

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 5th Ave to Lexington and 59th St north to 96th St, and the two communities on the eastern side, known as the Lenox Hill community, stretching from 59th St north to 79th St and 3rd Ave east to York Ave, and the Yorkville community, stretching from 79th St north to 96th St and again, from 3rd 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 (72nd St, 79th St, 86th St and 96th 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—3rd, 2nd, 1st 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 3rd, 2nd, 1st, 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, 5th 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:

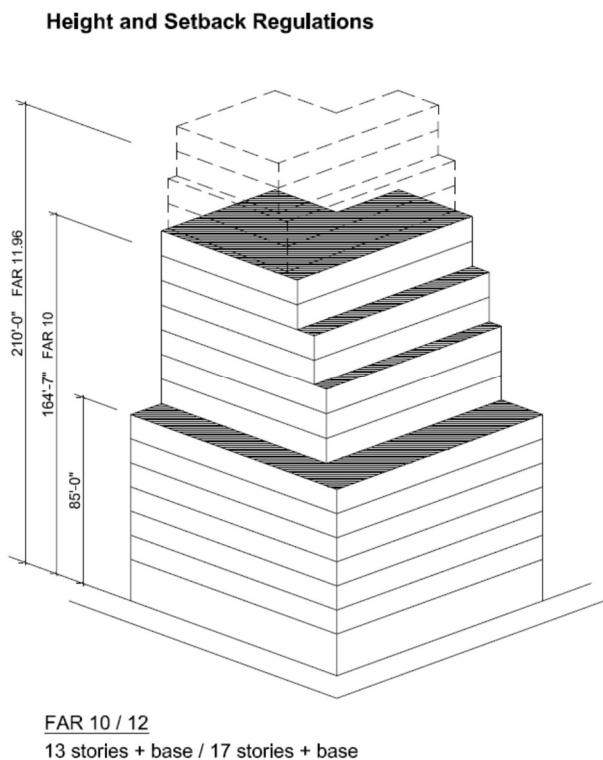
1. BUILDING HEIGHTS

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, 5th 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 5th Ave to Lexington Ave, and from 59th St north to 96th 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, 5th 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 3rd 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 3rd 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 (5th 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.