

IN THE MATTER OF an amendment of the Zoning Map (Sections No. 5d, 6b, 8c, 8d and 9a), pursuant to Sections 197-c and 200 of the New York City Charter, changing from R7-2 and R8 Districts to R8-B Districts all property within R7-2 and R8 Districts within the area generally bounded by East 96th Street, Third Avenue, East 93rd Street, Second Avenue, East 94th Street, First Avenue, East 90th Street, the Pierhead Line of the East River, East 76th Street, York Avenue, East 72nd Street, First Avenue, East 62nd Street, Second Avenue, East 59th Street and Fifth Avenue, Borough of Manhattan, Community District 8, as shown on a diagram dated March 18, 1985.

The proposed rezoning of midblock areas on the Upper East Side of Manhattan between East 59th and East 96th Streets from R7-2 or R8 to R8B was requested by the Department of City Planning to insure that new construction be compatible with the existing narrow-street context.

#### BACKGROUND

On May 24, 1984, the Board of Estimate passed the Upper West Side zoning changes, which introduced into the Zoning Resolution alternatives to the low-coverage tower and plaza regulations formulated in 1961. A key element of that package is the R8B zoning district for residential midblocks which encourages new development to match the low and mid-rise scale of existing buildings. R8B has a floor area ratio of 4.0, and requires that new buildings and enlargements line up with, and be about the same height as, the existing brownstones, limestones, larger townhouses (mini-mansions), and tenement buildings. Above the mandatory 55-60 foot-tall streetwall, new construction is required to set back at least twenty feet from the front wall and rise no higher than one foot for each foot of setback. A revision to R8B instituting a similar setback requirement at the rear of the building was adopted by the Board of Estimate on April 18, 1985.

During public review of the Upper West Side rezoning proposals, Community Board 8 requested a similar study of its midblocks. In June of 1984, the Department of City Planning initiated the analysis of over 200 midblocks in Community Board 8 zoned R7-2 or R8, located on the narrow east-west streets, generally beyond 100 feet of Madison, Park and Lexington Avenues, and beyond 125 feet of Fifth, Third, Second, First, York and East End Avenues.

### ENVIRONMENTAL QUALITY REVIEW

The application (850539 ZMM) was reviewed by the Department of Environmental Protection and the Department of City Planning pursuant to the New York State Environmental Quality Review (SEQR) regulations as set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. (6 NYCRR 617.00) and the New York City Environmental Quality Review (CEQR) regulations set forth in Mayoral Executive Order No. 91 of 1977. It was determined that the action will not have a significant effect on the environment, and a negative declaration was issued on January 29, 1985 (85-180).

### UNIFORM LAND USE REVIEW

The application (850539 ZMM) was certified as complete by the City Planning Commission on March 18, 1985, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) and referred to Community Board 8.

### Community Board Public Hearing

Community Board 8 held a public hearing on the application on April 24, 1985. On May 8, 1985, Community Board 8 recommended approval of the proposed amendment to the Zoning Map, with particular support for remapping the tenement blocks, by a unanimous vote of 26 in favor, none in opposition, with three abstentions.

Two additional Community Board 8 recommendations reflected the other major issues raised at the public hearing. The first urged the rezoning to R8B of the R8 areas between 62nd and 71st Streets, First and York Avenues, and on 95th Street between Second and Third Avenues; and the second requested an expeditious follow-up study by the Department of City Planning of the issue of community facilities and their possible expansion in the midblocks.

### City Planning Commission Public Hearing

On May 22, 1985 (Calendar No. 1) the City Planning Commission scheduled a public hearing on the proposed amendment to the Zoning Map. The hearing was duly held on June 19, 1985 (Calendar No. 48).

There were sixty appearances in favor of the proposal including seven by public officials (or their representatives), and several others by representatives citywide organizations, local groups, and block associations. In addition, petitions with over 2,000 names in favor of the rezoning were submitted to the Commission.

Favorable testimony emphasized the preservation of existing scale, provision of light and air, control of density, and protection of tenements as a vital housing resource. Many speakers requested also that the area between 62nd and 71st Streets and First and York Avenues be rezoned R8B, and that the issue of institutional expansion be studied.

Eleven representatives of eight institutions also spoke. Although most were generally supportive of the intentions of the proposed R8B rezoning, they requested that their plans for future expansion not be jeopardized. A representative of the Real Estate Board of New York, Inc. also opposed the proposal.

### CONSIDERATION

The midblocks on the Upper East Side are characterized by a consistent scale and relationship to the street. The consistency is defined in large part by the recurrence of three similar building types:

- o The 3- to 5-story, 50- to 60-foot high brownstones or limestones that are set back 5 to 10 feet from the street line where they form continuous walls of varying length with uniform setback and cornice lines.

- o The 4- to 6-story, 55- to 70-foot high "mini-mansions" that are built to the street line. They are wider than brownstones and extend deep into the lot. "Mini-mansions" vary widely in architectural style, and several of them have been designated as landmarks. They are found most frequently between Fifth and Park Avenues, from 60th to 80th Streets.
  
- o The 5- to 6-story, 60-foot high walk-ups that are built to the street line, are generally 70-80 feet deep, with air shafts of varying sizes. The consistent pattern of these buildings contributes to the scale of the street, while also providing a significant housing resource for a range of income groups.

In addition to these three housing types, there are also non-residential buildings such as schools, churches, and a few garages that maintain low-scale midblock characteristics.

Of the approximately 2,900 buildings analyzed, over 90% are of the midblock types described above. About 50% of these structures are brownstones and another 35% are tenements.

The majority of midblocks are presently zoned R8. Three strips south of East 66th Street are zoned R7-2, and certain midblocks in the historic districts west of Lexington Avenue are zoned R8 LH-1A or R7-2 LH-1A (Limited Height Districts).

The R8 and R7-2 regulations were developed to encourage taller buildings with a maximum of open space on the lot. Thus, under R7-2 regulations, a developer must build a 17-story structure that covers only 25% of the lot in order to maximize the residential FAR to 3.44. Under R8 regulations, the maximum residential FAR (6.02) is achieved through construction of a 19- to 21-story building built on 35% of the lot in R8 and R7-2 zones. A maximum FAR of 6.5 is permitted for community facility use in R8 zones, and 4.8 FAR in R7-2 zones.

The "sliver building" legislation adopted in March of 1983 began to address the incompatibility of midblock projects built under R7-2 or R8 regulations by restricting new development of less than 45 feet frontage to 60 feet in height or to the lower of the adjacent buildings. The Limited Height (LH-1A) Districts found in the Carnegie Hill, Museum and Upper East Side Historic Districts also restrict new midblock construction, but the 60' height limit may be modified by special permit. Thus for most midblock sites, the Zoning Resolution continues to encourage a building type that is incompatible with the existing scale.

In order to correct this situation, and in recognition of the importance of the midblocks in maintaining balanced development and quality of life on the Upper East Side, about 190 of the over 200 midblocks in Community Board 8 are proposed for rezoning to R8B. Rezoning is not proposed for blocks where the existing construction does not fit the R8B character as in the case of the John Haynes Houses and Stanley Isaacs Housing projects. Nor is it proposed for the isolated midblocks on 95th Street between First and Second Avenues, and Second and Third Avenues, which are bounded by high rise development to the north, and semi-industrial uses to the south. The blocks between East 62nd and 71st Streets and York and First Avenues are also left as R8 because of the low percentage of buildings in this zoning strip that comply with R8B, and the lack of R8B character in the surrounding area. To the east is the Rockefeller University superblock dominated by high and medium-height institutional buildings, and to the south is a semi-industrial C8-4 zone.

During the public review process, the rezoning of the Upper East Side midblock received enthusiastic support from a wide range of individuals and organizations, including Community Board 8; over 40 Upper East Side Block associations; local groups such as Friends of the Upper East Side, Civitas, the East Side Tenants Association, Carnegie Hill Neighbors, Citizens for Sane Zoning and the Yorkville Civic Council, all six elected representatives from the area; and several citywide

organizations such as the Municipal Art Society, the Citizens Housing and Planning Council, the City Club, the Women's City Club, and the Fine Arts Federation. In all cases, the importance of preserving the consistent 4- to 6-story scale on the midblocks was viewed as a major element in maintaining a livable and human environment on the dense Upper East Side.

Two issues were raised for consideration by the Commission. The first was that faced by community facilities whose future expansion plans could be jeopardized by the reduced FAR of the R8B rezoning. Public hearing testimony at both the Community Board and the City Planning Commission and analysis by the City Planning Department staff evidenced the wide range of questions presented by this issue:

- o What approaches best address the institutions' concerns? A text change to §74-711 (Landmarks Preservation) Special Permit regulations has been suggested. This Special Permit would require a ULURP review which does not assure approval. Each case has to be examined in order to develop a satisfactory approach.
- o R8B is a generic zone already mapped in Community Boards 6 and 7. Should relief for community facilities be generic? Community Boards 6 and 7 may hold different views on this issue.
- o R8B is not the only restriction on school or other community facility expansion in CB 8 midblocks: for instance, 16 schools are limited to 60 feet in height, because they are in Limited Height districts or because of "sliver" legislation. If we can develop a satisfactory solution for R8B, should it not also be considered for these other regulations?
- o Should relief be offered to permit use of development rights by a private developer, or should it be restricted to buildings that contain only community facility uses? If so, how can that be accomplished?
- o Should relief apply to all Use Group 3 and 4 uses, or should some activities like doctor's offices, staff dwellings and private clubs, be excluded?

Given the complexity of the issue, Community Board 8 and the Municipal Art Society, among others, urged the City Planning Commission to study the problem in an expeditious follow-up to the rezoning. In late June, the Commission requested the staff to begin work immediately in order to present recommendations by December 1, 1985, with February 1, 1986 as the target date for initiation of the required official review procedure.

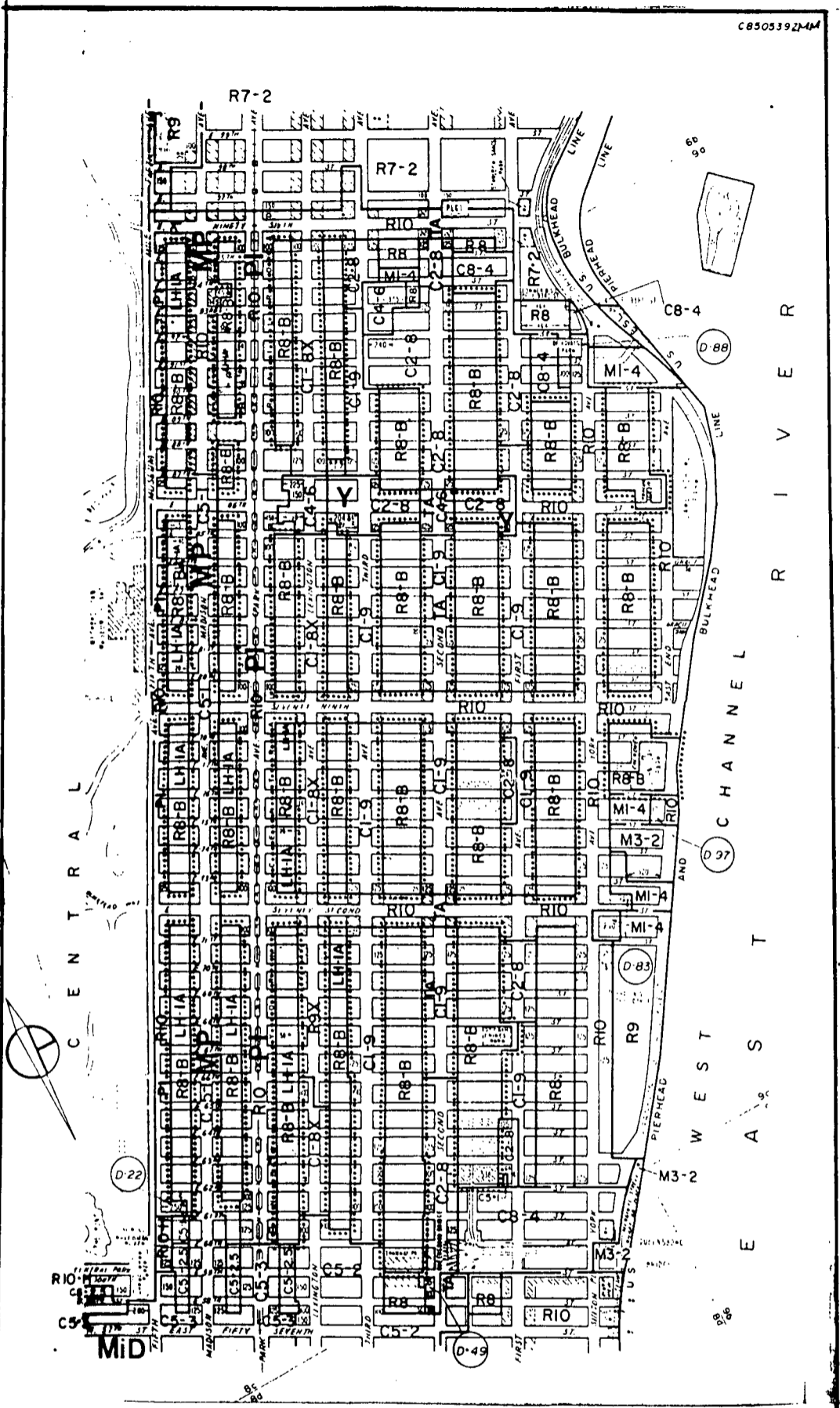
The second issue focussed on midblock areas that had been left out of the rezoning, specifically the R8 area between East 62nd and East 71st Streets, York to First Avenue, and East 95th Street between Second and Third Avenues. In the East 95th Street case, the Commission noted the limited extent of the prototypical midblock context (a new high-rise development will occupy the entire northern frontage) and the mixed character of the nearby midblocks, and thus concurred with the staff that an R8B mapping would be inappropriate. In the case of the strip between East 62nd and East 71st Streets, while the Commission agreed that the overall zoning district was not of typical midblock scale, it did recognize that a smaller area within the zone between East 64th and East 66th Streets contains many R8B buildings. The staff was directed to re-evaluate these particular blocks, and report back to the Commission by October 1, 1985, with initiation of the required review process expected by December 1, 1985.

The City Planning Commission therefore considers the proposed rezoning appropriate and adopted the following resolution on July 22, 1985 (Calendar No. 19) which is herewith filed with the Secretary of the Board of Estimate in accordance with the requirements of Sections 197-c and 200 of the New York City Charter.

RESOLUTION

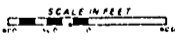
RESOLVED, by the City Planning Commission (C850539 ZMM) pursuant to Sections 197-c and 200 of the New York City Charter that the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Sections No. 5d, 6b, 8c, 8d and 9A from R7-2 and R8 Districts to R8B Districts all property within R7-2 and R8 Districts within the area generally bounded by East 96th Street, Third Avenue, East 93rd Street, Second Avenue, East 94th Street, First Avenue, East 90th Street, the Pierhead Line of the East River, East 76th Street, York Avenue, East 72nd Street, First Avenue, East 62nd Street, Second Avenue, East 59th Street and Fifth Avenue, Borough of Manhattan, Community District 8, as shown on a diagram dated March 18, 1985.

HERBERT STURZ, Chairman  
MARTIN GALLEN, Vice-Chairman  
MAX BOND, JOHN P. GULINO, R. SUSAN MOTLEY,  
THEODORE E. TEAH, Commissioners



CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
 ZONING CHANGE  
 ON SECTIONAL MAPS  
 5d, 6b, 8c, 8d & 9a  
 BOROUGH OF  
 MANHATTAN

Certification Date  
 March 18, 1985



- NOTE**
- ..... indicates Zoning District Boundary.
  - ..... The area enclosed by the fine dotted line is proposed to be changed from an R7-2 and RB Districts to an RB-B District.
  - [Pattern] indicates a Cr-3 District.
  - [Pattern] indicates a C2-5 District.
  - [Pattern] indicates a Limited Height District.
  - [Pattern] indicates a Special Madison Avenue Preservation District.
  - [Pattern] indicates a Special Park Improvement District.
  - [Pattern] indicates a Special Parkville East 86th Street District.
  - [Pattern] indicates a Special Midtown Development District.
  - [Pattern] indicates a Special Transit Land Use District.
  - [Pattern] indicates a Restrictive Declaration Area.