Secondly, preserving the existing tenement buildings will remove them from demolition, protecting the local character and variety of the street frontages along 3<sup>rd</sup> through York Avenues. This would thereby prevent what would otherwise, over time, lead to the creation of unbroken stretches of 210 ft tall buildings along these avenues.

One other “No-Action” concern regards recent initiatives by New York State to consider unilaterally raising FAR limits in select areas of New York City. In lifting the FAR cap, the intent would be to give the City “authority to encourage densification,” and has linked it to creation of affordable housing. However, there is no evidence that increased density alone yields affordability, and many City neighborhoods are extremely dense already. In fact, as mentioned earlier, the Upper East Side is the densest community in the City, and amongst the densest communities in the entire country. A further example of the misguided effect of such increased density initiatives with respect to affordable housing is that the 1,000+ ft “supertall” buildings on 57th St in mid-town (“Billionaire’s Row”) were built under just FAR 10 zoning. Put simply, such FAR 10/12 buildings can be tall, expensive buildings that are the opposite of affordable. Removing the cap entirely would literally lift the lid on supersize, ultra-luxury residential development across the Lenox Hill and Yorkville communities, and put further strain on already over-taxed neighborhood infrastructure. Greater density is of course the last thing Lenox Hill and Yorkville need, and the Special Districts height limit provision will obviate the effect of any such State action. It is essential to the community that appropriate safeguards are put in place now to account for that possibility.

**2. What would be expected to occur on non-applicant-controlled sites because of the Proposed Actions (CEQR “with-action”)?**

Approval of the Special District proposals will result in little difference to the surrounding communities adjacent to Lenox Hill and Yorkville. This is because development in those communities is already regulated in ways more appropriate to those communities, and thus if the Special District legislation is approved, developments in Lenox Hill and Yorkville would not be expected to have a significant impact on those surrounding communities.

As mentioned, the western avenues of the Upper East Side (5<sup>th</sup> through Lexington Aves) are largely controlled through a combination of historic districts, limited height districts, and other special districts zoning. Thus, maximum building heights and related property uses in those areas are basically defined in ways that guide future development consistent with that community. The area south of the proposed Lenox Hill Special District is bounded by the northern edge of the Midtown East area of Manhattan (Community District 6). This area, business-focused and not predominantly residential, has a considerably different character and purpose than the Lenox Hill and Yorkville communities, and correspondingly different zoning, reflective of that community’s needs. The area north of the proposed Yorkville Special District is bounded by East Harlem (Community District 11). Development in this area, also like Lenox Hill and Yorkville, is predominantly residential with a mix of commercial, and largely guided by maximum height and lower density regulations relative to the Yorkville and Lenox Hill communities just south of it. The East Harlem zoning regulations have recently been further shaped by carefully considered rezoning and particularly well-considered zoning overlays along some of the avenues, further guiding development appropriate to that community.

Therefore, two things are evident: 1) Because of relatively appropriate controls, development in the surrounding communities is, by and large, effectively managed. And 2) in fact, then, the Lenox Hill and Yorkville communities are virtually surrounded on each side by communities with already-enacted zoning controls that are much more tailored, and thereby more appropriate to those communities’ needs and character. On the other hand, the Lenox Hill and Yorkville communities, largely unregulated in terms of their realistic needs in today’s and tomorrow’s world, thus stand out as targets for out-of-scale developments. Such developments will not benefit the Lenox Hill and Yorkville communities at large and are thus not reflective of the communities’ needs.

There are development pressures across many parts of the City, and over time it’s expected that significant development will occur in a variety of areas. And as has been discussed, there is significant unused development potential existing in Lenox Hill and Yorkville. So it is reasonable to expect that future development will occur there, and it is also reasonable to expect future development to occur in adjoining communities. The intention behind these Special Districts proposals is that such development in Lenox Hill and Yorkville will be in accordance with similarly appropriate zoning guidelines as those that already exist elsewhere.

In the Lenox Hill and Yorkville communities, it is essential that reasonable development standards, in accord with our contemporary and likely future world, be enacted there now.



# **Upper Yorkville Rezoning Proposal**

Zoning and Development Committee  
Manhattan Community Board 8  
February 22, 2022

## C8-4 and M1-4 Zoning – Community Board 8



## Goals and Benefits

- Corrects a historical injustice by eliminating an artificial barrier between NYCHA and the balance of the Upper East Side
- Creates a framework to promote more affordable housing
- Creates a framework to promote more rental housing
- Discourages problematic and inappropriate uses for a dense residential neighborhood
  - i. Self Storage: Example of 424 East 90<sup>th</sup> Street – 140'+ self-storage
  - ii. Life Science: Example of Taconic Project at 309 East 94<sup>th</sup> Street
  - iii. Auto-related and other noxious uses

# Components of the Rezoning Proposal

## **What areas are being considered?**

- The proposed rezoning will rezone C8-4 and M1-4 zoning districts mapped in portions of six (6) blocks in Manhattan Community District 8 identified as Blocks 1540, 1556, 1557, 1569, 1570 & 1571

## **What rezoning options are contemplated?**

- R9D: Maximum bonused Floor Area Ratio of 10.0
- R10: Maximum bonused Floor Area Ratio of 12.0
- For both zoning options, provide for commercial overlays of C1-5

## **What bulk waivers will be available to developers?**

- Establish a streamlined Special Permit application process for bulk waivers to facilitate high-density development for these projects, many of which will front along narrow streets.

## Next Steps

- Establish a subcommittee or working group within Zoning and Development Committee to study the feasibility
- Connect with Department of City Planning to start a conversation for this action
- Reach out to local stakeholders to get community input
- Connect with potential private applicants to work collaboratively on a comprehensive basis (Block 1540, initially)

# **Addenda**

No Action Scenarios

With Action Scenario – R9D

With Action Scenario – R10

**Block 1556 – Southerly Side of East 94<sup>th</sup> Street Between First Avenue and Second Avenue**



**No Action Scenario – C8-4 Zoning**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic	Basic	Community	Existing Resi Units per DOF	Rent Stabilized Building?		
								Maximum	Maximum	Facility				
								FAR (Commercial)	ZFA	FAR			Community Facility ZFA	
1556	47	304 East 94th Street	50.00	100.71	5,036	C8-4	10,070	5.00	25,178	6.50	32,731	0	NO	
1556	46	308 East 94th Street	25.00	100.71	2,518	C8-4	8,648	5.00	12,589	6.50	16,365	8	YES	
1556	45	310 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	10	YES	
1556	40	320 East 94th Street	125.00	100.71	12,589	C8-4	56,700	5.00	62,944	6.50	81,827	0	NO	
1556	39	322 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	10	YES	
1556	38	324 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	18	YES	
1556	37	326 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	10	YES	
1556	36	328 East 94th Street	25.00	100.71	2,518	C8-4	8,700	5.00	12,589	6.50	16,365	14	YES	
1556	35	330 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	16	NO	
*	1556	17	332 East 94th Street	25.00	100.71	2,518	C8-4	0	5.00	12,589	6.50	16,365	0	NO
	1556	33	334 East 94th Street	25.00	100.71	2,518	C8-4	8,540	5.00	12,589	6.50	16,365	16	YES
	1556	32	336 East 94th Street	25.00	100.71	2,518	C8-4	12,094	5.00	12,589	6.50	16,365	9	YES
**	1556	23	345 East 93rd Street	20.00	100.71	2,014	C8-4	27,000	5.00	10,071	6.50	13,092	27	YES
					44,816		174,452		224,080		291,304	138		

\* Part of a larger tax lot measuring 15,100 square feet. All improvements are located in the R8B zone

\*\* Estimated allocated portion of 340,068 square feet of improvements lying in C8-4

**Block 1556 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1556	47	304 East 94th Street	50	100.71	5,036	C8-4	10,070	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1556	46	308 East 94th Street	25	100.71	2,518	C8-4	8,648	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	45	310 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	40	320 East 94th Street	125	100.71	12,589	C8-4	56,700	7.50	94,416	10.00	125,888	31,472	45	37,766	54
1556	39	322 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	38	324 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	37	326 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	36	328 East 94th Street	25	100.71	2,518	C8-4	8,700	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	35	330 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	17	332 East 94th Street	25	100.71	2,518	C8-4	0	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	33	334 East 94th Street	25	100.71	2,518	C8-4	8,540	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	32	336 East 94th Street	25	100.71	2,518	C8-4	12,094	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1556	23	345 East 93rd Street	20	100.71	2,014	C8-4	27,000	7.50	15,107	10.00	20,142	5,036	7	6,043	9
					44,816		174,452		336,120		448,160	112,040	160	134,448	192

**Block 1556 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1556	47	304 East 94th Street	50	100.71	5,036	C8-4	10,070	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1556	46	308 East 94th Street	25	100.71	2,518	C8-4	8,648	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	45	310 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	40	320 East 94th Street	125	100.71	12,589	C8-4	56,700	9.00	113,299	12.00	151,065	37,766	54	45,320	65
1556	39	322 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	38	324 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	37	326 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	36	328 East 94th Street	25	100.71	2,518	C8-4	8,700	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	35	330 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	17	332 East 94th Street	25	100.71	2,518	C8-4	0	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	33	334 East 94th Street	25	100.71	2,518	C8-4	8,540	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	32	336 East 94th Street	25	100.71	2,518	C8-4	12,094	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1556	23	345 East 93rd Street	20	100.71	2,014	C8-4	27,000	9.00	18,128	12.00	24,170	6,043	9	7,251	10
					44,816		174,452		403,344		537,791	134,448	192	161,337	230



**Block 1557 – East 95<sup>th</sup> Street through to East 94<sup>th</sup> Street Between Second and First Avenues**



	Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current	Basic	Basic Maximum ZFA	Community	Existing Resi Units per DOF	Rent Stabilized Building?	
								Improvements (per DOF)	Maximum FAR (Commercial)		Facility FAR			Community Facility ZFA
* ** ***	1557	5	303 East 94th Street	25.00	100.71	2,518	C8-4	9,550	5.00	12,589	6.50	16,365	20	NO
	1557	6	305 East 94th Street	25.00	100.71	2,518	C8-4	9,550	5.00	12,589	6.50	16,365	20	NO
	1557	7	307 East 94th Street	25.00	100.71	2,518	C8-4	9,050	5.00	12,589	6.50	16,365	20	NO
	1557	8	309 East 94th Street	225.00	100.71	22,660	C8-4	81,928	5.00	113,299	6.50	147,288	0	NO
	1557	37	324 East 95th Street	50.00	100.71	5,036	C8-4	5,794	5.00	25,178	6.50	32,731	0	NO
	1557	39	320 East 95th Street	46.08	100.71	4,641	C8-4	12,420	5.00	23,204	6.50	30,165	0	NO
	1557	41	312 East 95th Street	103.92	100.71	10,466	C8-4	101,243	5.00	52,329	6.50	68,028	0	NO
	1557	52	1832 2nd Avenue	100.00	100.71	10,071	C8-4	20,000	5.00	50,355	6.50	65,462	0	NO
	1557	35	328 East 95th Street	40.00	100.71	4,028	C8-4	15,960	5.00	20,142	6.50	26,185	36	YES
	1557	34	332 East 95th Street	45.00	100.71	4,532	C8-4	18,888	5.00	22,660	6.50	29,458	41	NO
	1557	32	336 East 95th Street	40.00	100.71	4,028	C8-4	18,000	5.00	20,142	6.50	26,185	30	YES
	1557	31	338 East 95th Street	25.00	100.71	2,518	C8-4	7,050	5.00	12,589	6.50	16,365	0	NO
	1557	17	329 East 94th Street	50.00	100.71	5,036	C8-4	21,310	5.00	25,178	6.50	32,731	37	YES
	1557	19	335 East 94th Street	50.00	100.71	5,036	C8-4	21,310	5.00	25,178	6.50	32,731	37	YES
	1557	21	337 East 94th Street	50.00	100.71	5,036	C8-4	21,310	5.00	25,178	6.50	32,731	37	YES
						90,639		373,363		453,195		589,154	278	

\* Purchased by Taconic and Nuveen for \$70m; Life Science contemplated

\*\*"L"-shaped parcel, portion is already mapped in C2-8; this is solely in rezoned area

\*\*\* Built per BSA variance to effective FAR of 8.57

**Block 1557 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1557	5	303 East 94th Street	25	100.71	2,518	C8-4	9,550	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1557	6	305 East 94th Street	25	100.71	2,518	C8-4	9,550	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1557	7	307 East 94th Street	25	100.71	2,518	C8-4	9,050	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1557	8	309 East 94th Street	225	100.71	22,660	C8-4	81,928	7.50	169,948	10.00	226,598	56,649	81	67,979	97
1557	37	324 East 95th Street	50	100.71	5,036	C8-4	5,794	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1557	39	320 East 95th Street	46.08	100.71	4,641	C8-4	12,420	7.50	34,805	10.00	46,407	11,602	17	13,922	20
1557	41	312 East 95th Street	103.92	100.71	10,466	C8-4	101,243	7.50	78,493	10.00	104,658	26,164	37	31,397	45
1557	52	1832 2nd Avenue	100	100.71	10,071	C8-4	20,000	7.50	75,533	10.00	100,710	25,178	36	30,213	43
1557	35	328 East 95th Street	40	100.71	4,028	C8-4	15,960	7.50	30,213	10.00	40,284	10,071	14	12,085	17
1557	34	332 East 95th Street	45	100.71	4,532	C8-4	18,888	7.50	33,990	10.00	45,320	11,330	16	13,596	19
1557	32	336 East 95th Street	40	100.71	4,028	C8-4	18,000	7.50	30,213	10.00	40,284	10,071	14	12,085	17
1557	31	338 East 95th Street	25	100.71	2,518	C8-4	7,050	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1557	17	329 East 94th Street	50	100.71	5,036	C8-4	21,310	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1557	19	335 East 94th Street	50	100.71	5,036	C8-4	21,310	7.50	37,766	11.00	55,391	13,848	20	16,617	24
1557	21	337 East 94th Street	50	100.71	5,036	C8-4	21,310	9.50	47,837	12.00	60,426	15,107	22	18,128	26
					90,639		373,363		689,864		921,497	230,374	329	276,449	395

**Block 1557 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1557	5	303 East 94th Street	25	100.71	2,518	C8-4	9,550	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1557	6	305 East 94th Street	25	100.71	2,518	C8-4	9,550	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1557	7	307 East 94th Street	25	100.71	2,518	C8-4	9,050	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1557	8	309 East 94th Street	225	100.71	22,660	C8-4	81,928	9.00	203,938	12.00	271,917	67,979	97	81,575	117
1557	37	324 East 95th Street	50	100.71	5,036	C8-4	5,794	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1557	39	320 East 95th Street	46.08	100.71	4,641	C8-4	12,420	9.00	41,766	12.00	55,689	13,922	20	16,707	24
1557	41	312 East 95th Street	103.92	100.71	10,466	C8-4	101,243	9.00	94,192	12.00	125,589	31,397	45	37,677	54
1557	52	1832 2nd Avenue	100	100.71	10,071	C8-4	20,000	9.00	90,639	12.00	120,852	30,213	43	36,256	52
1557	35	328 East 95th Street	40	100.71	4,028	C8-4	15,960	9.00	36,256	12.00	48,341	12,085	17	14,502	21
1557	34	332 East 95th Street	45	100.71	4,532	C8-4	18,888	9.00	40,788	12.00	54,383	13,596	19	16,315	23
1557	32	336 East 95th Street	40	100.71	4,028	C8-4	18,000	9.00	36,256	12.00	48,341	12,085	17	14,502	21
1557	31	338 East 95th Street	25	100.71	2,518	C8-4	7,050	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1557	17	329 East 94th Street	50	100.71	5,036	C8-4	21,310	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1557	19	335 East 94th Street	50	100.71	5,036	C8-4	21,310	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1557	21	337 East 94th Street	50	100.71	5,036	C8-4	21,310	9.00	45,320	12.00	60,426	15,107	22	18,128	26
					90,639		373,363		815,751		1,087,668	271,917	388	326,300	466

**Block 1569 – Southerly Side of East 90<sup>th</sup> Street Between York Avenue and First Avenue**



												Basic		
												Existing	Rent	
												Resi Units	Stabilized	
												per DOF	Building?	
Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Maximum FAR (Commercial)	Basic Maximum ZFA	Community Facility FAR	Community Facility ZFA			
*	1569	1001-1082	402 East 90th Street	125.00	103.00	12,875	C8-4	93,546	5.00	64,375	6.50	83,688	82	NO
	1569	35	412 East 90th Street	149.00	100.71	15,006	C8-4	54,701	5.00	75,029	6.50	97,538	0	NO
**	1569	29	434 East 90th Street	144.00	100.71	14,502	C8-5	29,004	5.00	72,511	7.50	108,767	0	NO
					42,383		177,251			211,915		289,992	82	

\*Overbuilt residential condominium

\*\* 10-story / 140' self-story development under construction; excess development rights acquired from Lot 35. Total ZFA of 86,000± contemplated

**Block 1569 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1569	1001-1082	402 East 90th Street	125	103.00	12,875	C8-4	93,546	7.50	96,563	10.00	<b>128,750</b>	32,188	46	38,625	55
1569	35	412 East 90th Street	149	100.71	15,006	C8-4	54,701	7.50	112,543	10.00	<b>150,058</b>	37,514	54	45,017	64
1569	29	434 East 90th Street	144	100.71	14,502	C8-5	29,004	7.50	108,767	10.00	<b>145,022</b>	36,256	52	43,507	62
					42,383		177,251		317,873		<b>423,830</b>	105,958	151	127,149	182

**Block 1569 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1569	1001-1082	402 East 90th Street	125	103.00	12,875	C8-4	93,546	9.00	115,875	12.00	<b>154,500</b>	38,625	55	46,350	66
1569	35	412 East 90th Street	149	100.71	15,006	C8-4	54,701	9.00	135,052	12.00	<b>180,069</b>	45,017	64	54,021	77
1569	29	434 East 90th Street	144	100.71	14,502	C8-5	29,004	9.00	130,520	12.00	<b>174,027</b>	43,507	62	52,208	75
					42,383		177,251		381,447		<b>508,596</b>	127,149	182	152,579	218

**Block 1570 – Southerly Side of East 91<sup>st</sup> Street through to East 90<sup>th</sup> Street Between York Avenue and First Avenue**



Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic	Basic	Community	Existing Resi Units per DOF	Rent Stabilized Building?	
								Maximum	Maximum	Community			
								FAR (Commercial)	ZFA	Facility FAR			Community Facility ZFA
1570	5	403 East 90th Street	25.00	100.71	2,518	C8-4	8,870	5.00	12,589	6.50	16,365	15	NO
1570	6	405 East 90th Street	25.00	100.71	2,518	C8-4	8,870	5.00	12,589	6.50	16,365	15	YES
1570	7	407 East 90th Street	25.00	100.71	2,518	C8-4	8,870	5.00	12,589	6.50	16,365	16	YES
1570	8	409 East 90th Street	25.00	100.71	2,518	C8-4	8,870	5.00	12,589	6.50	16,365	15	NO
1570	9	411 East 90th Street	25.00	100.71	2,518	C8-4	9,180	5.00	12,589	6.50	16,365	10	YES
1570	10	413 East 90th Street	25.00	100.71	2,518	C8-4	9,050	5.00	12,589	6.50	16,365	10	NO
1570	11	415 East 90th Street	25.33	100.71	2,551	C8-4	9,180	5.00	12,755	6.50	16,581	16	NO
1570	12	417 East 90th Street	74.33	100.71	7,486	C8-4	50,676	5.00	37,429	6.50	48,658	71	NO
1570	15	423 East 90th Street	50.00	100.71	5,036	C8-4	30,866	5.00	25,178	6.50	32,731	49	NO
1570	41	406 East 91st Street	125.00	100.71	12,589	C8-4	45,516	5.00	62,944	6.50	81,827	0	NO
1570	39	420 East 91st Street	50.00	100.71	5,036	C8-4	6,175	5.00	25,178	6.50	32,731	0	NO
1570	37	422 East 91st Street	50.00	100.71	5,036	C8-4	14,005	5.00	25,178	6.50	32,731	0	NO
1570	36	426 East 91st Street	69.00	100.71	6,949	C8-4	18,181	5.00	34,745	6.50	45,168	0	NO
					59,787		228,309		298,937		388,619	217	

\* Part of a larger tax lot measuring 10,071 sq. ft.; 31 x 100.71 portion lies in R8 zoning

**Block 1570 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

												25% Affordable		30% Affordable	
Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	Affordable	Affordable	Affordable	Affordable
												Sq. Ft.	Units	Sq. Ft.	Units
1570	5	403 East 90th Street	25.00	100.71	2,518	C8-4	8,870	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	6	405 East 90th Street	25.00	100.71	2,518	C8-4	8,870	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	7	407 East 90th Street	25.00	100.71	2,518	C8-4	8,870	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	8	409 East 90th Street	25.00	100.71	2,518	C8-4	8,870	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	9	411 East 90th Street	25.00	100.71	2,518	C8-4	9,180	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	10	413 East 90th Street	25.00	100.71	2,518	C8-4	9,050	7.50	18,883	10.00	25,178	6,294	9	7,553	11
1570	11	415 East 90th Street	25.33	100.71	2,551	C8-4	9,180	7.50	19,132	10.00	25,510	6,377	9	7,653	11
1570	12	417 East 90th Street	74.33	100.71	7,486	C8-4	50,676	7.50	56,143	10.00	74,858	18,714	27	22,457	32
1570	15	423 East 90th Street	50.00	100.71	5,036	C8-4	30,866	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1570	41	406 East 91st Street	125.00	100.71	12,589	C8-4	45,516	7.50	94,416	10.00	125,888	31,472	45	37,766	54
1570	39	420 East 91st Street	50.00	100.71	5,036	C8-4	6,175	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1570	37	422 East 91st Street	50.00	100.71	5,036	C8-4	14,005	7.50	37,766	10.00	50,355	12,589	18	15,107	22
1570	36	426 East 91st Street	69.00	100.71	6,949	C8-4	18,181	7.50	52,117	10.00	69,490	17,372	25	20,847	30
					59,787		228,309		448,406		597,875	149,469	214	179,362	256

**Block 1570 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

												25% Affordable		30% Affordable	
Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	Affordable	Affordable	Affordable	Affordable
												Sq. Ft.	Units	Sq. Ft.	Units
1570	5	403 East 90th Street	25.00	100.71	2,518	C8-4	8,870	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	6	405 East 90th Street	25.00	100.71	2,518	C8-4	8,870	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	7	407 East 90th Street	25.00	100.71	2,518	C8-4	8,870	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	8	409 East 90th Street	25.00	100.71	2,518	C8-4	8,870	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	9	411 East 90th Street	25.00	100.71	2,518	C8-4	9,180	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	10	413 East 90th Street	25.00	100.71	2,518	C8-4	9,050	9.00	22,660	12.00	30,213	7,553	11	9,064	13
1570	11	415 East 90th Street	25.33	100.71	2,551	C8-4	9,180	9.00	22,959	12.00	30,612	7,653	11	9,184	13
1570	12	417 East 90th Street	74.33	100.71	7,486	C8-4	50,676	9.00	67,372	12.00	89,829	22,457	32	26,949	38
1570	15	423 East 90th Street	50.00	100.71	5,036	C8-4	30,866	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1570	41	406 East 91st Street	125.00	100.71	12,589	C8-4	45,516	9.00	113,299	12.00	151,065	37,766	54	45,320	65
1570	39	420 East 91st Street	50.00	100.71	5,036	C8-4	6,175	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1570	37	422 East 91st Street	50.00	100.71	5,036	C8-4	14,005	9.00	45,320	12.00	60,426	15,107	22	18,128	26
1570	36	426 East 91st Street	69.00	100.71	6,949	C8-4	18,181	9.00	62,541	12.00	83,388	20,847	30	25,016	36
					59,787		228,309		538,087		717,450	179,362	256	215,235	307

**Block 1571 – Southerly Side of East 92<sup>nd</sup> Street through to East 91<sup>st</sup> Street Between York Avenue and First Avenue**



	Basic											Existing Resi Units per DOF	Rent Stabilized Building?	
	Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Maximum FAR (Commercial)	Basic Maximum ZFA	Community Facility FAR			Community Facility ZFA
*	1571	5	403 East 91st Street	69.00	100.71	6,949	C8-4	28,400	5.00	34,745	6.50	45,168	0	NO
	1571	8	407 East 91st Street	100.00	100.71	10,071	C8-4	47,855	5.00	50,355	6.50	65,462	35	NO
	1571	12	415 East 91st Street	50.00	100.71	5,036	C8-4	10,066	5.00	25,178	6.50	32,731	0	NO
	1571	14	419 East 91st Street	25.00	100.71	2,518	C8-4	4,554	5.00	12,589	6.50	16,365	2	NO
**	1571	15	421 East 91st Street	48.00	100.71	4,834	C8-4	10,000	5.00	24,170	6.50	31,422	0	NO
	1571	35	428 East 92nd Street	75.00	100.71	7,553	C8-4	44,386	5.00	37,766	6.50	49,096	0	NO
	1571	38	424 East 92nd Street	75.00	100.71	7,553	C8-4	50,302	5.00	37,766	6.50	49,096	0	NO
	1571	1001-1006	408 East 92nd Street	144.00	100.71	14,502	C8-4	124,009	5.00	72,511	6.50	94,265	196	NO
						59,016		319,572		295,080		383,604	233	

\* Total tax lot is 7,553 sq. ft.; 6 feet of this lot is located within C2-8 zoning

\*\*Total lot is 10,071 sq. ft.; 56 feet located within R8

**Block 1571 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1571	5	403 East 91st Street	69.00	100.71	6,949	C8-4	28,400	7.50	52,117	10.00	<b>69,490</b>	17,372	25	20,847	30
1571	8	407 East 91st Street	100.00	100.71	10,071	C8-4	47,855	7.50	75,533	10.00	<b>100,710</b>	25,178	36	30,213	43
1571	12	415 East 91st Street	50.00	100.71	5,036	C8-4	10,066	7.50	37,766	10.00	<b>50,355</b>	12,589	18	15,107	22
1571	14	419 East 91st Street	25.00	100.71	2,518	C8-4	4,554	7.50	18,883	10.00	<b>25,178</b>	6,294	9	7,553	11
1571	15	421 East 91st Street	48.00	100.71	4,834	C8-4	10,000	7.50	36,256	10.00	<b>48,341</b>	12,085	17	14,502	21
1571	35	428 East 92nd Street	75.00	100.71	7,553	C8-4	44,386	7.50	56,649	10.00	<b>75,533</b>	18,883	27	22,660	32
1571	38	424 East 92nd Street	75.00	100.71	7,553	C8-4	50,302	7.50	56,649	10.00	<b>75,533</b>	18,883	27	22,660	32
1571	1001-1006	408 East 92nd Street	144.00	100.71	14,502	C8-4	124,009	7.50	108,767	10.00	<b>145,022</b>	36,256	52	43,507	62
					59,016		319,572		442,620		<b>590,161</b>	147,540	211	177,048	253

**Block 1571 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1571	5	403 East 91st Street	69.00	100.71	6,949	C8-4	28,400	9.00	62,541	12.00	<b>83,388</b>	20,847	30	25,016	36
1571	8	407 East 91st Street	100.00	100.71	10,071	C8-4	47,855	9.00	90,639	12.00	<b>120,852</b>	30,213	43	36,256	52
1571	12	415 East 91st Street	50.00	100.71	5,036	C8-4	10,066	9.00	45,320	12.00	<b>60,426</b>	15,107	22	18,128	26
1571	14	419 East 91st Street	25.00	100.71	2,518	C8-4	4,554	9.00	22,660	12.00	<b>30,213</b>	7,553	11	9,064	13
1571	15	421 East 91st Street	48.00	100.71	4,834	C8-4	10,000	9.00	43,507	12.00	<b>58,009</b>	14,502	21	17,403	25
1571	35	428 East 92nd Street	75.00	100.71	7,553	C8-4	44,386	9.00	67,979	12.00	<b>90,639</b>	22,660	32	27,192	39
1571	38	424 East 92nd Street	75.00	100.71	7,553	C8-4	50,302	9.00	67,979	12.00	<b>90,639</b>	22,660	32	27,192	39
1571	1001-1006	408 East 92nd Street	144.00	100.71	14,502	C8-4	124,009	9.00	130,520	12.00	<b>174,027</b>	43,507	62	52,208	75
					59,016		319,572		531,145		<b>708,193</b>	177,048	253	212,458	304



**Block 1540 – Northerly Side of East 94<sup>th</sup> Street between Second and Third Avenues**



Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic	Basic Maximum ZFA	Community Facility FAR	Community Facility ZFA	Existing Resi Units per DOF	Rent Stabilized Building?
								Maximum FAR (Commercial)					
1540	6	207 East 94th Street	100.00	100.71	10,071	M1-4	38,655	2.00	20,142	6.5	65,462	0	NO
1540	10	215 East 94th Street	45.00	100.71	4,532	M1-4	16,688	2.00	9,064	6.5	29,458	0	NO
1540	111	219 East 94th Street	24.75	100.71	2,493	M1-4	10,085	2.00	4,985	6.5	16,202	15	YES
1540	13	221 East 94th Street	24.75	100.71	2,493	M1-4	9,735	2.00	4,985	6.5	16,202	20	NO
1540	14	231 East 94th Street	102.58	100.71	10,331	M1-4	39,272	2.00	20,662	6.5	67,150	0	NO
1540	18	239 East 94th Street	77.21	100.71	7,776	M1-4	28,454	2.00	15,552	6.5	50,543	0	NO
37,695							142,889		75,389		245,016	35	

**Friedland Properties contemplates a development on Lots 14 and 18, using development rights generated by Lots 10, 111 & 13**

**Block 1540 – With Action R9D Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R9D)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R9D)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1540	6	207 East 94th Street	100.00	100.71	10,071	M1-4	38,655	7.50	75,533	10.00	<b>100,710</b>	25,178	36	30,213	43
1540	10	215 East 94th Street	45.00	100.71	4,532	M1-4	16,688	7.50	33,990	10.00	<b>45,320</b>	11,330	16	13,596	19
1540	111	219 East 94th Street	24.75	100.71	2,493	M1-4	10,085	7.50	18,694	10.00	<b>24,926</b>	6,231	9	7,478	11
1540	13	221 East 94th Street	24.75	100.71	2,493	M1-4	9,735	7.50	18,694	10.00	<b>24,926</b>	6,231	9	7,478	11
1540	14	231 East 94th Street	102.58	100.71	10,331	M1-4	39,272	7.50	77,481	10.00	<b>103,308</b>	25,827	37	30,992	44
1540	18	239 East 94th Street	77.21	100.71	7,776	M1-4	28,454	7.50	58,319	10.00	<b>77,758</b>	19,440	28	23,327	33
					37,695		142,889		282,711		<b>376,947</b>	94,237	135	113,084	162

**Block 1540 – With Action R10 Scenario – 25% Affordable and 30% Affordable Options**

Block	Lot	Address	Width (ft.)	Depth (ft.)	Area	Current Zoning	Current Improvements (per DOF)	Basic Maximum FAR (R10)	Basic Maximum ZFA	Maximum FAR with MIH Bonus (R10)	Bonused ZFA	25% Affordable		30% Affordable	
												Affordable Sq. Ft.	Affordable Units	Affordable Sq. Ft.	Affordable Units
1540	6	207 East 94th Street	100.00	100.71	10,071	M1-4	38,655	9.00	90,639	12.00	<b>120,852</b>	30,213	43	36,256	52
1540	10	215 East 94th Street	45.00	100.71	4,532	M1-4	16,688	9.00	40,788	12.00	<b>54,383</b>	13,596	19	16,315	23
1540	111	219 East 94th Street	24.75	100.71	2,493	M1-4	10,085	9.00	22,433	12.00	<b>29,911</b>	7,478	11	8,973	13
1540	13	221 East 94th Street	24.75	100.71	2,493	M1-4	9,735	9.00	22,433	12.00	<b>29,911</b>	7,478	11	8,973	13
1540	14	231 East 94th Street	102.58	100.71	10,331	M1-4	39,272	9.00	92,977	12.00	<b>123,970</b>	30,992	44	37,191	53
1540	18	239 East 94th Street	77.21	100.71	7,776	M1-4	28,454	9.00	69,982	12.00	<b>93,310</b>	23,327	33	27,993	40
					37,695		142,889		282,711		<b>452,337</b>	113,084	162	135,701	194

**Likely Development Options – Block 1540**

<u>Friedland Site</u>	<u>12 FAR</u>	<u>10 FAR</u>
Proposed ZFA	331,485	276,237
Less: Existing Sq. ft.	(75,163)	(75,163)
New Project ZFA	256,322	201,074
# Units @ 700 SF	366	287
# Affordable @ 30%	110	86
# Affordable @ 25%	92	72