

CITY PLANNING COMMISSION

January 28, 2008/ Calendar No. 15

N 060273 NPM

IN THE MATTER OF a plan concerning Community District 6, submitted by Community Board 6, for consideration under the rules for the processing of plans pursuant to Section 197-a of the New York City Charter. The proposed plan for adoption is called the **“197-a Plan for the Eastern Section of Community District 6.”**

BACKGROUND

Manhattan Community Board 6 started its extensive community outreach to develop a 197-a plan in 2003. On March 3, 2004, in accordance with the City Planning Commission's adopted 197-a rules, Manhattan Community Board 6 notified the Department of its intent to submit a 197-a plan. After a public hearing and adoption by the Board on June 9, 2004, the plan was submitted to the Department for preliminary review in June 2004. In response to DCP's comments, Community Board 6 submitted a revised plan on August 11, 2005 in accordance with the City Planning Commission's *Rules for the Processing of Plans Pursuant to Charter Section 197-a* (197-a rules). The plan was referred out for public review on April 3, 2006. On October 23, 2007, Community Board 6 re-submitted the plan which included updated information and some revisions in response to comments by affected City agencies.

PLAN DESCRIPTION

The plan covers the eastern section of Manhattan's Community Board 6, an area generally bounded by the East River, East 59th Street, a line 100 feet west of Second Avenue, and East 14th Street. Most of this area is zoned for residential and commercial uses with a mix in the northern portion and a predominance of residential zoning in the southern part. There are two areas zoned for central commercial districts, intended for regional office and retail uses: the East River Science Park (C6-2, east of First Avenue between 28th and 30th streets) and the United Nations campus and some adjacent areas (C5-2 between 41st and 49th streets). There are commercial overlays along the avenues which permit local retail uses. Several areas along the East River are zoned for manufacturing uses (M1-1, M1-5, M2-3, and M3-2).

The plan is organized into several sections. The “Introduction” includes a statement of the goals of the plan, a brief description of the Study Area’s history and community character, an overview of the Community Board’s planning process and the plan’s consistency with city policies and planning initiatives. The chapters “Development History” and “Community Profile” describe the historical background of the Study Area and give a detailed analysis of existing conditions covering population; land use and zoning; urban design and historic resources; streets and transportation; and open space and waterfront access. The “Recommendations” section provides proposals to address issues identified in the existing conditions section. Appendices include additional 197-a plan goals, related Community Board 6 resolutions, and additional documentation about the need for affordable housing.

Goals

The plan’s primary goals are to (i) increase the amount of useful open space, (ii) improve access to the waterfront and complete the East River Esplanade, (iii) enhance and reclaim the street network to restore the street grid and improve transportation systems and access to the waterfront, (iv) implement land use policies consistent with historical trends in the area, and (v) preserve significant residential developments and individual buildings. The 197-a plan addresses ongoing changes in a part of Manhattan that is experiencing substantial transformation and growth. The major changes currently planned for this area include the rebuilding of portions of the FDR Drive, the redevelopment of the Bellevue/NYU medical center campus area, the redevelopment of the Con Edison-Waterfront sites south of the United Nations, the construction of the Second Avenue Subway, the rehabilitation of the United Nations campus, the addition of ferry terminals, the construction of the Third Water Tunnel, and new residential development. The substantial redevelopment of this area underscores the importance of planning policies to guide the future in this part of the city.

Summary of Key Recommendations

To attain these goals, the plan recommends that the City

- map contextual districts to maintain the residential character of neighborhoods, map tower-on-base zoning districts and restrict zoning lot mergers, and eliminate certain zoning provisions for community facilities in R7 and R8 districts;

- develop a policy to prohibit additional high-density office development east of the midline between Second and Third avenues;
- designate the area from First Avenue to the waterfront and from 14th to 59th streets as a Special Public Access District that would encourage private contributions for new open space improvements or affordable housing in exchange for floor area bonuses;
- designate the area that includes NYU Medical Center, Bellevue Hospital, the Veterans Administration Hospital, Hunter College-Brookdale campus; and the East River Science Park as a Special Hospital Use District;
- amend Article I, Chapter 3 of the Zoning Resolution to change accessory parking in R10 districts within the Study Area from up to 20 percent of apartment units to 10 percent;
- provide for the needs of the United Nations without significantly displacing or disrupting surrounding neighborhoods;
- restrict height and floor area, remap or reopen street extensions, provide publicly accessible open space and ground floor retail for new development on the former Con Edison-Waterside sites;
- support the development of affordable housing, public daycare and new public school facilities in the Study Area;
- consider preservation options for Stuyvesant Town / Peter Cooper Village and the remaining original buildings of the Bellevue Hospital Campus;
- complete the waterfront esplanade in the Study Area, provide new open space through city acquisition or other means, facilitate access to the waterfront in new locations with nine new pedestrian bridges, support the redesign of sections of the FDR Drive to permit pedestrian connections to the waterfront, and, if feasible, provide parks on decks above these sections, encourage the MTA (with DPR and NYCDPT) to consider designing and mapping park decks above Queens Midtown Tunnel portals, and remap or reopen streets in superblocks to restore the street grid and public access to the waterfront;
- eliminate all parking located directly on the waterfront such as the 23rd Street Skyport parking facility, the 34th Street parking lot; and the Con Edison parking pier;
- and facilitate improvements to the transportation network in the Study Area by developing intermodal transfer points at key locations along the East River, providing

additional transfers between planned Second Avenue Subway stops and No. 7 and E / V lines, and installing traffic calming measures in appropriate locations.

THRESHOLD REVIEW AND DETERMINATION

Pursuant to Section 3.010 of the 197-a rules, Department staff conducted a threshold review of the plan's consistency with standards for form, content and sound planning policy. On January 23, 2006 the City Planning Commission determined that the *197-a Plan for the Eastern Section of Community District 6* complied with threshold standards for form, content and sound planning policy as set forth in Article 4 of the *Rules for Processing 197-a Plans*.

A number of the Community Board 6 197-a plan recommendations are for the same area that the East River Realty Corporation proposes to redevelop and which is subject to several applications (C 070522 ZMM, C 070523 (A) ZSM, C 070525 ZSM, C 070529 ZMM, N 070530(A) ZRM, C 070531 (A) ZSM, C 070533 ZSM, C 070534 ZSM) being considered concurrently with this application. The East River Realty Corporation is proposing to develop office and residential uses, with ground floor retail, for the former Con Edison-Waterside properties, known as 616 First Avenue, 685 First Avenue and 700/708 First Avenue. The proposal includes several residential towers, a community facility space, a high density office tower, ground floor retail along First Avenue, and 4.8 acres of publicly accessible open space.

Since Community Board 6 and East River Realty Corporation had differing recommendations for the same area, the City Planning Commission, to ensure that both proposals would be afforded equal treatment in the public review process, decided to consider both proposals at the same time and invoked Section 7.012 of *Rules for the Processing of Plans Pursuant to Charter Section 197-a*. Section 7.012 states that "if the Commission finds that it is unable to vote" within 60 days after its public hearing on a 197-a plan, "it shall give a written statement of explanation to the sponsor." Under this provision, the Commission has extended its time for consideration of other 197-a plans (Red Hook, Greenpoint and Williamsburg) in order to facilitate a better planning process. The Commission's decision was conveyed to Community Board 6 in letter dated October 25, 2006.

ENVIRONMENTAL REVIEW

This application (N 060273 NPM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et. seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 06DCP088M. The lead is the City Planning Commission.

After a review of the potential environmental impacts of the proposed action, a Negative Declaration was issued on March 31, 2006.

PUBLIC REVIEW

On April 3, 2006 the plan was duly referred to Manhattan Community Board 6 and the Manhattan Borough President for review and comment, in accordance with Article 6 of the *Rules for the Processing of Plans Pursuant to Charter Section 197-a*.

COMMUNITY BOARD PUBLIC HEARING

As the sponsor of the “197-a Plan for the Eastern Section of Community District 6” Community Board 6, in a letter dated June 16, 2006, and pursuant to Section 6.020 of the New York City Charter, *Rules for the Processing of Plans Pursuant to Charter Section 197-a*, Community Board 6, waived its public hearing on this application, noting that the full community board had held a public hearing on the plan on June 9, 2004, and that the plan was approved (see attachment).

BOROUGH PRESIDENT RECOMMENDATION

This application (N 060273 NPM) was considered by the Manhattan Borough President, who sent a letter on August 9, 2006 stating his support of the plan, observing that the 197-a plan Study Area’s major existing and planned infrastructure, new development possibilities along the East River, and an influx of new residents as a result of many new residential buildings underscore the importance of the 197-a plan which provides “a framework for the consolidation of these efforts into one overall vision.” The Borough President offered specific comments on the following aspects of the plan:

Land Use and Zoning

- The 197-a plan articulates bulk, use, and urban design principles for the development of the former Con Edison First Avenue properties that are shared by all the community's elected officials and are evident in CB 6's recently proposed text and map amendments for the properties. The 197-a plan will be reviewed in conjunction with the developer's rezoning plan for the First Avenue properties, but it is important to recognize that the Board's recommendations for the development of the site fit within the context of a larger vision for the area.
- The 197-a plan wisely calls for providing day care facilities and public schools in new development in the area. It is important that the City plan in advance for the amenities and neighborhood infrastructure that new development demands. To that end, it may be advisable to require other types of local infrastructure to be sited as development proceeds, such as police, fire, and public utility services.
- The proposed Public Access District is an innovative way to meet this community's specific needs through zoning policy. Through bonuses, the Special District would channel development energy to create affordable housing and provide access to the waterfront, two elements that are essential to the preservation and improvement of the East Side community.

Waterfront and Open Space

- The plan's detailed proposals to complete a waterfront esplanade on the East River would further stated City policy as well as my office's priority of ensuring an entirely walkable rim around the island of Manhattan.
- In an area with such a dearth of public parkland, every conceivable possibility for open space must be explored thoroughly, including the plan's suggestion for decks over the Queens Midtown tunnel portals and incorporating parkland into the reconstruction of the FDR Drive. The City should avoid relying on "publicly accessible private open space" as mitigation for large-scale development projects, because such space often fails to be truly public.

Urban Design and Preservation

- The plan recommends contextual controls to ensure that development respects the neighborhood's existing street walls and its residential character. This recommendation

echoes calls for contextual zoning that are made in neighborhoods in every corner of the borough. As the City grows, the Zoning Resolution must evolve to meet the new challenges that growth presents.

- The plan's goal of maintaining and restoring the City street grid, and its goal of preserving Peter Cooper Village and Stuyvesant Town, are related. Large superblocks derive a benefit from demapped streets, which give sites distorted development potential. In addition to landmarking and the Special Planned Community Preservation District designation, the City and the 197-a plan proponents should be open to new and creative policy proposals that could provide public oversight over development on superblocks.

Streets and Transportation

- The plan's recommendations on accessory and public parking garages mirror concerns that my office has raised about the City's parking policy. We should make every effort to encourage mass transit usage over car travel in this area. The City should work generally to implement comprehensive analysis and reform of its public and accessory parking garage policies.

CITY PLANNING COMMISSION PUBLIC HEARING

On September 13, 2006 (Calendar No. 2), the City Planning Commission scheduled September 27, 2006 for a public hearing on this application (N060273 NPM). The hearing was duly held on September 27, 2006 (Calendar No, 16). There were several speakers at that hearing as described below and the hearing was continued pursuant to Section 7.012 of the *Rules For The Processing of Plans Pursuant to Charter Section 197-a* in order to facilitate the concurrent review with the East River Realty Corporation's proposed redevelopment of the former Con Edison-Waterside sites (C 070529ZMM *et.al*). On November 14, 2007 (Calendar No. 15), the City Planning Commission scheduled December 5, 2007 for a continued public hearing on this application (N 060273 NPM). The continued public hearing was duly held on December 5, 2007 (Calendar No. 42). There were several speakers at the continued hearing as described below.

September 27, 2006 (Calendar No. 16)

There were a total of 20 speakers at this public hearing. Of this group, 18 were in favor of the 197-a plan, one speaker opposed the plan, and one speaker did not state a specific position on the plan.

Those who spoke in favor of the 197-a plan included a number of elected officials including the Public Advocate; the Manhattan Borough President; New York City Council members for the 2nd, 4th and 5th Council Districts; the State Senator for the 26th District; the State Assemblyperson for the 74th District; a representative for the U. S. Representative for the 14th District; members of Community Board 6 and their consultants; and members of local civic groups.

Many of the speakers in favor of the 197-a Plan urged the City and the Commission to respect the community planning process and ensure that the 197-a plan goals be part of any decision-making process related to zoning and land use proposals for the area. Many speakers stated that the 197-a plan should be adopted as a comprehensive framework for future development, especially for the redevelopment of the Con Ed-Waterside sites, and urged that it be adopted in advance of any applications for rezoning in the area.

Several speakers spoke in favor of the 197-a plan's recommendations to prevent high density office buildings east of Third Avenue, remap streets to restore the street grid and improve public access to the waterfront, and preserve the largely residential character of the area while meeting the needs of its important institutions.

Several of the speakers noted the importance of developing permanent affordable housing opportunities in the area, observing that the area was experiencing a rapid loss of existing affordable housing units with the privatization of Mitchell Lama developments and the pending sale of Stuyvesant Town and Peter Cooper Village. Several speakers also stated the importance of the 197-a plan's recommendations for developing appropriate neighborhood infrastructure such as public schools, daycare facilities and ground floor retail establishments that serve local neighborhood needs.

A number of speakers noted that Community District 6 has the lowest ratio of open space per capita of the Manhattan community districts, and applauded the 197-a plan's recommendations to improve waterfront access, complete the waterfront esplanade and add new park space through acquisition or by creating park decks above the FDR Drive in key locations.

A local resident with an interest in youth baseball spoke in opposition to the 197-a plan's focus on public acquisition of land for parks, particularly for an expansion of Murphy's Brother's Playground at Avenue C and 18th Street, located near the Con Edison ball fields that are used exclusively by local baseball and soccer youth leagues. The speaker noted that Con Edison provides a safe and secure facility, and that he did not want the City to take over this facility.

The East River Realty Corporation's Director of Development urged the Commission to consider both the 197-a Plan and the ERRC 197-c application concurrently. He also stated that ERRC's representatives have met numerous times with Community Board 6, and that they were confident that they could resolve outstanding issues to everyone's satisfaction.

December 5, 2007 (Calendar No. 42)

There were a total of 50 speakers at this public hearing. Of this group, 36 were in favor of the 197-a plan, one speaker opposed the plan, and the remaining speakers did not state a specific position on the plan.

A member of CB 6, the 197-a plan sponsor, gave an opening presentation, stating that the Community Board's 197-a plan planning process formally started in 2003, but had its roots in numerous Community Board 6 resolutions concerning growth and development in the Study Area dating back to 1985. The sponsor noted that Community Board 6 is supportive of new development, provided that new developments fit in with the existing context of the area, and that the Board hopes that the 197-a plan will provide a framework for future development activities in the area. The sponsor further noted that the Board had submitted a 197-c application to the Department that formalized some of the 197-a plan recommendations into a specific zoning proposal.

A member of CB 6, the 197-a plan sponsor, observed that while a small portion of Community District 6 is in the Midtown central business district, most of the district is residential in character, with a number of institutional uses, including major medical centers and the United Nations. These institutional uses are primarily located within the 197-a plan Study Area, east of Second Avenue. The sponsor explained that while the United Nations campus and the adjoining area is commercially zoned, the Board considers the UN and its related organizations to be institutional uses. Community Board 6 hopes to retain the largely residential character of the Study Area and has recommended that high-density commercial office space be prohibited outside of the Midtown CBD.

A member of CB 6, the 197-a plan sponsor, reiterated that Community District 6 has the lowest ratio of open space per capita of the Manhattan community districts, and noted that of the approximately 45 blocks of waterfront in the district, only 18 blocks could be considered to have a "legitimate" waterfront edge, and that there are only six streets in the district that reach the waterfront. The sponsor noted that many of the 197-a plan recommendations concern completing the waterfront esplanade and improving access to the waterfront, including restoring "missing" streets by reopening or remapping them and providing pedestrian bridges over the FDR Drive in key locations. The sponsor also noted that the 197-a plan has recommendations for creating new open space on decks over the Queens Midtown Tunnel portals and portions of the FDR Drive.

In addition to the plan's sponsor, those who spoke in favor of the 197-a plan included New York City Council members for the 2nd, 4th and 5th Council Districts; the State Senators for the 26th and 29th Districts; the State Assemblyman for the 74th District; a representative for the Manhattan Borough President; a representative for the U.S. Representative for the 14th District; members of Community Board 6 and their consultants; representatives of local civic groups; and residents of the area.

Several speakers stated that they believed that the Commission should adopt the 197-a plan in advance of any proposals for new development in the area, noting that the 197-a plan provides a framework for appropriate development balanced with consideration of neighborhood

infrastructure needs. A number of speakers noted that the Board had worked extensively with community groups and elected officials in their 197-a plan planning process and that the plan represents a consensus among these groups.

Many of the speakers in favor of the 197-a plan approved of the plan's recommendations to restrict height and density for new developments, and encourage new developments to provide on-site affordable housing, open space (including active open space) and new school and daycare facilities. Several speakers also urged that streets be remapped to open up superblocks and restore public access.

A number of speakers approved of the 197-a plan's recommendations to add new open space and improve access to the waterfront; at the same time, many speakers urged that existing open space resources be protected from shadows created by new development.

Many speakers stated that they approved of the 197-a plan's recommendation to prohibit the development of commercial office towers in the Study Area and preserve the residential character of the area, noting that new high-density office development would exacerbate congested traffic conditions, particularly for areas adjacent to the United Nations.

Several speakers, including the vice-president of the Municipal Art Society, urged that new developments take steps now to facilitate future access to the waterfront if the FDR Drive is eventually reconfigured to allow decks and/or pedestrian bridges over the Drive to the waterfront edge.

A past president of a local youth baseball league expressed opposition to the Board's recommendation to incorporate the Con Edison East River plant's ball fields into Murphy's Brother's Playground, noting that these ball fields cannot accommodate the existing need, and urged the Board to amend the plan to include recommendations for more athletic facilities, particularly in conjunction with proposed new development.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY

This application (N 060273 NPM) was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.) The designated WRP number is WRP# 06-013M.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application for the *197-a Plan for the Eastern Section of Community District 6*, (N 060273 NPM) as modified, is appropriate.

Since part of the CB 6 197-a Plan covers the same area proposed for rezoning by the East River Realty Corporation (ERRC) and because both plans propose different views for that area, the Commission has been guided by the principle that the two plans should be reviewed in parallel and afforded equal treatment in the public review process. The Commission believes that the parallel consideration of the two plans has been thorough and that, through this review process, the Commission has gained a detailed understanding of the two plans, and of the respective view points of the applicants.

The Commission has carefully reviewed and considered the Manhattan Community Board 6 197-a Plan as submitted on October 23, 2007. The Commission applauds the Board and its 197-a Plan Committee for their extensive outreach to residents, businesses and local organizations as well as city agencies, and for addressing issues raised by affected parties. As a result of this effort, the plan as modified should result in a useful guide for city policy in keeping with the purpose and intent of 197-a plans.

In general, the Commission concurs with the plan's goals and broad strategies to increase publicly accessible open space; improve public access to the waterfront; complete the waterfront esplanade; maintain neighborhood character; enhance public transportation; and preserve historically significant buildings.

Based upon careful examination of the ERRRC proposal and the CB 6 197-a Plan during the public review process, the Commission has modified both plans to make them more consistent with each other. The Commission's consideration of the 197-a plan is set forth below.

Waterfront Improvements

The Commission applauds CB 6's goals for the improvement and completion of the waterfront esplanade from East 14th Street to East 59th Street. The Commission enthusiastically supports the 197-a plan's objectives to provide public access to the waterfront. The city's shorefront is a vital resource which should be enjoyed by the public where feasible. New or improved waterside public spaces provide access for adjacent communities and provide visual relief in densely developed areas. The enhancement of waterfront open space is particularly important for CD 6 which has the lowest amount of open space per capita of Manhattan community districts.

Access to the 2.5 mile long waterfront on the eastern side of CD 6 is challenging because the FDR Drive separates upland areas from the shoreline. Portions of the drive, including some entrance/exit ramps, are elevated in some locations. There are a number of gaps in the waterfront esplanade. The longest stretch without an esplanade is between East 38th and East 51st streets. There are two pedestrian bridges (25th Street, 51st Street) and five at-grade crossings (18th, 20th, 23rd, 34th and 37th streets) from the inland to the waterfront.

Waterfront Esplanade

CB 6 advocates for a continuous esplanade along East River waterfront from 14th Street to 59th Street. The 197-a plan addresses specific segments of the shoreline.

The plan recommends a feasibility study for a park on a deck above FDR Drive between 38th and

42nd streets; the realignment of the FDR Drive; and shortening or eliminating the 42nd Street northbound FDR exit ramp. The Commission notes that between 34th and 42nd streets, waterfront conditions vary. Between 34th and 36th streets, there is a public walkway area which EDC plans to improve in conjunction with the existing ferry landing there. This area connects to Glick Park which has a public waterfront esplanade from 36th to 38th Street. The esplanade ends at 38th Street. The City owns the waterfront platform between 38th and 41st streets which has been used for parking utility vehicles. Between 38th and 42nd streets, the FDR Drive is at grade and approximately 100 feet wide with an elevated northbound exit ramp to 42nd Street.

The creation of a waterfront esplanade between 38th and 42nd streets with a deck over the FDR Drive, stairs or ramp from the deck to the esplanade and the relocation and/or reconfiguration of the FDR Drive exit ramp would require a number of city, state and federal agency approvals, and would be subject to a number of contingencies. This would be an extremely long-term effort that would likely require significant government funding. The Commission believes that the City should work with appropriate federal and state agencies to explore the feasibility for decking over of a portion of the FDR Drive, the relocation or reconfiguration of the northbound FDR exit ramp at 42nd Street, and the creation of a continuous waterfront esplanade between 34th and 42nd streets. Development on the First Avenue Properties (former Con Edison sites) should be compatible with, and not preclude future off-site waterfront improvements.

CB 6 recommends that the City study the possibility of a park on a deck above FDR Drive between 28th and 30th streets in coordination with remapping 29th Street. The Commission believes that, if the FDR Drive were to be relocated to grade so as to permit a deck above the drive, the option of a park on a deck above the FDR Drive between 28th and 30th streets should be studied, within the context of the reconstruction of the FDR Drive by NYSDOT.

The 197-a plan calls for the consideration of a narrow esplanade walkway between 53rd and 63rd streets on a cantilever on the outboard side of the existing FDR Drive. The Commission believes that the feasibility of constructing such a walkway should be explored.

CB 6 recommends that the gates at Waterside Plaza should be reopened so that the existing waterfront esplanade can be used by the public. The Commission notes that past agreements between the developer of Waterside Plaza and the City specified that this walkway be open to the public. Waterside Plaza management has contended that the esplanade has had to be closed because bulkhead repair work is needed. The Commission believes that the City should pursue measures to ensure that the waterfront esplanade at Waterside Plaza is publicly accessible. This issue will be referred to the City's Law Department for consideration and appropriate action.

The 197-a plan recommends that the heliport at 34th Street should allow a continuous and safe waterfront esplanade. The 34th Street heliport site currently does not allow for a safe public walkway at the water's edge; helicopter activity is too close. The Commission supports safe pedestrian connections between sections of the esplanade; inland connections are necessary for areas with uses that preclude direct pedestrian access along the waterfront.

CB 6 calls for the creation of small neighborhood piers for water taxis at 23rd and 42nd Streets. The Commission agrees that the City should explore the feasibility of creating such piers for water taxis at these two locations.

The Commission endorses the 197-a plan recommendation that alternatives to relocate all parking located directly on the waterfront such as the 34th Street lot, the 23rd Street Skyport parking garage, and the Con Edison parking pier (38th to 41st streets) should be explored. The relocation of parking from waterfront sites would free up those sites for public enjoyment. The Commission notes however that the elimination of waterfront parking facilities without appropriate off-street replacements could affect parking availability for residents and institutions.

The Commission endorses the 197-a plan recommendations to explore with Con Edison, NYCDOT and NYSDOT opportunities to widen the esplanade between 13th and 15th Streets by replacing the existing pump with a smaller pump. The Commission also supports 197-a plan recommendations to improve the area around the 35th Street ferry landing, and to accommodate pedestrians, joggers, cyclists, and skaters on new esplanades and greenways.

Streets and Pedestrian Bridges to Waterfront

To provide additional public access to the waterfront, the 197-a plan recommends the remapping or reopening of certain demapped streets and the addition of pedestrian bridges to cross the FDR Drive.

CB 6 recommends that public streets be extended toward the waterfront to disperse large-scale development, create waterfront access and views, limit floor area, ensure height and setback controls and restore the street grid. The 197-a plan calls for the reopening or remapping of 16th Street (east of Ave C), 26th, 27th, 29th, 30th, 39th and 40th streets east of First Avenue.

The Commission acknowledges that demapped streets generate FAR because these spaces become part of the zoning lot. The Commission observes, however, that the demapping of streets to create large sites can allow for superior site design which is not constrained by the street grid. Major open spaces may be provided and large floor plate buildings can be accommodated. Housing complexes such as Stuyvesant Town, Peter Cooper Village, East Midtown Plaza and Phipps Plaza and institutional uses such as Bellevue Hospital Center and NYU Medical Center have benefited from the creation of large sites made possible through the use of demapped streets.

The Commission strongly supports the goal to improve public access to the waterfront but notes that the extension of public streets toward the waterfront is not always feasible because of existing development and/or street configurations. In particular, the Commission notes that the FDR Drive separates all the specified streets from the waterfront. Crossing the Drive, either above or below, is necessary to reach the water's edge from these streets or their extensions. The Commission also notes that the existing conditions for each street vary and the potential for each street's connection to the waterfront differ.

Three of the 197-a plan's proposed streets/extensions (39th, 40th and 29th) are likely to be open for public access in the near future although they will not be remapped as streets. The former

39th and 40th streets are part of the proposed development that is subject to several actions requested by ERRC. The restrictive declaration, entered into in association with the ERRC applications, provides that these extensions will remain open to the public for pedestrian access as part of the site's publicly accessible open space. The new development includes an overlook esplanade along its eastern edge and does not preclude a connection to the waterfront if the FDR Drive were reconfigured and if a waterfront esplanade were constructed at this location.

In conjunction with the development of the East River Science Park (ERSP), the extension of East 29th Street is temporarily closed. After construction is completed, this extension will be open for vehicular traffic and pedestrians. The special permit for ERSP (C 010712 ZSM) specifies that open space be provided on the plaza level and integrated with an esplanade situated along the eastern edge of the site. The plaza level open space would allow for a future pedestrian connection over the FDR Drive to the waterfront if this section of the FDR Drive is relocated to grade. Spanning the FDR Drive at this location would be particularly challenging because the Drive is approximately 175 feet wide; the southbound lanes are above grade; the northbound lanes are near grade; and there are exit and entrance ramps. There is an existing 20-foot wide waterfront esplanade east of the FDR Drive at this location.

30th Street is an open street east of First Avenue where it runs into a service road that provides access to the Bellevue Hospital ambulance emergency room entrance at 28th Street. It also services the NYU Medical Center. The FDR Drive is approximately 175 feet wide at this location. There is no esplanade at this location because a restaurant is situated directly on the water. A walkway that connects portions of the waterfront esplanade is on the western edge of the restaurant site.

Near First Avenue, Bellevue Hospital buildings are located on the area that would have been an extension of 27th Street east of First Avenue. Near the FDR Drive, 27th Street serves as hospital ambulance parking. The FDR Drive is above grade at this location and Waterside Plaza is on the east side of the FDR Drive; access through Waterside Plaza is provided to a waterfront esplanade (currently closed – as previously discussed).

26th Street east of First Avenue is open with Bellevue Hospital on the north side and Hunter College Brookdale campus on the south side. The FDR Drive is also above grade and Waterside Plaza is on the east side of the Drive at this location. The existing 25th Street pedestrian bridge, one block away, already provides access across the FDR Drive to Waterside Plaza.

East of Avenue C, the west portion of 16th Street is open and the east end terminates in a Con Edison parking lot. The Con Edison ball fields are on the south side of 16th Street. The FDR Drive is approximately 100 feet wide at this location, and east of the Drive, the existing waterfront esplanade is quite narrow, about 10 to 15 feet wide.

In light of these diverse conditions and differing possibilities for linkage to the waterfront for the 197-a plan's specified streets, the Commission supports a more general recommendation than that made by CB 6 – that, where appropriate and physically feasible, the City should create the opportunity for public access to the waterfront by allowing pedestrians to use streets or their extensions that have been remapped, reopened or otherwise made publicly-accessible. The Commission also notes that, in addition to mapping actions, there are other legal measures to ensure public access toward the waterfront and/or the preservation of view corridors such as easements and restrictive declarations. The Commission believes that to preserve and create waterfront views and facilitate public access to the waterfront, appropriate zoning, land use and mapping controls as well as urban design and streetscape improvements should be used.

The 197-a plan recommends that new pedestrian bridges should be built over the FDR Drive at 16th, 27th, 29th, 39th, 40th, 41st, 42nd, 48th and 54th streets. The Commission supports the goals of providing improved public access to the waterfront but notes that new pedestrian bridges must accommodate a long ADA-compliant ramp; it would be difficult to fit in such a ramp at some esplanade locations which are very narrow such as the one near East 16th Street. Some locations currently have no existing esplanade to connect to such as 48th and 54th streets. The need to span the elevated FDR Drive and/or entrance or exit ramps in some locations such as 39th, 40th and 41st streets makes the construction of a pedestrian bridge difficult and costly. In addition, because of the expense, pedestrian bridges should be spaced at reasonably appropriate intervals; for

example, the proposed 27th Street location is only two blocks from the existing 25th Street pedestrian bridge. The Commission generally supports encouraging new pedestrian bridges and other means to provide improved public access to the waterfront in appropriate locations based on engineering feasibility and other criteria.

The 197-a plan recommends making the 25th Street pedestrian bridge handicapped accessible. Currently this pedestrian bridge has long staircases on both ends. The Commission believes that NYCDOT and DPR should explore the feasibility of making the 25th Street pedestrian bridge handicapped accessible.

CB 6 calls for crossings at deck of the Con Edison site from 35th and 36th Streets to East River Esplanade Park if NYSDOT chooses to tunnel the FDR Drive. The Commission supports exploring the feasibility of such pedestrian improvements if a tunnel for the FDR Drive is to be constructed at this location.

Other Open Space Improvements

The Commission supports the 197-a plan recommendation to encourage the MTA (with DPR and DOT) to consider park decks above the Queens Midtown Tunnel portals as part of the ongoing Second Avenue Subway Outreach process. The MTA's operational and security issues would need to be addressed.

The 197-a plan proposes that the City acquire open space at Con Edison East River Plant for the expansion of Murphy Brothers Park to include relocated ball fields. The Con Edison fields between 15th and 16th streets, Avenue C and the FDR Drive are currently utilized by private leagues for various sports. These fields are located about one block from Murphy Brothers Park, with a Con Edison parking lot separating the two. The Commission believes that the City should explore with Con Edison the possible acquisition or lease of open space at the Con Edison East River plant to supplement Murphy Brothers Park.

The 197-a plan recommends that the City encourage increased open space mitigation for large-scale development projects. Given the deficit of publicly-accessible open space in CD 6, the Commission believes that the City should encourage the inclusion of publicly-accessible open spaces where feasible and appropriate as part of large new developments.

CB 6 encourages the public acquisition of property for open space in connection with such developments as Bellevue/East River Science Park Plan; Con Edison Waterfront redevelopment; and the replacement of Robert Moses Playground. The Commission supports the objective of creating more public open space in the Study Area but notes that the opportunities for public acquisition of property for open space in the area are limited and other methods for achieving open space should continue to be pursued. Therefore the Commission can not support this specific recommendation but notes that the Bellevue/East River Science Park includes 61,000 square feet of publicly-accessible open space ensured through a special permit and a restrictive declaration. As part of the ERRC proposal, 4.8 acres of publicly-accessible open space would be ensured through a General Large Scale Development special permit and a restrictive declaration.

Land Use and Zoning

The 197-a plan has a number of land use and zoning recommendations designed to promote a mix of residential and commercial uses while maintaining the residential character in the Study Area. Proposals for specific sites focus on preserving the character of the existing built form. CB 6 encourages the mapping of contextual zoning districts to maintain residential character of the area and proposes the mapping of tower-on-a-base zoning districts to maintain street wall character along avenues and restrict zoning lot mergers where appropriate. CB 6 seeks to prevent extremely high buildings such as the 980-foot high Trump World Plaza building on First Avenue between 47th and 48th streets; this building was achieved with the use of a plaza bonus on a merged zoning lot.

The Study Area is a mix of contextual and non-contextual zoning districts. Many parts of the area have been rezoned to contextual districts (R7B, R8A, R8B, C1-8A and C1-9A) but there are still areas with non-contextual districts (R7-2, R8, C1-7, C1-8, C1-9 and R10). There is a large

area zoned R10 between East 49th and East 59th streets that is primarily residential; Tudor City is zoned R10. A large area with R8 zoning includes residences and the NYU Bellevue Medical Center. The area between East 14th and East 23rd streets, occupied by Stuyvesant Town and Peter Cooper Village, is governed by an R7-2 district. The Commission believes that the Department could explore mapping contextual zoning districts to maintain residential character and neighborhood scale in appropriate locations. The Commission also supports tower-on-a-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-a-base zoning also limits the potential for zoning lot mergers to result in increased building height.

The 197-a plan calls for a prohibition of any additional high-density office development east of the midline between Second and Third avenues. CB 6 aims to protect existing residential neighborhoods and to prevent the Midtown business district from moving east. Currently there is a mix of commercial and residential zoning in the area north of 34th Street with 25 percent of the total floor area occupied by office buildings and 63 percent occupied by residential uses. South of 34th Street, there is mostly residential zoning; residential uses are 70 percent of the total floor area. The Commission believes that the encroachment of high-density office development into existing residential areas should be discouraged and that proposals for new high-density office development east of the midline between Second and Third Avenue should be carefully evaluated and should be discouraged where inappropriate such as in predominantly residential areas. The Commission notes that the ERRC proposed office building between 40th and 41st streets is located in the northern portion of the 197-a plan Study Area which has a mix of residential and office buildings. As discussed below, the Commission believes that a commercial building at 708 First Avenue would be an appropriate use and would be in keeping with the neighborhood context.

CB 6 proposes the mapping of a Special Hospital Use Zoning District for the area from East 23rd Street to East 34th Street, between First Avenue and the FDR Drive. The stated intent of this district would be to provide a comprehensive approach which would anticipate medical center and hospital needs and eliminate the need for special permits and discretionary approvals. It

would provide zoning and urban design controls to overlay existing R8 and C6-2 districts. Currently the existing zoning in this area is mostly R8 with a small C2-5 overlay on one site that permits local retail and general office use. In 2001, the East River Science Park area between East 30th and East 28th streets, east of First Avenue, was rezoned to a C6-2 district which allows commercial development and a special permit was approved to allow a scientific research and development facility. The Commission notes that the area proposed for the Special Hospital Use District is largely built out with long-term uses in place. In addition to the East River Science Park which is under construction, the area includes the NYU medical center, the NYC Office of the Chief Medical Examiner, the Bellevue Psychiatric Building, the NYC Administration for Children's Services, Bellevue Hospital, the NYC DNA Forensics Laboratory, Hunter College's Brookdale Campus, the Veteran's Administration Hospital and a NYC Department of Education 75 Annex. The Commission does not endorse the proposed Special Hospital Use District because it believes that the existing zoning has allowed institutions to develop in an appropriate fashion and that discretionary approval processes for new institutional development have allowed institutions to meet their specific needs through carefully-considered public review procedures.

CB 6 recommends that some of the zoning provisions for community facilities be amended: that the larger floor area ratio for community facilities in R7 and R8 districts be eliminated; that all rear yard encroachments in midblock locations be eliminated; and that wide and narrow street locations be distinguished to allow greater density on wide streets compared to narrow streets. The Commission notes that some of the objectives of this recommendation were partially addressed by the DCP-initiated community facility text amendment which was adopted in 2004. This amendment prohibits the obstruction of required rear yards for most community facilities (including consulates, ambulatory health care facilities – not hospital-related) located beyond 100 feet of a wide street in residential districts that permit multiple dwellings. The text amendment excluded hospitals, schools, houses of worship and colleges, recognizing that the needs of these institutions must be balanced with the needs of residents. Much of CD 6 has been mapped with contextual zoning districts which eliminated the community facility FAR advantage. Therefore the Commission does not support the 197-a plan recommendation for amended community facility zoning.

community district. As part of PlaNYC's objective to improve air quality, the city is evaluating traffic congestion reduction options, including the potential for modifications to parking regulations.

Specific Sites

The CB 6 197-a Plan has recommendations for the United Nations (UN) and UN-related sites; for the First Avenue (ERRC) properties; and for the East River Science Park.

United Nations

The plan recommends that the needs of the United Nations be provided for without significant displacement or disruption. The Commission agrees. New York City is privileged to host the UN and should continue to work to accommodate this extremely important international institution. The plan recommends that the sale of the three United Nations Development Corporation (UNDC) buildings to private developers should give priority to UN-related uses. The UNDC, a public-benefit corporation, is responsible for developing offices, residential and other facilities for UN personnel, UN-related organizations, missions to the UN and visitors to the UN within the United Nations Development District which is located on the west side of First Avenue between East 43rd and East 45th streets. One and Two UN Plaza are office towers with office space for UN agencies and missions and a privately owned hotel. The hotel portions of One and Two UN Plaza have already been sold; the office and retail space continue to be owned by the city. Three UN Plaza is a mixed use building that contains the headquarters of the United Nations Children's Fund (UNICEF) and apartments for UN and mission staff. Three UN Plaza is unlikely to be sold because the building reverts to UNICEF ownership upon repayment of bonds in 2026. The Commission believes that it is premature to determine priorities for the sale of the UNDC buildings. Any proposed sale of these buildings should be evaluated at the time a proposal is made in order to determine the extent to which the needs of the UN and related entities should be accommodated.

The 197-a plan has a number of open space recommendations related to the UN and UN-associated buildings. A proposal, supported by the Administration, would consolidate UN space

in a new building on the Robert Moses Playground site at First Avenue between 41st and 42nd streets. This proposal, on which the UN has not taken a position, would require the state legislature to authorize the alienation of the Robert Moses Playground site for this UN-related use. CB 6 proposes that, to mitigate for the closure of Robert Moses Playground, an esplanade along east edge of the UN and outboard of the FDR Drive with connections to Glick Park at 37th Street and to the north at 48th Street should be constructed; also that a replacement park should be created within the immediate community. The 197-a Plan suggests that if the Robert Moses Playground is utilized by the UN, 685 First Avenue site should be designated for active recreation (assuming that City Council does not adopt a rezoning plan for this location). The Commission generally concurs that if Robert Moses Park is developed with a UN or UN-related building, the city should support the replacement of this park space with appropriate public open space in the nearby community.

First Avenue Properties

The 197-a plan has a number of recommendations for the former Con Edison properties along First Avenue between East 35th and East 41st streets (685 First Avenue, 700 First Avenue, 708 First Avenue and 616 First Avenue). The Con Edison facilities have been demolished and the properties are currently vacant. The East River Realty Company (ERRC) proposes major new mixed-use development on the First Avenue properties: 5 million square feet with six predominantly residential towers (approximately 4,200 new dwelling units), one commercial tower of 1.37 million square feet, and approximately 4.8 acres of publicly-accessible open space.

The Commission recognizes that several provisions and/or recommendations in the ERRC applications and the CB 6 197-a Plan conflict. Based on its concurrent review of both proposals, the Commission is modifying aspects of each to be more compatible with the other. The Commission believes that in determining the appropriate bulk and heights for the development of the First Avenue Properties sites, the scale and density of existing development near the ERRC sites, the potential for the provision of substantial publicly accessible on-site open space on the larger 700/708 parcel, and site planning elements relating to circulation and the placement of buildings are relevant factors.

CB 6 believes that new development on the First Avenue Properties should maintain the neighborhood's historical and residential character and should respect the scale and importance of the UN buildings. CB 6 recommends that the bulk on the First Avenue Properties be capped, as exemplified by Rivergate, Manhattan Place and Horizon buildings which have FARs of approximately 10 to 10.5. In addition, CB 6 proposes that the extensions of 39th and 40th streets should either be remapped or reopened to restore the street grid, allow for waterfront public access and not be used to generate FAR. As an alternative to remapping, CB 6 proposes that easements be provided on the roadbeds and the extensions should be treated as streets for zoning purposes and provide pedestrian and vehicular access.

As originally proposed by ERRC, the buildings on the 700/708 First Avenue site could have achieved an FAR of 12, via use of a plaza bonus. In response to issues raised during the public review process, the application was modified. The Commission believes that the bulk of the 1.37 million-square foot office building at 708 First Avenue should be reduced (from 12 FAR to 10 FAR on its portion of the 700/708 zoning lot) to be more comparable with commercial densities in the area. The resulting building could be up to 1.14 million square feet. This FAR modification is consistent with the 10 to 10.5 FAR favored by CB 6. The Commission is also reducing the office building's east/west width from 320 feet to 280 feet to be comparable with other large commercial buildings in Manhattan. The three residential buildings would remain at 12 FAR, with the increment between 9 and 12 FAR achievable through the inclusionary housing bonus.

The 197-a plan recommends that the height of buildings on the First Avenue Properties should be capped at 400 feet to respect the scale of the UN Secretariat building which rises to 503 feet. New buildings in the area include the 358-foot Rivergate at 34th Street, the 512-foot Corinthian at 38th Street and the 980-foot Trump World Plaza at 47th Street. The plan also recommends that the height of a building at 685 First Avenue not cause shadows to be cast on Tudor City parks. The heights of buildings in the ERRC proposal range from 433 to 721 feet. The Commission notes that the ERRC proposal EIS analysis found a significant adverse shadow impact for the ERRC proposal during the December analysis period only, when shadows are longest. The Tudor City open spaces are already heavily shadowed by other nearby buildings and by the

Tudor City buildings themselves. The analysis indicates that the shadows on Tudor City open spaces would not be eliminated unless the building at 685 First Avenue was reduced to only 320 feet in height and if the commercial building at 708 First Avenue was reduced to 360 feet. While the Commission believes that height reductions on this scale are not appropriate, it thinks that the height of the 685 First Avenue building should be lowered to be more consistent with the scale of the surrounding neighborhood. Therefore, the building's height of 721 feet would be reduced to approximately 600 feet. Depending on the type of floor plate the developer selects for the office building at 708 First Avenue, the 688-foot height might be lower because the Commission is reducing the FAR of this building from 12 FAR to 10 FAR. The Commission believes that the 197-a plan recommendation about building heights should be more general to allow building envelope flexibility.

The 197-a plan calls for the mapping of tower-on-a-base zoning districts to maintain street wall character along avenues and restrict zoning lot mergers where appropriate. All the buildings proposed by ERRC for the First Avenue properties are tower/slab forms rising straight up from street level. The Commission believes that the massing for the building at 685 First Avenue should be modified from a sheer-rising tower to a tower-on-base-like building form to reduce building height, better align with the Tudor City streetwall, improve access to ground floor retail uses and eliminate the pedestrian unfriendly bi-level open space in front of the building. This modification would make the 685 First Avenue building more consistent with the 197-a plan recommendation. The Commission supports tower-on-a-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-a-base zoning also limits zoning lot mergers. However, the Commission believes that, in the case of the ERRC proposal, tall sheer rising towers are appropriate for the 700/708 First Avenue site which is a 277,145-square foot superblock site with no possible future adjacent development on its east side. Because the site is near the East River, there is a sense of openness which can accommodate the towers. The sheer rising buildings permit a large open space on the site and result in more expansive views through the site to the river than tower-on-a-base buildings.

As mentioned earlier, CB 6 proposes that no new high-density office buildings be constructed east of the midline between Second and Third Avenues. The ERRC proposed office building at

708 First Avenue falls within this area. The Commission believes that an office building at this site is appropriate; there is a mix of commercial, institutional and residential buildings in the immediate surrounding neighborhood. The 708 First Avenue office building is close to the 42nd Street corridor and a group of high rise commercial buildings in the C5-2 district to the north.

The Commission endorses the CB 6 197-a Plan's recommendation that permanent affordable housing should be encouraged in new developments. As modified, the ERRC development proposal could generate 611 affordable units, on-site and/or off-site, utilizing an Inclusionary Housing bonus. The Commission is further modifying the ERRC proposal to encourage the early provision of affordable housing. CB 6 prefers that the affordable housing be provided on-site. While the Inclusionary Housing program allows for affordable units to be provided both on-site and off-site, given the limited number of housing sites in the area and the incentives for on-site housing created under the 421-a program, it is likely that a number of affordable unites would be provided on-site.

The 197-a plan recommends that ground floor retail be required on First Avenue to accommodate the needs of local residents and enhance pedestrian activity. The Commission generally endorses the inclusion of ground floor retail. However, a requirement that the retail meet the needs of local residents cannot be "legislated." ERRC proposes to provide 74,000 gsf of retail space as part of the total development; all the buildings would include retail space on First Avenue, but not for the entire First Avenue frontage. The Commission is modifying the ERRC proposal for 685 First Avenue by increasing the required retail space from 30 to 50 percent of the First Avenue frontage, a revision more in line with CB 6's recommendation.

Regarding the extensions of 39th and 40th streets, the Commission believes that because these extensions are privately owned and are part of ERRC's proposed General Large Scale Development (GLSD), FAR generated by these extensions may appropriately be included in the bulk calculations for the development. The special permit for the general Large Scale Development Plan does, however, allow the Commission to reduce FAR where appropriate, as in the case of the 708 First Avenue commercial building. The Commission supports the provision of publicly-accessible space and view corridors on the extensions of 39th and 40th streets and

believes that the ERRC restrictive declaration and the General Large Scale Development plan ensure these provisions for the new development. The extensions, as modified by the Commission, would be publicly accessible from 6:00 a.m. to 1:00 a.m. To ensure the public access, the Commission is requiring that no barriers be allowed and that closure is accomplished only with signage. While the street extensions would not be open 24 hours, this modification furthers the objective of the 197-a plan to keep the spaces open to the public.

The 197-a plan calls for large easily accessible public space on portions of the First Avenue site. The Commission generally supports this recommendation. The ERRC proposal would provide 4.8 acres of publicly-accessible open space, including a large plaza with a pavilion; and a 5,500 square foot playground. The Commission, to ensure public activity and amenities, is modifying the ERRC proposal to require take-out food service at the pavilion; signs stating that no purchase is necessary to sit at the outdoor tables; and signs indicating public access to the pavilion's roof top overlook. The Commission is also adding one public restroom (for a total of four) and requiring that all public restrooms be directly accessible from the plaza. These modifications advance the 197-a plan's goals for public access. The Commission is also modifying the ERRC proposal to increase the useable playground space from 5,500 square feet to 10,000 square feet and to require unobstructed views into the playground. Both these revisions further the goals of the 197-a plan.

The Commission supports CB 6's recommendation that the development include overlook parks along the FDR Drive. The ERRC proposal includes an approximately 30 to 40-foot wide overlook esplanade, integrated within the publicly accessible open space, that stretches for approximately 735 feet along the eastern edge of the 700/708 First Avenue site and is accessed from the 39th and 40th street extensions.

The 197-a plan proposes that the First Avenue Properties developer be encouraged to provide an easement along the eastern edge of the property to better accommodate future off-site waterfront improvements. The Commission generally supports this recommendation because a publicly-accessible waterfront esplanade along the river between East 38th and East 42nd streets would connect to the existing esplanade at Glick Park on the south end and would be a much-needed

improvement. As previously discussed, implementation of this improvement would be a complex process. The elevated northbound 42nd Street exit ramp of the FDR Drive would have to be relocated or reconfigured and a deck or pedestrian bridge would need to be constructed over the FDR Drive. These long-range improvements would require approvals from city, state and federal agencies and likely require government funding.

The 197-a plan recommends that a new school facility be provided either on the First Avenue Properties sites or at some other location within the 197-a plan's Study Area. The Commission supports the development of new school facilities where the New York City Department of Education (DOE) and the New York City School Construction Authority (SCA) finds that there is a need. The Commission notes that the DOE and SCA have determined that new residential development in Community School District 2, coupled with projections for increased enrollment over the next ten years in that school district, will result in overcrowded conditions in existing school facilities and that a new facility will be needed. The SCA has agreed that a First Avenue Properties site would be suitable for a PS/IS (grades K-8) program and is working with the First Avenue Properties developer to plan for a new facility within its development. The ERRC proposal designates a site on the 616 First Avenue parcel for an approximately 92,000-square foot school building. The Commission notes that ERRC is modifying its construction schedule to ensure timely construction of the school building to meet anticipated demand for school seats so that the school can open in 2012. The school site is part of the ERRC General Large-Scale Development plan.

East River Science Park

The 197-a plan recommends the implementation the Cooper Eckstut Study for the East River Science Park (ERSP) for the northern portion of the Bellevue Campus. This study proposes that the buildings on the south side of 29th Street should be aligned with the ACS building; that footprints of the buildings should be shifted westward to allow for a wider pedestrian walkway along the private service road than currently provided; that 29th Street east of First Avenue should be remapped or reopened; that a pedestrian bridge be constructed over 30th Street to improve north/south access through the complex, and that the development accommodate the possible future connection from 29th Street to the waterfront via a deck or pedestrian bridge over

the FDR Drive.

Some of the 197-a plan objectives are met by that plan. The ERSP rezoning and special permit applications were approved by the Commission in Fall 2001 and adopted by the City Council on December 19, 2001. Phase 1 of ERSP has been designed and is under construction (two 16-story biomedical research buildings, a 6,000 square foot publicly accessible Winter Garden with a café and restrooms at the plaza level, and a below-grade accessory parking garage). Buildings will be aligned with the ACS building's fence line, permitting an unobstructed view corridor on 29th Street, as recommended in the 197-a plan, although the approved building footprints will not accommodate a wider pedestrian path along the service road. 29th Street will have sidewalks and a vehicular turnaround. The street will not be remapped but it will function as a publicly accessible pedestrian and vehicular way, meeting the 197-a plan objective. The Commission is modifying the recommendation regarding ERSP to encourage a dialogue between CB 6, EDC, DCP, and the developers and users of the East River Science Park sites for elements of the ERSP which have not yet been decided on. For example, CB 6 is particularly concerned about the pedestrian access across the FDR Drive to the waterfront from the eastern ERSP plaza.

Transportation

The 197-a plan includes a number of transportation recommendations that the Commission endorses. The Commission supports the CB 6 proposal that the Department of City Planning and the Department of Transportation continue to work with the community to determine placement of traffic calming measures at the most appropriate side street locations, including neckdowns, wider sidewalks, and landscaping treatments. NYCDOT responds to requests for traffic calming devices by evaluating specific locations as recommended by the community.

The Commission supports the 197-a plan's endorsement of the identified locations for Second Avenue subway stations and entrances at 14th, 23rd, 34th, 42nd, and 55th streets. Subject to financing availability, the Commission supports the consideration of pedestrian transfers via an underground tunnel from Second Avenue Subway stations to the #7 line at Grand Central Station; E and V Lines at 53rd Street from the proposed 55th Street station; and an Avenue A

entrance to the First Avenue station on the L Line.

The 197-a plan calls for the re-routing of buses and the creation or relocation of bus stops to support new development in the Study Area. The Commission supports an assessment of bus stop locations, routes and service to accommodate new development and notes that this is standard NYCT practice. CB 6 recommends that bus stops be located to facilitate intermodal transfer points for buses, ferries, subways and water taxis at 23rd, 34th and 42nd streets. The Commission generally supports efforts to facilitate intermodal transfer points at main east/west connector streets to the waterfront by providing upland connections where feasible and appropriate. The Commission notes that at 34th Street, intermodal connections have been achieved with ferry, water taxi, and bus and taxi service. Upland connections to the East River near 23rd Street are provided with nearby bus stops and at-grade pedestrian and vehicular crossings at 23rd Street. There are no upland connections at 42nd Street because of the configuration of the FDR Drive at that location, and currently there are no plans for ferry or water taxi service there. The UN's location at 42nd Street raises security issues.

CB 6 calls for the exploration of sites for black car and bus layovers, parking, and rest stops. The Commission endorses this recommendation assuming that CB 6 will propose specific locations to DOT. The Commission supports the 197-a plan recommendations that endorse a network of dedicated and safe bicycle routes and encourage bicycle parking in private garages. PlaNYC advocates the use of bicycles instead of cars to improve the air quality in the city.

CB 6 calls for the development of uniform standards for security barriers or other security measures such as landscaping and street furniture. The necessity for private security structures on public sidewalks must be confirmed first by the Police Department and requires review by an interagency security structures committee as well as a revocable consent from DOT. Bollards are now the primary security structure utilized. The Commission recognizes CB 6's desire for uniform standards but believes this to be impractical. Therefore the Commission does not support this 197-a plan recommendation.

Preservation

The 197-a plan contains some specific recommendations to landmark or utilize other preservation options for Stuyvesant Town and Peter Cooper Village, as well as for the original buildings at Bellevue Hospital, such as the former Psychiatric Building, currently housing a Department of Homeless Services (DHS) men's shelter and a McKim, Meade and White building that was renovated by the City in 2001 to house an Agency for Children's Services (ACS) intake center and other ACS functions. The ACS building is listed on the National Register of Historic Places.

The Commission supports the consideration of the original buildings at Bellevue Hospital for landmark status to preserve the historic character and campus setting of the Bellevue Hospital campus, noting that the Landmarks Preservation Commission has indicated that the Psychiatric Building and the ACS building are "eligible as potential landmarks."

The 197-a plan recommendation for preserving Stuyvesant Town and Peter Cooper Village suggested several preservation "tools" for preserving the "integrity, built character and urban design qualities" of these communities, including designation as a NYC landmark, placement on the National Register of Historic Places, or designation as a Special Planned Community Preservation District. The Commission defers to the Landmarks Preservation Commission regarding the eligibility and suitability of Stuyvesant Town and Peter Cooper Village for landmark status or other historic designation. The Commission encourages the Landmarks Preservation Commission and CB 6 to enter into a dialogue on issues relating to landmark designations for the original Bellevue Hospital buildings and for Stuyvesant Town and Peter Cooper Village.

The Commission does not endorse the recommendation to consider designation of Stuyvesant Town and Peter Cooper as a Special Planned Community Preservation District. The Commission notes that the protections of this special district are more rigid than landmark protections, subjecting all structural alterations to buildings, landscape and topography, even those elements that do not have architectural significance, to special permit review.

Housing

The Commission shares the CB 6 197-a plan goal to encourage permanent affordable housing and discourage the demolition or conversion of affordable housing (i.e. Mitchell-Lama) to market-rate housing. The Commission notes that the city aims to retain units in the city's affordable housing stock, including those in the low-income housing tax credit program, those developed through the Mitchell-Lama program, and those in the federal Department of Housing and Urban Development's (HUD) multi-family programs. HPD and HDC have developed a refinancing strategy for Mitchell-Lama developments to restructure mortgages and procure funds for capital improvements, which would be tied to commitments to stay in the program for an additional 15 years. HPD is also working with HDC to develop a program that would allow Mitchell-Lama rental developments to convert to cooperatives structured to be affordable to Mitchell-Lama tenants, with developers continuing to receive tax abatements. HPD is also working on a series of federal and state legislative proposals to ensure tenant protections and provide incentives for owners to remain in the program.

The Commission observes that there are limited opportunities for new affordable housing within Community District 6 and enthusiastically supports the plan's recommendation to encourage the development of new low and moderate income housing in new residential developments in Community District 6 that would be permanently affordable. The Commission notes that the proposed ERRC development, as modified, could result in 611 affordable housing units using the Inclusionary Housing program.

Community Facilities

The 197-a plan recommendation about a school is discussed above in the section about the First Avenue properties.

The Commission supports the 197-a plan recommendation that the Agency for Children's Services Division of Child Care and Head Start (CCHS) monitor daycare demand and availability of slots in Community District 6 and that CCHS promote the construction of day care facilities in new private office and residential developments. The Commission notes that ACS and CCHS have indicated to the Commission that they are committed to promoting "partnerships

with developers and others within the economic development community to assist programs.” The Commission further notes that the FEIS for ERRC's First Avenue Properties proposal determined that the project would have a significant adverse impact on publicly funded daycare in the area. The restrictive declaration entered into in association with the ERRC applications provides that ERRC will coordinate with the Agency of Children's Services to determine the appropriate mitigation for this impact.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant effect on the environment; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action will be consistent with WRP policies, and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 197-a of the New York City Charter, that the 197-a plan, *197-a Plan for the Eastern Section of Community District 6, Borough of Manhattan, New York City* submitted by Manhattan Community Board 6 on December 22, 2005 and revised on October 23, 2007, is approved with modifications:

Whereas, approved 197-a plans guide the future actions of public agencies; and

Whereas, approved 197-a plans cannot preclude subsequent actions by the City Planning Commission and the City Council in their review of possible future applications under other charter-described processes; and

Whereas, some of the zoning and land use recommendations in this 197-a plan will require subsequent approval of 197-c zoning map change applications, which have their own defined review procedures; and

Whereas, the recommendations and proposals contained in the Recommendations section of the “Community Board 6 197-a Plan for the Eastern Section of Community District 6,” Borough of Manhattan, New York City” are hereby replaced and modified as follows:

Note: an asterisk * indicates minor modifications, a double asterisk ** indicates major modifications.

Waterfront Related Improvements

1. Explore with Con Ed, NYCDOT and NYSDOT opportunities to widen Esplanade between 13th and 15th Streets by replacing the existing pump with a smaller pump.
2. Explore with NYCDOT and DPR the feasibility of making the 25th Street pedestrian bridge handicapped accessible.*
3. If the FDR Drive is to be relocated to grade, which would permit a deck above the drive, the option of a park on a deck above the FDR Drive between 28th and 30th streets should be studied, within the context of the reconstruction of the FDR Drive by NYSDOT.*
4. Improve area around 35th Street ferry landing.
5. Explore the feasibility of creating smaller neighborhood piers for water taxis at 23rd and 42nd streets.*
6. Explore the feasibility of constructing a narrow esplanade walkway between 53rd and 63rd streets on a cantilever on the outboard side of the existing FDR Drive.*
7. Explore alternatives to relocate all parking located directly on the waterfront such as the 34th Street lot, the 23rd Street Skyport parking garage, and the Con Edison Parking pier (38th to 41st streets).
8. Accommodate pedestrians, joggers, cyclists, and skaters on new esplanades and greenways.
9. The city should work with appropriate federal and state agencies to explore the feasibility for decking over a portion of the FDR Drive, the relocation or reconfiguration of the northbound FDR exit ramp at 42nd Street, and the creation of a continuous waterfront esplanade between 34th and 42nd streets. Development on the First Avenue Properties (former Con Edison sites) should be compatible with, and not preclude, future off-site waterfront improvements.**

10. Pursue measures to ensure that the waterfront esplanade at Waterside Plaza is publicly accessible.**
11. Facilitate safe inland pedestrian connections between sections of the waterfront esplanade for areas with uses that preclude direct pedestrian access along the waterfront.**
12. Encourage new pedestrian bridges and other means to provide improved public access to the waterfront in appropriate locations based on engineering feasibility and other criteria.**
13. Explore the feasibility of providing pedestrian crossings from 35th or 36th streets to the East River Esplanade Park if a tunnel for the FDR Drive is to be constructed.**
14. To preserve and create waterfront views and facilitate public access to the waterfront, appropriate zoning, land use and mapping controls as well as urban design and streetscape improvements should be used.**
15. Where appropriate and physically feasible, create the opportunity for public access to the waterfront by allowing pedestrians to use streets or their extensions that have been remapped, reopened or otherwise made publicly accessible.**

Other Open Space Improvements

16. Encourage the MTA (with DPR and DOT) to consider park decks above Queens Midtown Tunnel portals as part of the ongoing Second Avenue Subway Outreach process.
17. The city should explore with Con Edison the possible acquisition or lease of open space at the Con Edison East River plant to supplement Murphy Brothers Park.*
18. Given the deficit of publicly-accessible open space in CD 6, the city should encourage the inclusion of publicly accessible open spaces where feasible and appropriate as part of large new developments.*

DELETED:

- Encourage public acquisition for open space for such developments as Bellevue/East River Science Park Plan; Con Edison Waterfront redevelopment; replacement of Robert Moses Playground.

Land Use and Zoning

19. Explore mapping contextual zoning districts to maintain neighborhood scale and residential character in appropriate locations.*
20. Support tower-on-the-base zoning districts where appropriate to maintain existing street wall character along avenues. Tower-on-the-base zoning also limits zoning lot mergers.*
21. Carefully evaluate proposals for high-density office development east of the midline between Second and Third avenues, and discourage such development where inappropriate, such as in predominantly residential areas.**

DELETED:

- Map a Special Hospital Use District (includes Bellevue, NYU, and VA Hospital Medical Centers).
- Eliminate zoning preferences for community facilities in the Study Area: eliminate larger floor area ratio for community facilities in R7 and R8 districts; eliminate all rear yard encroachment in midblock locations; distinguish definitions between wide and narrow street location to allow greater density on wide streets compared to narrow streets.
- Designate the area bounded by First Ave., 59th Street, waterfront, and 14th Street as a Special Public Access District; provide additional floor area bonus on any zoning lots that provides elective public open space improvements either on or off-site; an additional bonus would be allowed for the inclusion of affordable housing which would supersede the underlying FAR bonus provisions.
- Amend Article I, Chapter 3 of the zoning resolution to change accessory parking in R10 districts from up to 20% of apartment units to 10%.

Specific Sites

United Nations:

22. Provide for needs of UN without significantly displacing or disrupting the surrounding neighborhoods.
23. If Robert Moses Park is developed with a UN or UN-related building, the city should support the replacement of this park space with appropriate public open space in the nearby community.**

DELETED:

- Sale of three UNDC buildings to private developers should give priority to UN-related uses.

First Avenue Properties:

24. Provide overlook parks along the FDR Drive.
25. Require ground floor retail on First Avenue in order to enhance pedestrian activity.*
26. Provide publicly-accessible space and view corridors on the extensions of 39th and 40th streets.**
27. Consider the scale and density of existing development near the ERRC sites, the potential for the provision of substantial publicly accessible on-site open space on the larger 700/708 parcel, and site planning elements relating to circulation and the placement of buildings in determining the appropriate bulk and heights for the development of the First Avenue Properties sites. **
28. Encourage the developer of the First Avenue properties to provide an easement along the eastern edge of the property so as to not preclude future off-site waterfront improvements.**
29. Include a large, publicly accessible open space in the First Avenue properties development.**
30. Facilitate the inclusion of an elementary or elementary/intermediate school on the First Avenue properties site.**

DELETED:

- 39th and 40th streets (extensions) be remapped.

East River Science Park:

31. Encourage a dialogue between CB 6, EDC, DCP and the developers and users of the East River Science Park sites for elements of the ERSP which have not yet been decided on.**

Transportation

32. Determine (DCP and DOT) placement of traffic calming measures at appropriate side street locations, including neckdowns and wider sidewalks, and creation of landscaping treatment.
33. Endorse the identified locations for Second Avenue subway stations and entrances at 14th, 23rd, 34th, 42nd, and 55th streets.

34. Encourage MTA to consider providing pedestrian transfers via underground tunnel from Second Avenue subway station stop to: No. 7 line at Grand Central Station and E and V lines at 53rd Street from the proposed 55th Street station.*
35. If resources are available, consider an Avenue A entrance to the First Avenue station on the L line.*
36. Assess bus stop locations, routes and service to accommodate new development.*
37. Facilitate intermodal transfer points at main east/west connector streets to the waterfront by providing upland connections where feasible and appropriate.*
38. Explore sites for black car and bus layovers, parking and rest stops, with CB 6 proposing specific locations.*
39. Endorse a network of dedicated and safe bicycle routes.
40. Encourage bicycle parking in private garages.

DELETED:

- Develop uniform standards for security barriers or other security measures (landscaping, street furniture) within the Study Area.

Preservation

41. Encourage LPC and CB 6 to enter into a dialogue on issues relating to landmark designations for the original Bellevue Hospital buildings and for Stuyvesant Town and Peter Cooper Village.**

Housing

42. Encourage permanent affordable housing.
43. Discourage demolition or conversion of affordable housing (i.e. Mitchell Lama) to market-rate housing.
44. Encourage low and moderate income housing in new developments which would be permanent and could not be converted to market value.

Community Facilities

45. Encourage NYC Division for Child Care and Head Start (CCHS) to monitor daycare demand and availability of slots in CD6.
46. Encourage CCHS to promote construction of day care facilities in new private office and residential development.

The above resolution (N 060273 NPM), duly adopted by the City Planning Commission on January 28, 2007 (Calendar No. 15), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA DEL TORO, RICHARD W.

EADDY, NATHAN LEVENTHAL, JOHN MEROLO, KAREN A. PHILLIPS,

Commissioners

Shirley A. McRae, Commissioner, Abstaining

CAROLYN B. MALONEY
14TH DISTRICT, NEW YORK

2331 RAYBURN HOUSE OFFICE BUILDING
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COMMITTEES:
FINANCIAL SERVICES

GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



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WEBSITE: www.house.gov/maloney

Statement of Congresswoman Carolyn B. Maloney
Public Hearing at New York City Planning
February 25, 2008

Thank you for the opportunity to testify today on the proposed redevelopment and rezoning of the Con Edison Waterside Site. I have many serious concerns regarding East River Realty Company's (ERRC) development proposal. Specifically, I am concerned about the height of the buildings and the availability of open space. The proposed development would include residential and commercial buildings that would be much higher than other buildings on the waterfront and would dwarf the U.N. Secretariat building. The height of these buildings are not only out of character with the neighborhood but also pose negative shadowing effects. The buildings would cast shadows on the Tudor City open spaces as well as cast shadows on Rivergate (Joseph Slifka Park), St. Vartan Park, the Manhattan Place Plaza, Robert Moses Playground, Trygve Lie Plaza, Corinthian Plaza, Glick Esplanade, and Ralph J. Bunche park. With open space so important to the quality of life of residents, to have buildings cast shadows over the existing available open space is simply not acceptable.

One of the most serious concerns for this neighborhood has been the absence of open space. There are only 23.39 acres of open space within a half-mile radius of the site resulting in a neighborhood with the least per capita open space in Manhattan. ERRC has presented the community with several proposals for how the development's proposed open space can be configured. While these plans are positive there needs to be care taken to ensure that the open space is clearly available and accessible to the public and that it is configured in a way that is usable. The redevelopment of these sites along the East River provides an incredible opportunity to create waterfront access. I hope the developer will be required to give an easement to allow for waterfront access to be constructed over the FDR drive.

In addition, while I am pleased that ERRC has agreed to include a new public school in their proposal and set aside 20% of the residential units as affordable housing, it is vital that ERRC designate the 20% affordable housing residential units on the site and that new proposed school be large enough. With overcrowding at schools in the area becoming a serious problem and the proposed development projected to bring in over 400 students, we need to ensure that the proposed school has an enrollment large enough to mitigate the severe overcrowding at public schools in the area.

This is one of the last large undeveloped parcels of land in Manhattan. We need to make sure that the land is used properly and serves the needs of the community. Thank you.



News from...

SENATOR THOMAS K. DUANE

29th SENATORIAL DISTRICT · NEW YORK STATE SENATE



Testimony by New York State Senator Thomas K. Duane
Before the New York City Council Subcommittees
on Planning, Dispositions & Concessions and Zoning & Franchises Regarding the
Land Use Applications for the Former Con Edison First Avenue
Properties

February 25, 2008

I am New York State Senator Thomas K. Duane and I represent the area just to the south of the former Con Edison Waterside properties, including Waterside Plaza and Peter Cooper Village/Stuyvesant Town, and the section of the Franklin D. Roosevelt (FDR) Drive bordering the sites. Thank you for the opportunity to testify.

Unfortunately, I must express my opposition to the land use applications as currently submitted by East River Realty Corporation (ERRC) for the former Con Edison First Avenue Properties.

The New York City Planning Commission (CPC) approved the ERRC's application with modifications, yet there is still much to be done in order to meet the needs of our community and our city. While I applaud ERRC's commitments to provide for the inclusion of permanently affordable housing as well as to provide a dedicated space for a new public school at this site, its proposed development will nonetheless have significant adverse impacts on the community immediately surrounding the sites and in Manhattan and in the City generally.

I believe that incorporating elements of the 197-c Plan submitted by Manhattan Community Board 6 would lessen this impact and would result in a better environment for both the present area residents and the future residents of the sites as well as the people who work in the area. Given the size of this undeveloped parcel of waterfront property, and its significance for both its neighbors and the city as a whole, I urge the City Council to send back the ERRC application to CPC with modifications that closely align with CB6's 197-c Plan.

The 197-c Plan submitted by CB6 is based upon the Board's 197-a Plan, which the City Council is also currently considering, and which I strongly support. The 197-a Plan certainly allows for significant development and it outlines the most suitable ways to address the area's needs. Community Board 6 has devoted over eight years to studying the site, listening to the community and working with elected officials, CPC and ERRC to put forth its proposal for sensible development consistent with community character and local community needs and larger New York City needs. Indeed, ERRC's Supplemental

Environmental Impact Study (SEIS) acknowledged in its executive summary that the CB6 Alternative “would be compatible with surrounding land uses and densities, and its proposed zoning changes would not result in impacts” (S-63).

The SEIS also conceded that ERRC’s development as currently drawn will have a significant effect on the community immediately surrounding the sites. The heights of the seven tower buildings — six residential, one commercial — most of which are 50-70 stories high, are still too high and inappropriate for the neighborhood, where most buildings reach only as high as 40 residential stories. The heights of the buildings should be reduced, both to give deference to the United Nations Secretariat building and to reduce the shadows cast upon open spaces. I also have concerns that there is no guarantee that the proposal’s public open space leading to the waterfront will be truly public and permanent and that there will be a substantial increase in traffic and congestion in the neighborhood.

ERRC seeks this rezoning to develop more than nine acres of waterfront property. However, it is critical that East Siders and all New Yorkers retain access to the waterfront. Not only is there a tremendous lack of public open space in CB6, but also there is a shortage of open public space generally in Manhattan. Indeed, this was highlighted at a press conference held on Thursday, February 21, 2008 to launch the campaign for a waterfront park on Manhattan’s East Side. This development and others underway or forthcoming in the area present a unique opportunity to get our planning priorities right and shape the future of the East Midtown waterfront. We must take advantage of it. While ERRC’s SEIS “finds that that the Proposed Actions would not result in any significant adverse impacts to open space resources,” and in fact, “would introduce approximately 4.84 acres of new publicly accessible open space,” I nonetheless have serious concerns about the configuration of that open space, in terms of how publicly accessible it really would be and how effectively it would provide public access to and along the riverfront. ERRC must seize this opportunity to coordinate with all of the area’s stakeholders to ensure that its waterfront property is part of a truly accessible, public park.

I also remain concerned about the effects of the increased traffic that the development will inevitably bring to the neighborhood. The ERRC proposal calls for mixed-use zoning, including residential, retail and office uses. However, the SEIS noted that commercial zoning with office use typically brings more cars to an area than other uses. As we saw during the opening session of last September’s United Nations General Assembly and even during holiday periods with regular “gridlock alerts,” our area already bears the burden of tremendous traffic congestion and any increase virtually paralyzes our neighborhood. The residents and businesses cannot bear the increase in vehicular traffic, noise and air pollution that the high density ERRC development would permanently bring to our already crowded streets.

As I have mentioned, I appreciate ERRC’s commitments to provide affordable housing and a site for a school. Ideally, the affordable housing should be 100% onsite and should include units for families, single individuals and people with special needs. I also look forward to hearing the outcome of the discussions between ERRC and the New York State School Construction Authority to deal with the current school overcrowding issue

in the area as well as meet the needs of the new students entering the school district from this development and other developments already under construction in the immediate area.

While the rezoning of this site is being considered concurrently with CB6's 197-a plan, I call upon the City Council to enact this well-conceived 197-a plan before adopting the ERRC's development plan so that the latter is bound by the former's provisions.

This community-initiated zoning plan provides a comprehensive planning framework not only for the development of the former Con Edison properties but also for the entire eastern half of Manhattan Community District 6. Its enactment will serve to strengthen the vitality of the community as well as the quality of life for the present and future residents of the East Side and our City and those who work in and visit our City.



JONATHAN L. BING
Member of Assembly
73RD District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Subcommittee on
Mitchell-Lama Housing

COMMITTEES
Banks
Health
Housing
Judiciary
Social Services
Tourism, Arts & Sports Development

**Testimony before the New York City Council on the
East River Development Proposal**

By Assembly Member Jonathan L. Bing

February 25, 2008

I am Assembly Member Jonathan Bing and I represent the 73rd Assembly District on Manhattan's East Midtown and Upper East Side. I appreciate the opportunity to testify today on the proposed development at the former Con Edison Waterside Site. As the Assembly Member representing the district immediately north of this site, I continue to have concerns with the proposal and its implications for the surrounding neighborhood.

The Con Ed Waterside Site is over nine acres of property extending along First Avenue from 35th Street to 41st Street. The developer's proposal is to build seven towers in this area – six residential and one commercial. Throughout the rezoning process, the community has expressed their concern over the height and density of the residential buildings. I share their concern and believe the proposed height and density of the residential buildings are out of scale with the existing neighborhood. It is important that

the height and density be reduced to acceptable sizes. Additionally, affordable housing is a priority of mine and I believe that onsite affordable housing should be a component of the residential buildings at this location.

I also believe that the proposed commercial building is out of context with the surrounding residential neighborhood. A commercial building, especially one of this size, would have a significant negative impact on the community, especially with regard to traffic congestion and public transit. At a moment where the City and State are discussing measures to reduce congestion in New York City, the addition of 7,000 commercial workers would increase congestion in the central business district and strain public transportation in the area. We hope that the developer will focus on important measures such as increased open space and more school seats, rather than a commercial space. These measures will have greater benefits for the community as a whole, including the residents in the six proposed residential buildings.

Community Board 6 has proposed an alternative rezoning plan for this area that addresses many of my expressed concerns. This plan is a sensible approach for our community and has my support as well as the support of my colleagues. As the City Council considers this proposal, I encourage you to be mindful of the community's concerns and adopt Community Board 6's proposals for this location.

Testimony of Adam Weinstein, President, Phipps Houses

To the Council of the City of New York

Regarding Proposed Re-Zoning, East River Con Edison Plant Sites (East River Realty)

February 25, 2008

Chairman Dilan and members of the Committee, I am Adam Weinstein, President of Phipps Houses. I am honored to be invited to offer testimony to the Committee and the Council regarding certain aspects of the proposed re-zoning of the former Consolidated Edison East River Station. Specifically, I will speak to the affordable housing components of the proposed re-zoning, which I support.

By way of context, Phipps Houses is the nation's oldest and one of its largest not-for-profit providers of affordable housing. Phipps controls nearly 4,500 units in service, with another 2,200 currently in construction or development, and approximately 13,000 mixed-income affordable units under management. Phipps provides extensive community services through its affiliate Phipps CDC. We are active housing developers and preservers with a social purpose, constantly on the lookout to find more opportunities to add to and maintain the City's supply of housing for households and persons of low- to middle-income.

The proposed rezoning text contains certain provisions for Inclusionary Housing, which Phipps Houses avidly supports. Specifically, I come before you today to discuss the importance of two parts of the zoning text: its allowance of a "housing preservation" Inclusionary option, and the allowance of an off-site Inclusionary housing option.

Preservation of affordable housing has proven to be perhaps a more daunting challenge in the past economic cycle than production of new housing. In part because of the Council's and the Administration's commitment to affordable housing, incentives for new affordable construction have been very effective. However preservation of existing affordable housing usually touches upon housing that involves other levels of government and accordingly, is more complex and challenging. To analogize, it may be easier to paint on a blank slate than it is to restore or preserve a treasure.

Phipps Houses understands this context and challenge all too well. We set out in 2003 with an ambitious agenda to preserve thousands of units of affordable housing. We were

armed with a significant knowledge base of affordable housing programs, and capital from a national competition PRI from the MacArthur Foundation to find projects to preserve. Thus far we have only been able to do 3 or 4 projects, totaling about 600 units, which is good, but ultimately a drop in the bucket of preservation opportunities, and even small in comparison to the 24 new construction projects comprising nearly 3,000 units we have done or pipelined in the comparable period.

As we all know, during the same period many affordable units have been lost to market forces.

One of the main benefits of the proposed Inclusionary zoning text is that, like all prior Inclusionary programs it creates essentially *permanent* affordability. And it does so through market forces and without (or with reduced) governmental subsidy. Permanently affordable housing with no or lowered governmental subsidy is a brilliant solution to the problem of preserving expiring use affordable housing.

The second component of the proposed rezoning that I would like to speak to is its allowance for off-site affordable housing. I will let the applicant speak to the difficulty and cost of producing affordable housing on-site, on expensive land. But it need be said that the City's Inclusionary Housing programs have always recognized that off-site production or preservation is more efficient economically and therefore can result in more timely production and less reliance on governmental support.

The off-site options all provide for geographic proximity between the affordable Inclusionary housing and the Compensated Development receiving the zoning bonus. In all the City's Inclusionary programs, as in this proposed re-zoning, this geographic proximity requirement is met within a Community Board or a half-mile of the Inclusionary Housing site. In this way, single neighborhoods share the burdens and benefits of the Inclusionary program and the program's objectives balance out.

Phipps is affiliated with two Mitchell-Lama properties on East 29th Street and First Avenue, six blocks from the first rezoning site. The mortgages for these two properties will mature in the next few years, at which time they will no longer be governed by the Mitchell-Lama rent controls. It would be our hope and intention to volunteer these two properties for the Inclusionary preservation option, as well as to create at least one new construction Inclusionary Housing project nearby of approximately 50 units. In total, the two Mitchell Lamas comprise 312 affordable housing units – units which would be permanently preserved as affordable housing. The program would also allow us to do capital needs upgrades for properties that, although well maintained, are now 38 and 35 years old. There would be no risk that the rent provisions would expire by their terms.

As a side note, if there is not an off-site preservation option available here, I am concerned that this action would have another unanticipated negative consequence for affordable housing. To offset costs, the developer would likely be more inclined to seek an allocation – or a larger allocation - of private activity bond volume cap for the production of on-site affordable housing. As you know, private activity housing bonds

are limited in supply; in fact, there is probably no greater problem in the affordable housing world right now in New York City than the shortage of tax-exempt housing bonds for the City's Housing Development Corp. These housing bonds are the source of funds for both "80/20" buildings in the City's most robust markets AND the cornerstone source for the New Housing Marketplace programs. The main difference is that an affordable unit in an 80/20 costs the City four or five times the allocation of volume cap that most all-affordable housing developments do. Think about that: you can produce 4 or 5 units of affordable housing for the price of one unit in an 80/20. While producing affordable housing in the City's most expensive neighborhoods has benefit, it comes at a staggering cost for those of us – and those of you – who are working hard to produce more affordable housing throughout New York City.

I thank you again for the opportunity to speak to these very important issues, and I urge you to pass this re-zoning with its draft affordable housing provisions intact.



**BUILDING &
CONSTRUCTION
TRADES COUNCIL
OF GREATER NEW YORK**

EDWARD J. MALLOY
PRESIDENT

AFFILIATED WITH THE
BUILDING CONSTRUCTION TRADES DEPARTMENT
OF WASHINGTON D.C.
—
BUILDING AND CONSTRUCTION TRADES COUNCIL
OF NEW YORK STATE
—
AMERICAN FEDERATION OF LABOR OF CONGRESS
OF INDUSTRIAL ORGANIZATION

**TESTIMONY OF
EDWARD J. MALLOY
PRESIDENT
BUILDING AND CONSTRUCTION TRADES COUNCIL OF GREATER NEW YORK**

**COUNCIL OF THE CITY OF NEW YORK
SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS
SUBCOMMITTEE ON ZONING AND FRANCHISES**

**EAST RIVER REALTY PROJECT
FEBRUARY 25, 2008**

Good afternoon, Chairmen Garodnick and Avella and Members of the Subcommittees. My name is Edward J. Malloy. I serve as president of the Building and Construction Trades Council of Greater New York, an organization whose affiliated unions represent 100,000 working men and women in the five boroughs.

We are pleased to testify in support of East River Realty's vision to transform the former Consolidated Edison site from the eyesore it is today into a gleaming community of housing, commercial and retail uses and open space.

The City Council has consistently supported responsible development proposals and we ask that you again do so with regard to this project, which will create 1,650 full-time equivalent annual construction jobs over eight years and 7,000 permanent jobs.

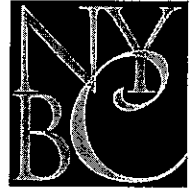
It is worth noting that, although construction employment remains strong, there are indications that forces from which New York City has been largely insulated are now rearing their head locally. McGraw-Hill Construction reports that through November 2007, overall year-to-date construction contract awards declined by 18% with residential contracts declining by 32% and nonresidential contracts declining by 5%.

In order for the historic boom in construction we are experiencing to continue, it is essential that the Council continue to lay the foundation for private investment in projects to meet the demand that exists, particularly for commercial office space as well as housing.

We cannot control certain market forces which will dictate our future, but we must create an environment in which we maximize our ability to meet market challenges which may lay ahead and take advantage of favorable circumstances like those we have enjoyed for the last decade.

We firmly believe that East River Realty's proposal is consistent with the Council's commitment to encouraging economic growth within a context of sustainable and livable neighborhoods. We again urge your support for this project and we look forward to working with you to see it realized. Thank you.





NEW YORK
BUILDING
CONGRESS

**Testimony
of
Richard T. Anderson, President of the
New York Building Congress
Before the
New York City Council
on the
Rezoning and Development Plan
Proposed by
East River Realty Company LLC**

February 25, 2008

The New York Building Congress, New York City's largest and most diverse coalition serving the design, construction and real estate industry, appreciates this opportunity to express our support for the City Planning Commission's modified version of the rezoning and development plan proposed by East River Realty Company for three sites along First Avenue between East 35th Street and East 41st Street, a project area consisting of former Con Edison properties. Rezoning this 8.7 acre area of Manhattan offers a golden opportunity to transform a derelict industrial site into a vibrant, mixed-use community, knitting neighborhoods together and maximizing the use of a scarce land resource.

With its proximity to multiple transportation options and the waterfront, the project area has the essential ingredients for supporting the kind of smart development envisioned by Mayor Bloomberg's PLANYC 2030 to meet the growing demands

on a City whose population is expected to swell to more than nine million people over the next 20 years. Of those demands, housing leads the list, and increasing the housing stock in New York has been a high priority of the Bloomberg Administration. ERRC's proposal would facilitate housing production by rezoning the underused project area, where residential development is not permitted currently, enabling the company to create around 4,165 new housing units, including affordable housing provided through inclusionary zoning incentives.

To accommodate this new residential community and create a greater sense of neighborhood, ERRC's modified plan consists of retail, commercial, community and open spaces, and addresses critical infrastructure requirements like school capacity. More specifically, the proposal would produce approximately: 29,500 square feet of retail space, plus about 47,000 square feet of retail space below grade; 1.14 million square feet of commercial space; 113,000 square feet of community space; and 4.95 acres of public open space. This mixed-use development incorporates revisions ERRC has agreed to in response to community concerns and discussions with the Department of City Planning, from lower building heights to complement the surrounding neighborhood and an increase in the size of a children's playground from 5,500 square feet to 10,000 square feet to a reduction in the size of the project's proposed office building. In addition, ERRC

expects to provide close to 1,300 parking spaces and has executed a Letter of Intent with the New York City School Construction Authority for the design and completed construction of a 630-student, 94,000-square-foot public school in the project area by September 2012.

The transformation of this part of Manhattan would stimulate significant economic activity, benefiting the surrounding neighborhood as well as the entire City and State. The direct and indirect economic impact of the construction is projected to be more than \$4 billion within New York City and total \$5.3 billion in New York City and New York State. The project would also create almost 1,800 full-time construction jobs each year over the anticipated seven-year construction period and as many as 6,000 permanent jobs, nearly 90 percent of which would be generated by the proposed office building. ERRC estimates the resulting new annual tax revenues for New York City and New York State to be approximately \$275 million per year.

Given all of these benefits, ERRC's proposal clearly advances Mayor Bloomberg's PLANYC initiatives and embraces the City Planning Commission's guiding principles to promote New York as a world city of opportunity, a sustainable city, a city of neighborhoods, vibrant waterfronts, public open spaces and urban design

excellence. ERRC's comprehensive plan to build a neighborhood in Manhattan, in an area with good transportation access and with a Master Plan designed by the esteemed architectural firms of Skidmore, Owings & Merrill and Richard Meier & Partners Architects, and landscape architect Field Operations, would accomplish these goals. The added attraction of a large swathe of open space and improved access to the riverfront will only enhance the social and economic vitality of the project area, indeed contributing to New York's status as a world city.

For these reasons, the modified East River Realty Company rezoning and development plan approved by the City Planning Commission deserves favorable consideration, and we urge approval by the City Council.

Movement for a Livable City
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New York, NY 10017
212.973.1782; Email: mutualaid@earthlink.net

TESTIMONY TO CITY COUNCIL

RE: HEARING ON SOLOW REDEVELOPMENT PLAN FOR FORMER CON ED SITE

FEB. 25, 2008

Council members:

We represent a group of residents from Murray Hill to Sutton Place -- the neighborhoods most directly affected by the proposed redevelopment of the former Con Ed site. We've been collecting signatures from hundreds -- soon to be thousands -- of fellow residents who support **limiting the height of the proposed buildings to 200 ft**, a reasonable and site-appropriate height given that the vast majority of buildings in our neighborhood are under 20 stories.

Attached is our testimony to the City Planning Commission, whose failure to recognize the community's needs is unfortunate, and completely at odds with the Bloomberg administration's much-touted plan for a greener, more livable city. Now that the issue has come before the City Council, our elected representatives finally have the opportunity to stand with the community and fulfill their responsibilities in opposing this developer's radical rezoning request. We appreciate Council member Garodnick's support, and trust that he has reached out and informed his fellow Council members about his constituents' needs with respect to the future of these sites.

Instead of seizing the wonderful opportunities presented by this beautiful waterfront site, Solow's plan would force as many units onto the footprint as possible, throwing the rest of the neighborhood into dark shadow and overtaxing an already overburdened infrastructure. If the property were rezoned to accommodate this developer's outlandish plans, the iconic New York City skyline would be obliterated from the East by a cluster of steel and glass towers blocking the Empire State and Chrysler buildings. Our scant green space - including the landmarked Tudor Greens - would be in almost constant shadow. Neighborhood plans for rooftop gardens - a central feature of Bloomberg's 2030 plan to increase energy efficiency, green space and minimize sewage runoff - would be suspended with no sunlight to sustain them. And a small town's worth of new residents and traffic would be brought into an already overcrowded midtown neighborhood.

We support the Campaign for an East Side Waterfront Park, for which the developer must provide an easement to allow passage to the waterfront. **Waterfront access only**

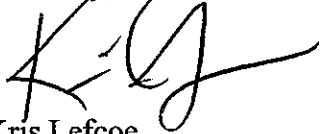
increases the value of this developer's property and should not be considered a concession for which building height may be traded. Community Board 6's well-researched plan for the site limits building heights to 400 ft. But **the voice of neighborhood residents needs to be heard and the height limited to a much more appropriate 200 ft.**

City Council members have a once-in-a-lifetime opportunity - presented by the imminent reconstruction of the FDR drive - to enrich the neighborhood and the entire city with green space, waterfront access and reasonable building heights that fit into, rather than loom over, East Midtown.

We expect our representatives to protect our neighborhoods from thoughtless and short-sighted overbuilding. It's time for our political leaders to rise to a new era of higher expectations and accountability, foregoing the old political games and excuses 'we didn't have the votes, it's not my district, it's not my fault.' No more Yankee stadiums, no more Columbia expansion, no more Trump-ification of our beloved city. Political leaders will be held strictly accountable for their votes and the passion of their public advocacy for our quality of life. "Community-based planning" cannot be election-year rhetoric. The district's residents have said loudly and clearly what we wish; it's up to our leaders to say 'yes we can.'

We are counting on you.

Sincerely,



Kris Lefcoe



Robert Jereski

Movement for a Livable City

cc:

Evelyn Konrad, Counsel

Harry Bubbins, Planning Consultant

Edan Untermann, East Midtown Coalition for Sensible Development



THE GENERAL CONTRACTORS ASSOCIATION OF NEW YORK, INC.

Christopher O. Ward
Managing Director

GOOD AFTERNOON. MY NAME IS CHRIS WARD AND I AM THE MANAGING DIRECTOR OF THE GENERAL CONTRACTORS ASSOCIATION OF NEW YORK (GCA). SINCE 1909, THE GENERAL CONTRACTORS ASSOCIATION HAS REPRESENTED THE HEAVY CONSTRUCTION INDUSTRY IN NEW YORK CITY. OUR MEMBERS ARE ENGAGED IN THE CONSTRUCTION AND RECONSTRUCTION OF THE CITY'S VITAL INFRASTRUCTURE. THE ASSOCIATION ALSO REPRESENTS THE FIRMS THAT CONSTRUCT THE FOUNDATIONS FOR THE OFFICE TOWERS AND APARTMENT COMPLEXES BUILT IN THE FIVE BOROUGHES. FINALLY, WE ARE THE COLLECTIVE BARGAINING AGENT WITH THE HEAVY CONSTRUCTION TRADE UNIONS. IN SHORT, THE GCA HAS BEEN AND IS TODAY DEEPLY INVOLVED IN THE LABOR CONSTRUCTION MARKET AS IT RESHAPES AND TRANSFORMS NEW YORK CITY.

WE APPRECIATE THE OPPORTUNITY TO COMMENT IN SUPPORT OF THE EAST RIVER REALTY COMPANY'S DEVELOPMENT PROJECT. IN DOING SO, WE ARE PLEASED TO SEE THAT A POSITIVE ENVIRONMENT IS BEING FORGED TO ADDRESS THE WHOLE HOST OF ISSUES THAT BOTH THE DEVELOPER AND THE COMMUNITY HAVE RAISED. GIVEN THE OPPORTUNITY TO TRANSFORM THIS HUGE FORMER INDUSTRIAL SITE INTO A WELL DESIGNED DESTINATION THAT LINKS A NEW COMMUNITY TO THE WATERFRONT, WE HOPE THAT THIS

IMPORTANT PROJECT WILL HAVE YOUR SUPPORT AND THAT THIS OPPORTUNITY WILL CARRY THE PROJECT THROUGH THE IMPORTANT CITYWIDE PROCESS.

HISTORICALLY, THE CONSTRUCTION INDUSTRY HAS BEEN THE FOUNDATION OF THE MIDDLE CLASS HERE IN NEW YORK CITY, GIVING IMMIGRANTS AND NEW ARRIVALS A STEP ON THE LADDER TO ECONOMIC SUCCESS. A PROJECT OF THIS SIZE WILL EXPAND THIS ROLE WITH AN ESTIMATED 1600 JOBS A YEAR DURING THE CONSTRUCTION AND THOUSANDS OF FULL TIME JOBS AFTER IT COMPLETION. COUPLED WITH A STRONG COMMITMENT TO INCLUDE A SIGNIFICANT AMOUNT OF AFFORDABLE HOUSING, THE PROJECT WILL HELP ENSURE MANHATTAN REMAINS A VARIED COMMUNITY, HOST TO PEOPLE FROM MANY WALKS OF LIFE. IN ADDITION, IT IS OUR UNDERSTANDING THAT EAST RIVER REALTY IS WORKING WITH THE SCHOOL CONSTRUCTION AUTHORITY TO BUILD A SCHOOL FOR UP 650 STUDENTS. THIS TOO WILL ANCHOR A NEW COMMUNITY.

AS WE HAVE SEEN OVER THE LAST FEW YEARS, NEW YORKERS ARE FINALLY HAVING AN OPPORTUNITY TO RECONNECT WITH THE WATERFRONT, FROM BROOKLYN WILLIAMSBURG TO HUNTS POINT. IN MANY CASES, THE WONDERFUL VIEWS AND ACCESS WERE LOST BECAUSE OF THE RINGED AUTOMOBILE NETWORK THAT SURROUNDS MANHATTAN. BUILDING FROM A LARGE PUBLIC OPEN SPACE, THE PROJECT WILL BEGIN THAT LINKAGE PROCESS BY DEVELOPING A RIVERFRONT PLAYGROUND AT 38TH STREET WITH A THREE BLOCK PROMENADE AT THE EASTERN EDGE OF THE SITE TO ALLOW FOR

SWEEPING VIEWS OF THE EAST RIVER. AND THEN, OVER TIME, WHEN HOPEFULLY THE FDR DRIVE IS RECONFIGURED, THERE WILL BE AN OPPORTUNITY TO PUT THE LAST PIECE IN PLACE WITH A CONNECTION OVER THE HIGHWAY DIRECTLY TO THE WATER. AS COMMUNITIES AROUND THE CITY HAVE FOUND, WATERFRONT ACCESS AND PUBLIC SPACE DO MORE TO CONTRIBUTE TO A COMMUNITY'S WELL BEING THAN ALMOST ANYTHING ELSE.

WE RECOGNIZE THAT THERE ARE CONCERNS WITH THE COMMERCIAL COMPONENT OF THE PROJECT BUT IT IS IMPORTANT TO ACKNOWLEDGE THAT THIS AREA HAS LONG BEEN A MIXED USE NEIGHBORHOOD. IN FACT, IT IS EXACTLY THIS KIND OF MIX THAT GIVES THE STREET LIFE ITS VITALITY AND, PERHAPS MORE SIGNIFICANTLY, ITS SAFETY. THOUGHTFULLY INTEGRATED INTO THE FABRIC OF THE DESIGN, A MIXED USE PROPOSAL COULD ADDRESS THE CITY'S LONG TERM NEED FOR OFFICE SPACE AS WELL AS PROVIDE A RETAIL STREET ENVIRONMENT THAT FURTHER ADDS TO THE COMMUNITY.



New Yorkers for Parks Testimony before the Subcommittee on Planning, Dispositions, and Concessions and the Subcommittee on Zoning and Franchsies

New Yorkers for Parks Testimony
February 25, 2008

Good afternoon. My name is Sheelah Feinberg, Director of Government and Community Relations at New Yorkers for Parks. New Yorkers for Parks is the only independent watchdog for all the city's parks, beaches, and playgrounds. For 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers.

Our comments are limited to and only concern the open spaces and park space being proposed by this development. According to New Yorkers for Parks' City Council District Profiles, the proposed project lies within a City Council district which has only 2% of parkland. Obviously, this community is starved for open space.

New Yorkers for Parks supports this project in terms of parks and open spaces because it increases open space acreage, a design that draws people in from existing pedestrian streets, and probably most importantly will provide an easement for a deck to be built to the waterfront for what we hope will be the next great waterfront park in Manhattan.

Specifically, we are pleased that the plazas are counted as mitigation and not towards a bonus for the developer. In terms of the project phases, we call for the open space to be phased in equally with the rest of the project. Every effort needs to be made to guarantee that the parks and open space are open to the public in perpetuity. A good first step would be for the developer to establish a management entity that includes members from the community to oversee the daily policies and ensures public participation. In lieu of actually deeding the parks and open spaces over to the City as park land, the developer should seriously consider

partnering with the city, state and federal governments to construct a beautiful park on the waterfront. New York City and the real estate community have a long history of reclaiming our waterfront, especially since the residents of the new building will be the primary beneficiaries.

Another significant issue is that the buildings as currently designed will cast significant shadows on Tudor City Greens, St. Vartan Park and Manhattan Place Plaza – as well as the open spaces created by the development itself. All efforts must be made to mitigate this issue.

Once again, we are pleased to see park space increase and are delighted that the East Side of Manhattan will also begin to enjoy the waterfront as much as the West Side.

Thank you.



Louis J. Coletti
President & CEO

BTEA: NEW YORK'S ALLIANCE OF UNION CONTRACTORS
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Telephone: 212 704 9745 • Facsimile: 212 704 4367

TESTIMONY
PRESENTED TO THE
NEW YORK CITY COUNCIL
OVERSIGHT:
SOLOW PROJECT ON FORMER CON EDISON'S
FIRST AVENUE PROPERTIES

City Hall - Room 5

February 25, 2008

Presented by
Kristy Martinelli
Member Services Assistant
Building Trades Employers' Association



Good Afternoon,

My name is Kristy Martinelli. I am the Member Services Assistant of the Building Trades Employers' Association of New York City (BTEA). The BTEA represents 26 contractor associations who consist of 1,500 construction managers, general contractors, subcontractors, and specialty contractors. Our associations employ over 100,000 members of the Building and Construction Trades Council.

The economic impact of the construction is projected to be more than **\$4 billion** within New York City and total **\$5.3 billion** in New York City and New York State. The project will create up to **1,650 full-time jobs** each year over the anticipated construction period and as many as **7,000 permanent jobs**.

The new annual tax revenues for New York City and New York State that will be generated as a result of this project are estimated to be approximately **\$275 million per year**.

East Realty's project will be creating jobs that will strengthen New York City. It will **help boost** the **middle class** of New York City. A construction worker earns about \$55,000 per year. This helps pay for their children's education and allows the middle class to be able to afford their family to live in New York City.

Ex-Deputy Mayor Dan Doctoroff announced that the Bloomberg administration has calculated the city will need **65 to 70 million square feet** of *new* office space in the coming years to remain competitive.

The East River project includes more than **60,000 square feet** of **new retail space** that will help revive First Avenue with a mix of neighborhood services and businesses.

We believe this building will help address the city's pressing need for new office space in order to help sustain New York's economic development. There is significant need for technologically-advanced,

state-of-the-art locations for businesses to grow and prosper in Manhattan.

We also believe a mixed-use development is desirable because a combination of new residential apartments, retail stores and offices will help assure a safe and vibrant community.

High rent levels and the lack of space are forcing commercial tenants to look outside the city. Already limited, Manhattan's large blocks of space have become scarcer in recent years. The amount of office **space available in Manhattan** has been virtually **unchanged since 1980**.

Included in the plan is affordable housing in accordance with the city's goals under the Inclusionary Housing Program. This will provide **600 permanent apartments for low-income families**.

East River Realty is working with the city's School Construction Authority to build a school for an estimated **630 students** on the site.

Also, the new development will connect the community to the East River for the possibility of a future waterfront connection

We urge you to support this proposed project by East River Realty.

TESTIMONY
PRESENTED TO THE
NEW YORK CITY COUNCIL
OVERSIGHT:
SOLOW PROJECT ON FORMER CON EDISON'S
FIRST AVENUE PROPERTIES

City Hall - Room 5

February 25, 2008

Presented by
James L. Coletti
Community Board 6

Good Afternoon,

My name is Jim Coletti. I am a resident of Community Board 6 and I believe it is critical in allowing a mixed-use development project on the former Con Edison site.

It has been agreed that retail must be and will be included in this project. However, it is imperative to have commercial buildings be constructed in the neighborhood. Retail needs these commercial buildings to give small businesses a better chance of surviving and to provide a customer base during the week. For example, there is only 1 major commercial building on 2nd Avenue in my neighborhood, which is on the corner of 2nd Avenue and 47th Street. I have seen the closing of two retail stores within a two block radius of my apartment building. This project will add life and an economic boost that is much needed to the area.

The economic impact of the construction is projected to be more than **\$4 billion** within New York City and total **\$5.3 billion** in New York City and New York State. The project will create up to **7,000 permanent jobs**.

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Ex-Deputy Mayor Dan Doctoroff announced that the Bloomberg administration has calculated the city will need **65 to 70 million square feet** of *new* office space in the coming years to remain competitive.

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First Avenue with a mix of neighborhood services and businesses.

I also believe a mixed-use development is desirable because a combination of new residential apartments, retail stores and offices will help assure a safe and vibrant community.

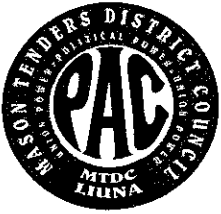
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East River Realty is working with the city's School Construction Authority to build a school for an estimated **630 students** on the site.

Also, the new development will connect the community to the East River for the possibility of a future waterfront connection.

I urge you to support this proposed project by East River Realty to improve the future of New York City.



**MASON TENDERS' DISTRICT COUNCIL
OF GREATER NEW YORK
POLITICAL ACTION COMMITTEE**

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NEW YORK, NY 10018
TEL: (212) 452-9500 FAX: (212) 452-9599
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Testimony of Michael J. McGuire

**Joint Meeting of the Committees on Zoning & Franchises;
and Planning, Dispositions & Concessions**

**Re: LU 0667-2008; LU 0623-2007; LU 0680-2008; LU 0681-2008; LU 0682-
2008; LU 0683-2008; LU 0684-2008; LU 0685-2008; and LU 0686-2008
(The former Con Edison First Avenue Properties)**

February 25, 2008

Good afternoon, Chairmen Avella and Garodnick and distinguished committee members. My name is Michael McGuire. I am a member of Community Board 6 and the Director of the Mason Tenders' District Council of Greater New York Political Action Committee. The Mason Tenders' District Council is comprised of more than 15,000 members in six local unions in the Eastern Region of the Laborers' International Union of North America. Two of these locals are made up of laborers in the construction industry in New York City. Construction & General Building Laborers' Local 79; and Asbestos, Lead and Hazardous Waste Laborers' Local 78, represent some eleven thousand men and women working within the five boroughs as building construction laborers, mason tenders, demolition workers and asbestos and hazardous material abatement laborers. It is these hard working men and women that I represent here today.

The design for the former Con Ed First Avenue properties as proposed by the East River Realty Company shows what can happen when an opportunity occurs to convert an overly polluted industrial site into modern, state-of-the-art buildings, acres of open space, affordable housing and a much needed new

school. The design as put forth is thoughtful, well-designed and will be a boon to our community.

The Con Ed plant that sat on this site for the best part of the last 100 years blocked views, light and air from the East River. It was a massive edifice, squat, dark and seemingly brooding. Immense, unmovable, unavoidable. Then the Con Ed buildings were torn down, once again revealing the light, air and river views that were hidden behind the plant.

I say no matter what happens to the site, the community is better off being rid of the smoke belching monster that once occupied the almost 10 acres that comprise the site. East River purchased the site for redevelopment, reportedly at a cost of \$630 million. With a mind to the fact that all of this land was inaccessible to anyone but Con Ed employees for a century, East River came up with a plan that dedicates more than half the property to open space, including a central space the size of the lawn at Bryant Park. By my reckoning, at a purchase price of more than \$60 million an acre, this is a \$300 million plus gift to the community.

East River has been very responsive to community concerns. The design for the development allows sightlines that open up the river vistas by setting the buildings at an angle. River-view apartments always bring a premium. By turning the buildings at such an angle, fewer windows face the river, thus lowering the value of the units. However, East River's design allows light and air to penetrate further inland, and allows sight lines down the east-west streets of the river, to the betterment of the community. East River has also lowered building heights (including going so far as to lop more than 120 feet of the top of the tallest planned residential building), included affordable housing, and agreed to build a school on-site. All of these things show how responsive East River has been to community concerns.

This project will:

- Create up to \$5.3 billion in direct and indirect economic impact in New York City and State;
- Create or preserve 650 units of affordable housing;

- Create a 94,000 square foot public school;
- Add commercial space that New York City needs to remain the business capitol of the world;
- Create 1,800 construction jobs a year during construction, as well as 6,000 permanent jobs.

My one final concern is regarding contractor and worker standards. I urge both the developer and the community to see to it that this project is built utilizing union labor. Union-built developments go up safer, go up faster and are built to better standards. A recent study showed that fully 87% of the fatal accidents on construction sites in New York City in 2006 were on non-union sites. Union workers are properly trained. My members go through 4,000 hours of training before reaching journeyworker status. The result of this is a safer site, a faster built project, and an overall better construction product. I ask the City Council to support the East River plan for this site, with the caveat that the developer adheres to responsible construction principles and employs union labor. Thank you.

Respectfully submitted,
Michael J. McGuire
February 25, 2008

Testimony of Lou Sepersky, Chair of the Transportation Committee of Manhattan Community Board 6, to the Planning, Dispositions and Concessions and the Zoning and Franchises Joint Sub-Committee Meeting of the Land Use Committee of the New York City Council, on the Parking and Traffic Impacts Associated With the Proposed Re-Zoning of the Con Edison Waterside Generating Plant Site, February 25, 2008.

My name is Lou Sepersky and I'm the Chair of the Transportation Committee of Manhattan Community Board 6.

I'd like to thank the Chairs and members of the joint sub-committees for hearing our testimony on the traffic and parking impacts of the East River Realty Company's proposed rezoning of the sites between 35th and 41st streets along First Avenue. ← FDR Dr. Sepersky

In a very few days, the whole of the City Council will be voting on the proposal put forward by the New York City Congestion Mitigation Commission, as a first systematic step aimed toward reducing traffic in the central business district. Without taking a position on the Commission's recommendations, CB6 recognizes that the city is beginning to address this urgent and continuing issue.

Community Board 6 is the boundary for the northern end of the city's Central Business District, and this proposed rezoning is, in itself, at the southern end of the United Nations campus, which is a substantial traffic generator in its own right. Additionally, the proposed development is a block north of the combined Bellevue Hospital Medical Center and New York University Medical Center and Hospital campuses, facilities which, by definition, are both highly sensitive to traffic conditions and changes in traffic volume.

Given the efforts to bring the already over capacity volume of traffic under control, the applicant for the rezoning proposes to inject a massive number of public parking (transient) spaces, above and beyond the accessory parking related to tenants (commercial and residential) of the property. To use a well known phrase: Build it and they will come.

New public/transient parking will encourage more people to drive to this area; available parking encourages the decision to drive. This gets to a fundamental question of public policy: Are we going to be consistent in our efforts to get control of our municipal traffic mess, or not?

Not permitting the public/transient parking, and reducing the accessory parking to ten percent of the residential units (as Board Six urges in its 197a plan) isn't going to solve all of the East Side's traffic problems – but it is going to make clear that we are serious in the effort to address traffic congestion. Attracting new traffic turns the effort at congestion mitigation on its head. Minimizing new traffic, either with the current mitigation proposal, or some other plan, takes a substantial step toward reducing traffic, which is what mitigation is all about. Rejecting this proposed new parking is a step in a better direction.

I'd like to thank the members of sub-committees for their time and attention.

www.vision42.org

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George Haikalis, ASCE, Co-Chair
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Chez Josephine
Dan Biederman, *President,*
Bryant Park Corporation
Jonathan Bowles, *Research Dir.,*
Center for an Urban Future
Foster Burnett, *General Mngr.,*
Times Square Hilton Hotel
Carter Craft, *Metropolitan*
Waterfront Alliance
Janine DiGioacchino, *Gen Mngr.,*
Madame Tussaud's New York
Douglas Durst, *Co-President,*
The Durst Organization
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Tom Fox, *President & CEO,*
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Georges Jacquemart, *PE, AICP*
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21st Century Rail Corporation
Fred Kent, *President,*
Project for Public Spaces, Inc.
Charles Komanoff, *Principal,*
Right of Way
Rocco Landesman, *President,*
Jujamcyn Theaters
Dr. Floyd Lapp, *FAICP*
Pamela Lippe, *Executive Dir.,*
Earth Day New York
Russell Menkes, *General Mngr.,*
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Howard Milstein, *Chairman,*
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Mildred F. Schmertz, *FAIA*
Sam Schwartz, *PE*
Cooper Union
Michael Sorkin, *Director*
Urban Design Program, CCNY
Joseph Tucker, *Senior Vice President,*
Disney CORE Services
Vukan R. Vuchic, *PhD, Professor,*
University of Pennsylvania
Paul Steely White, *Executive Dir.,*
Transportation Alternatives

Comment:
City Council Public Hearing
on the
East River Development Proposal

25 February 2008

Several of the grievances expressed by Manhattan Community Board Six about the Con Ed Waterside Project could be addressed through a more comprehensive approach to surface transit — one that seriously considers the construction of river-to-river surface light rail in a landscaped, auto-free 42nd Street. These grievances are as follows:

1. **The amount of parking should be further reduced, in order to reduce traffic and encourage pedestrians.** Certainly, any special permits for large public parking garages in this densely built-up area of Manhattan would be totally inappropriate and should be denied. For the same reason, accessory parking for the new residents should also be limited to 10 percent, as argued by Community Board Six.

Right now, however, the Con Ed site is totally lacking in any rail transit infrastructure, and would rely upon buses and private motoring to convey people to the subways, to the center of Midtown, and to the West Side. It is unrealistic to expect that people buying or renting the high priced apartments in this new development will, en masse, be willing to settle for buses operating in mixed traffic.

2. **There is also tremendous concern about the lack of green open space in Community Board Six.** A landscaped, auto-free 42nd Street with light rail would add more than 3.7 acres of green open space to the street east of Lexington Avenue — not including the space for the light rail right-of-way — and create a virtual pedestrian plaza on every block.

3. **Pedestrian access to the waterfront is another concern.** The light rail alignment could pass from 42nd Street under the platform that has been proposed, and run along the eastern edge of the Con Ed site, bringing pedestrians to specified gateways to the waterfront park. With the design of the reconstruction of the FDR Drive still in flux, there is a unique opportunity right now to integrate all of these elements — the Con Ed site, the waterfront park, the FDR reconstruction, and high-quality surface transit by light rail.

Roxanne Warren, AIA, Chair, **vision42**

**Testimony Of Michael Bittle
City Council Public Hearing
re: Con Ed Site Rezoning
Monday, February 25, 2008
City Hall Council Chambers, 2nd Floor
New York, NY**

My name is Michael Bittle. I live at 325 East 41st Street, Tudor City, Manhattan.

Why are we here? Why is there any need for debate? The community, through the hard work of Community Board Six, has set out and proposed a development plan which is balanced, allows for growth, improves quality of life, and promotes development without undermining the diversity of the neighborhoods. How then, does this plan get set aside, without constructive comment from those who would call themselves our City Planners, in deference to a single proposal from a single developer? What clear and significant benefit does this plan provide the local community or even the City at large over the 197-A and 197-C plans from Community Board Six. *The*
dead

I have two three year old daughters who will grow up here. They use the parks, they'll attend the schools, they travel on public transportation. They ask and will forever ask questions. When the results of our City Government's deliberation bear fruit, they'll be teenagers. Will I point proudly to the developments in their neighborhood as models of representative government, or will I be left dumbfounded by probing questions of earnest youth wondering "how could this have been allowed to happen - who was minding the store".

No one can honestly look at the developers proposals and not foresee a significant incremental burden on the neighborhood and city at large. Given that the City is presently behind the curve in schools, public transportation, waste disposal and without Federal Homeland Security funding, public safety services, how can anyone realistically expect us to absorb a project of this magnitude. The truth is that increases in property tax revenue are always offset by expenses of funding the required support infrastructure. If there's not enough money now, there still won't be after all this gets built no matter how big, no matter how much additional tax revenue it generates. It's a zero sum game at best, those who were around in the 70's remember the worst.

But, believe it or not, I'm a flexible guy. So I propose the following for our City Planners and The Developer. If they think their plan can and should be supported by the citizens of this City, prove it. Let the City Planners be required to obtain from each ^{city} department not just an impact statement, but a plan with a committed budget, hiring and construction schedules. And further, let the certificate of occupancy permit for any and all of these buildings be contingent upon actual implementation on the part of the departments who will be impacted. If the Education department does not have the capacity: buildings, teachers, operating budget in place as these buildings come on line, no certificate of occupancy until they do. If the Fire Department does not have the additional apparatus and staff operational so as to mitigate any negative impact on response times, no certificate of occupancy. And, here's the killer, if the Second Avenue Subway is not fully operational between 42 street and 14 street.... no certificate of occupancy.

The Mayor and his development champions will be long gone by that time. If we can't trust those who are appointed to champion the best interests of the residents of the city, we desperately need those committed to elective office over a longer time horizon, to use whatever methods and influence they can to take up the cause. Ideally that would mean honoring the system of representative government in the form of 197-A and 197-C plans of Community Board Six. Alternatively that would mean ensuring, by whatever legislative means necessary, explicit and codependent performance criteria by not only the developer but each city department as well.

Thank you.



Testimony of Roland Lewis, President and CEO

THE METROPOLITAN WATERFRONT ALLIANCE

Before the Zoning & Franchises; Planning, Dispositions & Concessions Committees

City Hall, Monday, February 25, 2008 at 3:00 PM

Good afternoon. My name is Roland Lewis and I am President of the Metropolitan Waterfront Alliance, a coalition of 324 groups working together to transform the New York Harbor and its waterways into a world class resource for work, play, transit, and education.

I'd like to thank the Committees and especially Chairman Garodnick and Chairman Avella for bringing us all here to discuss what we ought to do next to plan this critical area our precious waterfront.

1. NOW IS THE TIME TO GET OUR WATERFRONT RIGHT

With history as our guide, the opportunity to redevelop the waterfront comes along every 50-100 years. The waterfront along this site is the largest missing link in the Manhattan perimeter greenway, and also the longest stretch of Manhattan with no place to dock a ferry or launch a boat. With plans afoot to redevelop the area just south and just north of

the United Nations, it is critical that we make this waterfront connection complete. To the north, there is very little waterfront access until you get to 60th Street, almost a mile to the north. The closest ferry landing is to the south at 35th Street, but there is no other landing until 90th Street, almost three miles away. If our waterways are to serve as the transportation resources we need, then a ferry landing in the vicinity of 40th to 42nd street is needed so as to connect with the 42nd Street Cross town bus.

When developers designed the Glick site at 36th and 37th Streets, they showed great vision in creating waterfront public space that is relatively accessible from the upland, and we should follow that model here too. In particular, the major upland connections and specifically the public streets through the development of the Solow site must be maximized and truly public.

MWA is currently working with nearly 200 waterfront experts from civic organizations, government, academia and others groups to develop a *Waterfront Action Agenda*, which will suggest solutions for a better waterfront on a variety of issues. Included in these items we recommend for the waterfront between 35th Street and 42nd Street:

- a place with food and fun for the community creating a waterfront destination point
- a town dock: a facility where anyone can get picked up or dropped off by boat.
- a facility big enough to also accommodate visiting historic and educational boats to tie up for extended visits

EMERGENCY PREPAREDNESS

One of the early recommendations coming from our Waterfront Works Task Force is to ask the City of New York, the State of New York, and the State of New Jersey to create a passenger and freight ferry master plan and implementation strategy, both to reduce congestion in the near term and to ensure that we have the tools we need to use the waterways to meet our mobility needs should disaster strike again.

MWA's *Waterfront Action Agenda* mentioned above gives special emphasis to emergency access and egress infrastructure. As this waterfront is the eastern edge of the largest Central Business District in the nation, the redevelopment of this stretch of waterfront must consider and accommodate future high volumes of passengers and commuters as well as a contingency plan to move goods, which necessitates the physical capability for a wide variety of vessels to be able to dock

2. BETTER INFRASTRUCTURE TO SUPPORT DEVELOPMENT

In addition to the points about water transit noted above, we need to make sure that development in this City takes into account the limited –and expensive – sewage treatment plant capacity we have, both for the sewage generated by this development as well as for the stormwater runoff that is created. (Particularly since this site will cover 9.2 acres, including 1.5 million square feet of office and retail space along with 4,166 housing units.) To comply with the Clean Water Act and make our waters swimmable and fishable, we must take action to mitigate stormwater runoff and attendant combined sewer overflow.

SEWAGE

According to testimony by Riverkeeper, Natural Resources Defense Council and the Gaia Institute nearly a million gallons of sewage per day will be generated by this development. The 4,166 residential units (with 1.5 ppl. in each) would contribute 699,888 gallons per day (gpd); The 191,103 square feet of retail and community space would contribute 32,487 gpd; and the 1,532,437 square feet of commercial office would contribute approximately 191,554 gpd, for a total of 923,930 gallons per day of sewage.

Along this stretch of East River there are five Combined Sewer Overflow (CSO) pipes, which together contribute more than 34 million gallons of combined sewer discharge into the East River each year. CSO #NC-041 (so named because it is connected to the Newtown Creek sewage treatment plant) is the worst-polluting CSO for more than two miles of East Riverfront. Development of this site and especially development in this part of the city should REDUCE the impact these sewage overflows have on our use and enjoyment of the waterways, rather than adding to the existing problem. This can be done by recycling gray water within the development, holding and retaining sewage on site during peak flows and heavy rains, and investing in the most efficient appliances and equipment which consumes water.

STORMWATER

According to the Gaia Institute, who are partnering with the City to demonstrate the natural filtration capability of oysters on Hendrix Creek in Jamaica Bay (as reported in the *New York Times*, 2/24/08). An inch of runoff from this 9.2 acre site is about 250,000 gallons of water. A so-called ten-year storm would produce six inches of

runoff, at a million and a half gallons, and risk aggravating the Combined Sewer Problem of 34 million gallons per year along this stretch of waterfront by an additional 4.4% unless the developer and the City take steps to reduce the problem.

The Gaia Institute also informed us that they believed runoff could probably virtually eliminated from the one inch storm with about 2400 linear feet of enhanced tree pits, swales, and other green intervention, with an installed cost of approximately 300K. Half an inch of runoff (the size of most storms over the course of the year), could be captured with 1200 linear feet of swales/enhanced tree pits at half the cost, or approximately 150K. This is truly a very, very small price to pay for cleaner water in the East River and our other waterways.

Overall, we have to start reducing the amount of water we are pouring into the sewer system or we will never maximize the recreational potential of our waterfronts and waterways. We also have to keep in mind that many New Yorkers engage in sustenance fishing, and they may not know that the fish and crabs they are eating may not be safe for consumption.

The approved plans for the Forest City Ratner development at Atlantic Yards include retention and reduction of stormwater runoff on site, and therefore this development should as well.

Thank you for the opportunity to testify today and I'd be happy to answer any questions you might have.

**Testimony of Meryl Brodsky, District Leader, 73rd A.D. Part A
before the New York City Council for disapproval of certain proposed
developments at the former Con Edison Site Properties by the East
River Realty Corp., Inc., February 25, 2008**

Thank you for the opportunity to testify this afternoon on the proposed Con Edison and East River Realty Corp. (ERRC) development plan that has recently emerged almost unscathed from City Planning Commission review.

The proposed plan would span the length and width of seven blocks from 34th to 41st Streets, cover about 9.8 acres and contain 7 towers, stretching as high as 70 stories, at least one of which would be purely commercial in a noncommercial zone. A simplified version of the plan would require changes to the ramp at 42nd Street ramp as well as affect the flow of traffic at 22 to 64 intersections and Avenues depending on the time of day. The site would contain 4,166 new dwelling units for about 6,500 residents. Within a seven block radius, this colossal landscape includes the Rivergate apartments, Manhattan Place, the New York Tower, the Corinthian, the Horizon, the Churchill, the Paramount, Tudor City, the United Nations and Trump World Tower, among others. Many of us who live or work in the area know that traffic, noise and congestion in the vicinity are a royal nightmare and that there is not an urgent need for new luxury housing in an area already saturated with high-rise condominiums selling for as much as \$1,000 per square foot. In fact, despite having the highest median income in the City, this area comprising census tracts 78, 86 and 88 has perhaps the highest vacancy and lowest crowding rates of any district. There is a limit to how much luxury housing even the wealthy can afford.

The reconfiguration of the entire domain to accommodate the developer's plans for right-of-way with respect to zoning and variance changes should be taken with a grain of salt. There is no particular reason to grant such a request. Although the change from manufacturing to residential and commercial zoning does not require a great leap of faith, the overall size and scope of the project should be defeated. Specifically, the changes should be done episodically, i.e., one thing at a time. If ERRC prevails at constructing one or two mixed-use, inclusionary residences then that part of the plan should be approved first. However, reconfiguring the entire infrastructure, streets, parks and highways for this development would result in a one-way, or the highway, plot that leaves no recourse for cars, pedestrians and residents other than a bee-line to this site.

For example, the applicant is seeking three parking garages, including accessory parking that would total ~~1,444~~ ^{1,250} spaces (C070533 ZSM ZR Secs. 13-561, 13-562 and Sec. 74-52) and over 1,600 cars would be visiting this site daily. It is estimated that this would create traffic impacts on 11 intersections that are unmitigatable and 8 intersections that could only be partially mitigated. Therefore, the garages and 6-tier parking lot as envisioned should be rejected. Also, plans for tunnels connecting sites and lots pose a credible security risk because of the project's proximity to the U.N.

As a consequence of the huge amount of space contemplated for parking, the developer would provide open space off-site, by relocating the FDR Drive to create a waterfront esplanade reachable through decks or bridges over the Drive. These changes would also require relocating or eliminating the 42nd Street ramp and rerouting traffic, a Herculean engineering feat that is nothing short of impossible. Further, I doubt that transverseing the FDR by foot just to view the muddy river or the Pepsi sign in Long Island City will make popular, off-site visits or satisfy the need for open space in the district.

On a related note, there has been an over 35% increase in liability insurance for residential complexes in this area, an adverse result from the bombing of the World Trade Center. These costs, coupled with increasing fuel prices, are passed along to owners of condominium, coop, single and multi-unit dwellings as well as those in commercial establishments and will probably not decline during the construction of this site slated for completion in 2014. Although police and fire departments do independent studies of the need for uniformed services and emergency vehicles, there will likely be an increased need for such services that begs the question if such demands can be satisfied. Neither has mention been made of any federal studies of the adverse impact on the infrastructure of significant increases in the use of electric, water, sewage facilities, gas, telephones, internet, public transportation or subway service.

The developer has filed an amendment to its application to use the inclusionary Housing bonus instead of the plaza bonus, pursuant to the City's "inclusionary designated area" program. The base FAR would be lowered to 9, with the maximum of 12 achievable only through the creation of affordable housing. This was a novel approach to gaining approval for a tower located on the site that would provide the developer with incentives, such as below-market interest rate loans and bonds to lower the overall debt of the project. The city law could be further amended to increase the "20%" provision, in conformity with any changes in the federal law, to expand the stock of affordable housing in the district. Members of Community Board 6 and others have worked hard on such proposals. Surely it would enhance the value of the property to have a fully occupied, multi-story building that would occur if applications were accepted from persons on fixed and limited incomes. Perhaps, a similar approach using private give-backs to obtain public land for a new park at the Robert Moses site could be facilitated. Moreover, 650 classroom seats should be created by the City for ~~middle and high school~~ ^{elementary} school students in this district regardless of whether the project is approved.

To conclude, the number of buildings should be reduced and subject to the ULURP process as they are constructed and not in toto. In keeping with this recommendation, the plans for accessory and a tiered parking lot should be scrapped; further, no changes to the FDR ramp or easements to the FDR Drive should be made. Such changes should come under ULURP review on a periodic basis in a scaled series of micro plans if the demand for such projects arises.

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**Testimony of State Senator Liz Krueger Before the New York City Council on the
East River Realty Corporation's Application to Rezone the First Avenue Properties
and Manhattan Community Board 6's Proposed 197a Plan**

February 25, 2008

My name is Liz Krueger and I am the State Senator representing the 26th State Senate District, which includes the proposed rezoning area. I appreciate this opportunity to comment on the East River Realty Corporation's (ERRC) proposal to redevelop the First Avenue Properties, commonly known as the "former Con Edison sites." I regret that, because the State Senate is in session today in Albany, I am unable to appear in person.

I would like to reiterate my full support for the 197-a plan for the eastern half of Manhattan Community Board 6 proposed by the board and the East Side Rezoning Alliance. Attached, you will find the detailed testimony I presented at the first City Planning Commission hearing on this plan on September 27, 2006. A comprehensive land-use plan for the East Side of Manhattan is clearly needed to ensure that the numerous development projects under consideration or already approved in the area are not evaluated in a vacuum.

Given my limited time, my testimony today will focus on the ERRC's rezoning proposal. I wish to state on the record that I have worked very closely with my community and all fellow elected officials throughout this multi-year process. I am extremely lucky to jointly represent the East Side with city, state, and federal elected officials who fully appreciate the importance of this rezoning to the future of the neighborhood and larger city. The elected representatives of the sites being rezoned, as well as representatives of the surrounding neighborhoods, have been meeting on a regular basis with Community Board 6 and other local organizations to develop a sustainable shared vision for the far East Side of Manhattan. I particularly want to thank Councilmembers Dan Garodnick, Rosie Mendez, and Jessica Lappin for taking such proactive roles throughout this process, and I urge their colleagues on the Council to confer with them prior to making any decisions on these proposals.

The former Con Edison properties along the East River between 35th and 41st Streets compose the largest remaining area of developable land on the East Side of Manhattan. The residents of the neighborhoods surrounding the proposed rezoning area are faced with a potential development that is unprecedented in its magnitude and range of possible impacts on the

community. It is essential that New York City's government take the concerns and needs of my constituents into account when considering the rezoning of this land. Of course development always has impacts, but the enormous size of this rezoning will have broad ramifications far beyond the specific blocks being considered for significant up-zoning.

I am proud to represent the incredibly talented and dedicated members of Community Board 6, in whose district this rezoning is being proposed. The board has a unique understanding of this neighborhood, and their participation should be embraced. Community Board 6 has worked for more than eight years studying, analyzing, and discussing the nature of development that should take place on the former Con Ed sites and surrounding neighborhood, recently laying out in its own visions for the area in 197a and 197c plans submitted to the Department of City Planning. The community board's 197c plan presents an alternative rezoning scenario for the First Avenue Properties that would enable the construction of a large residential development project on the sites, while preventing many of the negative impacts of the ERRC's proposal and providing numerous benefits to the community. Many aspects of this alternative plan were studied in the Final Supplemental Environmental Impact Statement (FSEIS) conducted for the ERRC proposal, and as such, are considered "in scope" and can be implemented in the rezoning process.

The sites being discussed offer the rare chance to create an exceptional project that is connected to both the city and the waterfront. If sensibly developed as part of a larger community vision, this project represents a unique opportunity to significantly strengthen the city's transportation infrastructure, as well as to add desperately needed affordable housing, open space, and school facilities to the East Side. The development of these parcels truly represents a once-in-a-lifetime opportunity that New York City must get right. With these unique opportunities, however, there is the potential to make colossal mistakes.

Unfortunately, the rezoning proposal submitted by the ERRC does not take full advantage of the rare opportunities we have before us, and threatens to overwhelm the surrounding neighborhood. The ERRC proposal would lead to significant over-development that is inappropriate for the far East Side of Manhattan. It would severely overburden local services and infrastructure, would have disastrous effects on the area's traffic and public transportation, fails to provide sufficient access to the waterfront, and would cast significant shadows over the neighborhood's already limited open space.

I appreciate the ERRC's attempts to address some of the community's concerns by incorporating affordable housing and space for a K-8 public school in its proposal. Additionally, I am pleased by many of the modifications the City Planning Commission made to ERRC proposal. The decisions by the City Planning Commission to limit the heights of the buildings to 80% of the proposed height if no affordable housing is provided, to prevent the transfer of a plaza bonus from 685 First Avenue across the avenue, and to require the developer to build the new school during the first phase of construction are particularly important. However, despite these improvements, I cannot support the ERRC proposal in its current form. Below, I offer comments on a number of portions of the developer's proposal that are of particular concern and importance to my constituents.

The proposed development is too large and out of character with the neighborhood.

ERRC proposes to construct seven massive towers—six residential and one commercial—ranging up to 705 feet and 69 stories in height. According to the FSEIS, the towers would add more than 3,753,600 square feet of residential space (approximately 4,166 apartments), 1,532,437 square feet of commercial space (office space for close to 7,000 workers), and 1,554 parking spots to the neighborhood. Buildings of this bulk, height, and capacity would dwarf the existing buildings in the community, cast oppressive shadows on open space including St. Vartan's Park, Manhattan Place, and Manhattan Plaza as well as on the proposed open space on the First Avenue Properties, and would significantly add to the area's already overburdened transportation and social infrastructure.

In order to obtain this enormous density, the ERRC has asked the city to rezone the property from a primarily manufacturing district to a commercial district with zoning districts (C4 and C5) that is appropriate for a central business district. C4 and C5 zoning districts are unsuitable for the far East Side of Manhattan which is predominantly residential. The neighborhood surrounding the sites to be rezoned, along First Avenue from 34th to 42nd Streets, is a residential district zoned almost exclusively R8 and C1-9. The area was formerly a manufacturing district, but as each lot along First Avenue became the subject of a rezoning proposal, the Department of City Planning determined C1-9 was the appropriate designation. 685 First Avenue, one of the properties that is the subject of the proposed redevelopment, is already designated C1-9. That zoning designation is the logical one for this area, as it permits high-density residential development and some retail use, consistent with the contextual surroundings.

The far East Side of Manhattan from 14th Street up into East Harlem is made up of thriving residential neighborhoods—along First and York Avenues the United Nations and a number of hospitals are the only substantial exceptions to this residential pattern. The developer's proposal to introduce more than one million square feet of office space into a residential community already struggling with major traffic congestion and inadequate public transportation simply does not make sense. Similarly, there is no reason to believe that the extension of zoning appropriate to a central business district—such as the C4 and C5 districts proposed by the applicant—as far east as the development parcels is consistent with the city's zoning and planning policies. In fact, as is evident in the recent Hudson Yards rezoning, the city's policy is to expand the Midtown Central Business District in the direction of the far West Side. In contrast, it is rational to keep the far East Side as a residential area.

This community needs truly open public space.

With the lowest ratio of public park space per capita of any Manhattan community district, there is no question that my constituents living and working in Community Board 6 suffer from a serious deficiency of open space. This deficit will be greatly exacerbated by the introduction of thousands of new residents and office workers to the neighborhood.

I am pleased that the developer has proposed adding more than 4.8 acres of desperately needed open space to the community. However, I am concerned about the location and usage/nature of this space. The proposed open space in the ERRC proposal is surrounded by massive residential and commercial towers that would cast substantial shadows on the park, and is

not guaranteed to remain permanently accessible to the public. As the towers surrounding the open space rise to their full heights of between 47 and 66 stories without setbacks, they will likely feel intimidatingly large and oppressive to people attempting to enjoy the open space. The location of the majority of the open space between several private towers is also likely to make the space seem “private” versus “public and welcoming” to the larger community. In addition, while the ERRC has repeatedly stated that the publicly accessible open space will remain available to the public in perpetuity, many of my constituents have legitimate fears that this space could be improperly made private in the future. Unfortunately, there have been numerous examples throughout my district of public open spaces, which were created through plaza bonuses and thus legally required to remain permanently accessible, that have been illegally closed for years at a time.

The proposed development does not adequately link the community to the waterfront.

Furthermore, I am disappointed that the developer has chosen not to take full advantage of the properties’ location along the waterfront. Over the past fifty years, a number of forces have significantly altered the relationship of the city to its shoreline. For most of New York’s history, the waterfront was the locus for industrial and commercial development. We now have a rare opportunity to reclaim part of the waterfront, and to reconnect the neighborhood to the East River.

Community Board 6 created detailed proposals in its 197a and 197c plans to substantially improve pedestrian access to the waterfront and complete the long-planned waterfront esplanade along the East River. These proposals include the construction of pedestrian bridges and decks over the FDR Drive, the remapping of the streets on the former Con Ed sites, and locating public open space along the waterfront adjacent to, instead of between, the new towers on the property. These proposals would dramatically improve the quality of life on the East Side by providing direct, physical access to the waterfront, and would significantly further the city’s long-stated goal of creating a walkable rim around the island. The community’s plan is also consistent with the Comprehensive Manhattan Waterfront 197-a Plan adopted by the City Council in 1997 and the Department of City Planning’s 2004 Manhattan Waterfront Greenway Plan. Waterfront open space would receive substantially more sunlight since it would not be surrounded by large towers, and would likely feel much more public than space sandwiched between private buildings. Moreover, as a matter of good city planning, it is important that the streets on the First Avenue Properties be formally remapped as public streets. Remapping the streets would improve public access to the proposed open space on the development site, would allow the Police Department to patrol the area regularly, and would help reduce the size of the towers permitted to be constructed on the property. Unfortunately, the ERRC has chosen not to integrate the community board’s ideas into its plans, and fails to provide a direct link between the neighborhood and the waterfront itself.

The proposed development would exacerbate traffic congestion and overwhelm the area’s public transportation infrastructure.

My constituents, as well as all New Yorkers who visit or work on the far East Side, are only too aware of both the traffic congestion already plaguing the area and the inadequate public transportation infrastructure serving the neighborhood. The addition of more than 4,100 new apartments, 7,000 commercial workers, and 1,550 parking spaces, as the ERRC proposes, would have devastating effects on the area’s already overburdened streets, sidewalks, and public transportation infrastructure. Local avenues and streets, the Lexington Avenue subway line, and

the cross town busses on both 34th and 42nd Streets are already at or above capacity. **The FSEIS found that 81 of the 86 intersections studied are already at levels of service D or worse.**

As expected, the FSEIS reveals that the ERRC would have “significant adverse impacts” on the area’s traffic congestion and public transportation routes. On the streets, significant adverse impacts are predicted to occur at 55 intersections in three study areas ranging from the Midtown tunnel to the Queens entrances to the 59th Street Bridge during the morning rush hour, 35 intersections during the midday, 57 intersections in the evening rush hour, and 22 intersections on Saturdays. **The FSEIS discloses that many of these impacts are unmitigatable.** The proposed development is projected to significantly adversely affect the M16, M34, M42 bus lines, an entrance to the subway at Grand Central Station, and pedestrian circulation throughout the area.

Unfortunately, despite requests from the area’s elected officials and the community board, the FSEIS did not incorporate the city’s plans to implement Bus Rapid Transit on First and Second Avenues in the next few years into its traffic and public transportation analyses. As currently planned, Bus Rapid Transit will shift at least one additional lane of traffic from general automobile use to a bus lane during peak rush hour congestion periods, and will require changes to the timing of traffic signals. As a result, the implementation of Bus Rapid Transit will leave First and Second Avenue with less road capacity than the amount that was studied in the FSEIS, and will clearly affect the traffic patterns and mitigation options in the area; these impacts must be fully studied.

The developer claims throughout the FSEIS that many of these extremely severe impacts can be mitigated, or at least partially mitigated by actions such as the expansion of cross-town bus service, the widening of crosswalks and stairway, improved parking and traffic management and enforcement, and altering traffic lights. *However, because every single suggested traffic and transit mitigation measure would have to be implemented and funded by city agencies, there is no guarantee that they would ever take place. Unless the developer is willing to fully fund these service expansions and infrastructure improvements, and the city is entirely committed to executing them in a timely manner, they cannot be viewed as realistic.*

Additionally, the ERRC’s proposal to include 1,554 parking spots (945 public spaces and 609 accessory spaces) in the development is likely to further exacerbate traffic congestion. The provision of so many parking spaces is also contrary to the city’s longstanding policy on parking in Midtown Manhattan, the environmental goals of the Mayor’s PlaNYC, and the new congestion pricing program currently being considered. Article 1 Chapter 3 of the New York City Zoning Resolution strictly limits parking in Midtown Manhattan in order to improve the quality of the air. Exceptions to this policy are only to be made in unique circumstances by the Department of City Planning. The residents who will reside in the buildings on the First Avenue Properties will live within easy walking distance of the Midtown Central Business District and a comprehensive existing public transportation system; their transportation options are likely to be further improved in the future with the implementation of Bus Rapid Transit and the construction of the Second Avenue Subway. In such an environment, walking and public transit use should be strongly encouraged. The provision of more parking spaces than is absolutely necessary encourages additional and unnecessary traffic. *As such, I strongly urge the City Council to reject the developer’s application for a Special Permit for more parking spaces than would otherwise be permitted under the Zoning Resolution.*

Finally, while the MTA's environmental impact statement for the planned Second Avenue subway project comprehensively examines capacity issues on the Lexington Avenue subway lines, the ERRC's FSEIS somehow omits a study of the how the proposed development would impact train capacity and movement on the Lexington Avenue subway lines. The "leave loads" on the Lexington Avenue subway southbound express service already far exceed New York City Transit's guidelines, leaving passengers with far less than the recommended space of three square feet per person. Leave loads at Grand Central are the highest at any point on the Lexington Avenue Subway, according to MTA data. Such excessive leave loads undoubtedly make for an unpleasant commuting experience, but they also have a far broader impact on the subway's ability to operate consistently and on-time. As passengers squeeze onto every last square foot of the train, conductors cannot close the doors and trains have difficulty leaving the station—leading to backups throughout the line. Today, Lexington Avenue subway dwell times at Grand Central station stop average 50-60 seconds, far exceeding the MTA's guidelines of 30-45 second dwell times necessary to maintain the planned 30 trains per peak hour. Anyone who commutes from points north of 42nd Street on the Lexington Avenue express lines during the peak rush has experienced trains operating at slow speeds or stopping just before entering Grand Central Station. This phenomenon will become the norm if even a fraction of the residents and workers of the planned development commute to points south of 42nd Street. It is essential that the final Supplemental Environmental Impact Statement analyze the system-wide impacts of the ERRC's proposed rezoning on the Lexington Avenue subway line and determine what if anything, can be done to mitigate the potentially disastrous consequences.

This neighborhood desperately needs new and expanded public school spaces.

Just as the excessive density of the proposed development would overwhelm the area's transportation infrastructure, it would similarly overburden the neighborhood's highly respected but already overstretched elementary and middle-schools. P.S. 116, the zoned public elementary school for the First Avenue Properties as well as the all of the East Side between 26th and 43rd Streets, had 824 students enrolled in September 2007 in a building designed to accommodate 700. Enrollment at P.S. 116 increased by nearly 15% between June and September 2007 alone. This rapid rise in enrollment has forced the school to increase its average Kindergarten class size to 28, which is substantially higher than that recommended for young students. The other elementary schools in the study area were at 97% capacity in the 2005-06 school year. The community's middle schools, IS 104 and IS 255, were at 93% and 100% capacity respectively in 2005-2006, but parallel to the experience of PS 116 are projected to increase their populations dramatically in the coming years

According to a report prepared for the School Construction Authority in October 2005, Community School District 2, in which the First Avenue Properties are located, is experiencing the greatest increase in elementary and middle school enrollment in the entire city. The report found that District 2 enrollment is expected to increase by 9.1% between 2004 and 2009, and 24.7% between 2004 and 2014. Enrollment growth in the section of District 2 zoned for PS 116 is expected to be particularly dramatic. 32 high rise buildings, containing thousands of new units, are currently being constructed or converted to residential use within P.S. 116's catchment area by 2014. The FSEIS estimates that the proposed ERRC project alone would add 417 public elementary school students and 83 middle school students to the neighborhood. If these numbers are accurate, this would put the elementary schools in the study area at 164% capacity and the

middle schools at 119% capacity in 2014. There is simply no way that the area's schools could continue to function, let alone thrive, under such a scenario.

I am pleased that the ERRC has recently recognized that it must play an active role in helping to mitigate the significant impacts its development will have on the neighborhood's educational facilities. ERRC is currently working with the School Construction Authority to make part of the "community facility" it is constructing on its 616 First Avenue property available to the Department of Education for a 630 seat K-8 public school. This is clearly an important step in the right direction. However, given the scale of the rezoning the developer has requested and the impact the project will have on the public school system, I do not believe it is sufficient. Under the circumstances, the City Council should strongly consider requiring the ERRC to provide space for a substantially larger school on the site.

Any development must include a minimum of 20% affordable housing on-site.

In addition the concerns I have already discussed about the inappropriate density of the proposed project, and the impact this will have on the area's infrastructure, I am also deeply concerned by the ERRC's refusal to guarantee that it will make a minimum of 20% of the apartments it builds permanently affordable to moderate and middle-income households. Community Board 6, as well as all the area's elected officials, have asked the ERRC to include a substantial percentage of on-site affordable housing in any proposed plan. In fact, in the joint comments submitted regarding the Draft Scope of Analyses for the FSEIS in May 2006, all of the area's elected officials called upon the Department of City Planning to require the inclusion of 30% affordable housing on-site. Despite this, the developer initially submitted a rezoning plan without a single unit of affordable housing. I am pleased that the ERRC entered into discussions with the city's Department of Housing Preservation and Development, and submitted an amended rezoning proposal that would likely lead to the creation of some affordable housing—either on the First Avenue Properties or in the surrounding neighborhood.

It is my understanding that the developer has agreed to include five of the seven proposed towers in the city's new "inclusionary housing designated area" program (685 First Avenue and the proposed commercial building would be excluded). Under this revised plan, the ERRC will only be permitted to build the five towers with the square footage it desires if it constructs or preserves affordable housing units that contain total square feet equal to 20% of the towers. Unfortunately, because the revised plan excludes the proposed commercial building and 685 First Avenue, which is the largest of the proposed residential buildings, from the Inclusionary Housing Plan, the total number of affordable units created or preserved will only be equivalent to approximately 15%—rather than 20%—of the total square feet of residential space developed. As such, while the revised First Avenue Properties rezoning plan represents an important improvement over the initial submission, it is not acceptable in its current form. Given the affordable housing crisis facing the city of New York, and the size of the economic benefit that the developer will obtain as a result of the city's rezoning of the property, the provision of 15% affordable housing is insufficient.

The city's skyrocketing housing costs, along with the loss of hundreds of thousands of previously affordable regulated units in recent years, has created an acute affordable housing crisis for low- and middle-income New Yorkers. According to the 2000 census, 11,227 people living in Community Board 6 live in poverty, nearly 35% of residents of this area face rent hardship burdens

as defined by the federal government, and more than 10,000 additional affordable units are needed within the boundaries of the community board simply to meet the needs of existing residents in poverty and/or paying more than half their incomes in rent. Since 2000, the community board has lost thousands of previously affordable Mitchell-Lama and rent regulated homes. This crisis threatens to transform New York into a city of economically and racially segregated neighborhoods, with no room for the middle class. The future of our city is placed at risk as residents are forced out of their homes and communities. The low- and middle-income workers upon whom our economy depends are finding it more and more difficult to get by, with housing either unavailable or so expensive that it impoverishes them. This is why the Department of City Planning has required the inclusion of a substantial amount of affordable housing in every recent major rezoning it has approved.

Whenever an area is rezoned, whether from manufacturing to residential or commercial or allowing increased density, landowners receive a substantial windfall as a result of a public action. Studies conducted by the Pratt Center for Community Development, Policy Link, the Urban Land Institute and others have shown that in some cases land values will grow by more than 500% as result of rezonings. Inclusionary zoning is a way to capture a portion of the new market value created by a public action for a public good. Inclusionary zoning programs have led to the creation of hundreds of thousands of affordable units across the country, while also enhancing mixed-income communities and improving economies.

The ERRC has asked the city of New York to rezone its property from manufacturing to commercial and to dramatically upzone the one parcel already zoned commercial. Under the current zoning governing the property, with the exception of 685 First Avenue, the developer could not construct either residential or office buildings. It is evident that, regardless of the final rezoning approved, through its actions the city will be significantly increasing the value of the land owned by the ERRC. Given the scale of the rezoning, I believe that a 30% onsite affordable housing requirement would be appropriate. Unfortunately, because only a 20% affordable housing component was studied in the FSEIS, I have been informed that a 30% requirement would be “out of scope” and impossible to implement for this rezoning. *Therefore, at an absolute minimum, the City Council should require 20% onsite permanently affordable housing. This requirement should apply to all the buildings developed on the properties, and include the commercial floor area in the bonus structure, as occurs in the Clinton Special District.*

A Unique Opportunity to Shape the Future

I strongly urge the City Council to develop a final comprehensive rezoning plan that reflects the character of the far East Side, strengthens the area’s infrastructure, and plans wisely for the future of our city. The decisions that are made in this rezoning process will dramatically affect the character and infrastructure of the far East Side for decades to come.

Thank you for the opportunity to testify today.



Testimony from STATE SENATOR **LIZ KRUEGER**

New York State Senate • 26th District

Testimony of State Senator Liz Krueger
Before the New York City Planning Commission Public Hearing on the
Proposed 197-a Plan for the Eastern Section of Community District 6
September 27, 2006

My name is Liz Krueger and I represent the 26th State Senate District, which includes the Upper East Side, East Midtown and Midtown neighborhoods of Manhattan. I appreciate this opportunity to express my full support for the 197-a plan for the eastern half of Manhattan Community District 6 proposed by Community Board 6 (CB 6) and the East Side Rezoning Alliance (ESRA).

Section 197-a of the New York City Charter empowers Community Boards to develop and propose land-use plans that will provide a framework for future development and growth of their communities. In fact, the concept of community-based planning was at the heart of why community boards were created. Although unfortunately not legally binding, once 197-a plans are adopted by City Planning and the City Council, they serve as a policy guide for subsequent zoning and budgetary actions by City agencies for the area. The development of comprehensive community-based plans should be strongly encouraged in all neighborhoods. However, proactive and comprehensive community-based planning is especially crucial for communities in which major private development and public infrastructure projects are under consideration.

While almost all communities across New York City have witnessed substantial new development and growth during the past decade, the changes which are under consideration in the eastern half of CB 6 are particularly profound. The major changes currently approved or under consideration for this area include:

- the rezoning and redevelopment of the nine acre former Con Edison Waterside properties along First Avenue between 35th and 41st Streets (the second largest parcel of developable land in Manhattan)
- the construction of the Second Avenue Subway
- the rebuilding of portions of the FDR Drive between 59th and 34th Streets
- the expansion of the United Nations
- the redevelopment of portions of the Bellevue Hospital and NYU Medical Center campus
- the Heliport reconstruction and construction of a new Ferry Terminal on East 34th Street

Both the scale and number of these proposed projects require all decisions to be made within the context of an overall vision for the future of the community, as well as real ongoing coordination between all city and state agencies involved.

If appropriately coordinated and developed in context with the surrounding neighborhoods, the projects under consideration have the potential to add much needed

resources, services, and vitality to the community and city as a whole. If sensibly developed as part of a larger community vision, these projects represent unique opportunities to reconnect the city to its waterfront, to significantly strengthen the city's transportation infrastructure, and to add desperately needed affordable housing, open space, and school facilities. However, without comprehensive planning, it will be impossible to take full advantage of these unique opportunities or to understand how these projects collectively will impact the surrounding neighborhoods.

A comprehensive plan is clearly needed to ensure that each project is not evaluated in a vacuum, and that development which overwhelms the scale and services of surrounding neighborhoods does not take place. As a result, I am deeply disappointed by the City Planning Commission's decision to consider the community's 197-a plan simultaneously with the East River Realty Company (ERRC)'s 197-c proposal to rezone the former Con Ed properties. As you are well aware, both ERRC and CB 6 have submitted 197-c proposals for the land. The residents of the neighborhoods surrounding the proposed rezoning area are faced with a potential development that is unprecedented in its magnitude and range of possible impacts on the community. In order for the specific proposals for the Con Ed site to be analyzed and evaluated, an overall planning framework for the community must first be established. CB 6's and ESRA's 197-a plan provides just such a framework. Only by first fully considering the 197-a proposal and establishing a comprehensive planning vision for the larger community, will the City Planning Commission and City Council have a context to appropriately evaluate the rezoning proposals.

I am lucky and proud to represent the incredibly talented and dedicated members of CB 6 and ESRA who have worked diligently over many years to create the 197-a plan under consideration today. In addition to soliciting input from the community during countless open meetings, they have thought seriously about the area's history and present challenges, and analyzed the future needs and possibilities for the eastern portion of the Community District. Their plan incorporates the recommendations of 19 Community Board resolutions passed between 1985 and 2005 on a wide range of key issues including affordable housing, the Second Avenue subway, access to the waterfront, the redevelopment of the former Con Ed sites, the lack of school and day care facilities in the Community District, land use and zoning policies, and the redevelopment of the Bellevue Hospital Center. As a result of the tremendous commitment, creativity, and expertise of CB 6 and ESRA, their 197-a plan articulates a comprehensive long-range vision for the East Side of Manhattan that plans for the continued contextual growth of the area while also balancing the significant infrastructure and service needs of existing and future residents.

While I strongly support all aspects of the 197-a plan, I would like to offer comments on a number of the recommendations made that are of particular importance to my constituents:

Access to the Waterfront and Open Space

- The 197-a plan's detailed proposals to complete the waterfront esplanade along the East River throughout the study area, and to improve pedestrian access to the waterfront, would dramatically improve the quality of life on the East Side, and would significantly further the City's long-stated goals of creating a walkable rim around the island. The

recommendations are entirely consistent with the Comprehensive Manhattan Waterfront 197-a Plan adopted by the City Council in 1997. Over the past fifty years, a number of forces have significantly altered the relationship of the city to its shoreline. For most of New York's history, the waterfront was the locus for industrial and commercial development. Today we have a rare opportunity to reclaim the waterfront for purposes that address the civic and social needs of our community—however, this opportunity can only be realized through comprehensive planning and action.

- With the lowest ratio of public park space per capita of any Manhattan Community District, there is no question that my constituents living and working in CB6 suffer from a serious deficiency of open space. This deficit will only be exacerbated if the proposed developments, which will add thousands of additional residents to the community, move forward as planned without significant mitigation. The 197-a plan makes a number of important suggestions to significantly increase the amount of useful, active, and passive public parks and open spaces available to serve residents, workers, and visitors to the area. The plan's emphasis on the fact that the city cannot rely on "publicly accessible private open space" as mitigation for large-scale developments is particularly important. In recent years, my constituents have witnessed all too many of these spaces fail to be truly public and accessible.

Transportation

- My constituents, as well as all New Yorkers who visit or work in the eastern section of Community District 6, are only too aware of the inadequate public transportation infrastructure serving the area. While examining the impact that the creation of the long-awaited Second Avenue subway line will have during its construction, the 197-a plan strongly endorses the project and the MTA's proposed locations; it also makes a number of important suggestions to improve transfer points with existing subway and bus lines.
- The plan's recommendations for creating pedestrian bridges (and where possible decking) over the FDR Drive, and studying the feasibility of eliminating the 42nd Street off-ramp, in order to allow greater access to the waterfront are particularly timely. The imminent reconstruction of the FDR drive adjacent to the former Con Ed properties, as well as the rezoning of these properties, provide a unique opportunity to both dramatically improve access to the waterfront as well as traffic flow on the highway.
- The plan's recommendations on accessory and public parking garages, as well as dedicated and safe bicycle routes throughout the study area, mirror those long made by public transportation and bicycle advocates. The city should make every effort to encourage mass transit and bicycle usage over car travel in on the East Side, as well as the city as a whole.

Zoning and Land Use

- The 197-a plan presents bulk, use, and urban design guidelines for the redevelopment of the former Con Edison sites that are shared by all the community's elected officials and Borough President Scott Stringer. These guidelines were fully articulated in the 197-c plan recently proposed by CB 6, which has been uniformly endorsed by the Borough

President and every city, state and federal elected official representing East Midtown. The rezoning of the former Con Ed properties simply cannot take place separate from the community's larger visions and plans for the area. It is essential that the rezoning of this land follows the principles articulated in the community's 197-a and 197-c plans.

- The 197-a plan wisely encourages the construction and preservation of permanent affordable housing throughout the study area. There are few issues more important to my constituents, or to the future of the city as a whole, than the lack of decent housing affordable to low and middle-income residents. The city's skyrocketing housing market, along with the loss of hundreds of thousands of previously affordable regulated units in recent years, has created an acute affordable housing crisis for low- and middle-income New Yorkers. According to the 2000 census, 11,227 people living in CB 6 live in poverty, nearly 35% of residents of this area face rent hardship burdens as defined by the federal government, and more than 10,000 additional affordable units are needed within the boundaries of the Community Board simply to meet the needs of existing residents in poverty and/or paying more than half their incomes in rent. This crisis threatens to transform New York into a city of economically and racially segregated neighborhoods, with no room for the middle class. The future of our city is placed at risk as residents are forced out of their homes and communities. City Planning must incorporate a significant amount of permanently affordable units, through the use of inclusionary zoning and other creative tools, in every rezoning it contemplates.
- The 197-a plan carefully analyzes the severe shortage of public school facilities within the study area, and strongly encourages the Department of Education to study the feasibility of constructing new schools to meet current and future needs. A number of public schools within the study area, including P.S. 116 and P.S. 59, are already significantly over capacity, and the Department of Education has stated that the number of students living within these schools' catchment areas is rising steadily each year. The addition of as many as 6,000 new apartments to the community on the former Con Ed sites would be an impossible burden on the area's schools. In virtually every recent large scale development project across the city, from Queens West to Hudson Yards, there have been plans to add or expand schools to accommodate the increase in students. Additionally, the scarcity of land in Manhattan makes it almost impossible for the Department of Education to build freestanding schools below 96th Street. It is absolutely essential for the City to plan in advance for the neighborhood infrastructure required by current and future residents.

Thank you for the opportunity to testify. I look forward to working with the City Planning Commission, Community Board 6, ESRA, other community and civic organizations, and my fellow elected officials to ensure that the future growth and development of the far East Side of Manhattan is guided by the thoughtful and comprehensive community-based vision articulated in the 197-a plan under consideration today. Implementing the 197-a plan will require ongoing coordination and proactive action by a large number of City and State agencies, community organizations, and elected officials. However, without this sort of comprehensive planning we will undoubtedly make colossal mistakes and squander countless opportunities to improve the infrastructure of our community.



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District Manager

June 15, 2006

Amanda Burden
Chair
Dept. of City Planning
22 Reade Street
New York, New York 10007

Re: Community Board 6 197-a Plan for the Far East Side of Manhattan.

Dear Ms. Burden:

This letter is to advise you that Community Board 6 will waive holding another public hearing on this matter; the Board had conducted a public hearing on June 9, 2004.

At the public hearing the Community Board voted 36 In Favor, 0 Opposed, 1 Abstention and 0 Not Entitled. The Board continues to give its full support to the plan.

Thank you for your interest in this matter.

Yours truly,

Carol A. Schachter
Board Chair

Edward Rubin
Land Use Chair

Ellen Imbimbo
197-a Sub-Committee Chair

Cc: Raymond Gastil, Manhattan Director
Betty Mackintosh, Director, Planning Coordination



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 9, 2006

Amanda Burden, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: N 060273 NPM - Manhattan CB6 Eastern District 197-A Plan

Dear Chair Burden:

I am pleased to submit a favorable recommendation on the 197-a plan for the eastern half of Manhattan Community District 6 proposed by Community Board 6 and the East Side Rezoning Alliance (ESRA). My land use, planning and development staff has worked closely with the plan's proponents, other community leaders and all of the neighborhood's elected officials to refine, shape and promote sound planning and public policy recommendations for the future development of the East Side of Manhattan.

As the plan demonstrates, CB6 and ESRA have worked diligently to solicit informed input from the community, have thought carefully about the area's history and its current challenges, and have proposed far-reaching but practical measures to achieve community planning goals. This type of community-based initiative is exactly the sort of proactive planning work that I have made a priority of my administration to encourage.

Section 197-a of the City Charter empowers Community Boards to develop and propose plans for specific areas of the City. Once adopted, a 197-a plan serves as a policy guide for the actions of City agencies in relation to that area. The eastern part of Community District 6 is a particularly good candidate for a comprehensive plan that would coordinate the activities of a number of different City agencies. The area is home to major infrastructure, such as the FDR Drive, the Queens Midtown Tunnel, and, soon, the Second Avenue Subway, as well as large institutions such as the United Nations, NYU Medical Center, and Bellevue Hospital. New development possibilities on this stretch of the East River present a unique opportunity to reclaim the post-industrial waterfront and connect it to the City through a comprehensive plan for waterfront access and open space. And finally, the area is undergoing a major influx of new residents and a significant number of new large-scale development proposals. It is critically important to take proactive steps to harness that considerable development energy towards meeting community and Citywide planning goals. The proposed 197-a plan provides a framework for the consolidating these efforts into one overall vision.

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LP

The 197-a plan goes well beyond zoning and land use recommendations by articulating a long-range vision for the area that also implicates planning for transportation, parks and open space, and waterfront planning. Implementing such a long-term plan will take considerable time, effort and coordination. The proponents of this particular plan, however, have a strong track record of turning their planning visions into reality. Community Board 6's Stuyvesant Cove 197-a plan was adopted and then fully realized through the creation of Stuyvesant Cove Park. The ESRA's many years of analysis and advocacy culminated in a successful rezoning of East 15th to East 35th Streets that preserved the area's residential character. I pledge the resources of my office to work with City Planning and the project proponents to ensure that this 197-a plan is implemented in a similarly successful manner.

I would like to offer a few comments on specific recommendations made in the 197-a plan:

Land Use and Zoning

- The 197-a plan articulates bulk, use, and urban design principles for the development of the former Con Edison First Avenue properties that are shared by all the community's elected officials and are evident in CB6's recently proposed text and map amendments for the properties. The 197-a plan will be reviewed in conjunction with the developer's rezoning plan for the First Avenue properties, but it is important to recognize that the Board's recommendations for the development of the site fit within the context of a larger vision for the area.
- The 197-a plan wisely calls for providing day care facilities and public schools in new development in the area. It is important that the City plan in advance for the amenities and neighborhood infrastructure that new development demands. To that end, it may be advisable to require other types of local infrastructure to be sited as development proceeds, such as police, fire, and public utility services.
- The proposed Public Access District is an innovative way to meet this community's specific needs through zoning policy. Through bonuses, the Special District would channel development energy to create affordable housing and provide access to the waterfront, two elements that are essential to the preservation and improvement of the East Side community.

Waterfront and Open Space

- The plan's detailed proposals to complete a waterfront esplanade on the East River would further stated City policy as well as my office's priority of ensuring an entirely walkable rim around the island of Manhattan.
- In an area with such a dearth of public parkland, every conceivable possibility for open space must be explored thoroughly, including the plan's suggestion for decks over the Queens Midtown tunnel portals and incorporating parkland into the reconstruction of the FDR Drive. The City should avoid relying on "publicly accessible private open space" as mitigation for large-scale development projects, because such space often fails to be truly public.

Urban Design and Preservation

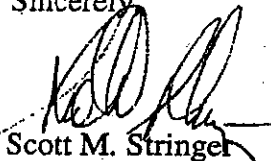
- The plan recommends contextual controls to ensure that development respects the neighborhood's existing street walls and its residential character. This recommendation echoes calls for contextual zoning that are made in neighborhoods in every corner of the borough. As the City grows, the Zoning Resolution must evolve to meet the new challenges that growth presents.
- The plan's goal of maintaining and restoring the City street grid, and its goal of preserving Peter Cooper Village and Stuyvesant Town, are related. Large superblocks derive a benefit from demapped streets, which give sites distorted development potential. In addition to landmarking and the Special Planned Community Preservation District designation, the City and the 197-a plan proponents should be open to new and creative policy proposals that could provide public oversight over development on superblocks.

Streets and Transportation

- The plan's recommendations on accessory and public parking garages mirror concerns that my office has raised about the City's parking policy. We should make every effort to encourage mass transit usage over car travel in this area. The City should work generally to implement comprehensive analysis and reform of its public and accessory parking garage policies.

I look forward to working with City Planning, Community Board 6, the City Council, and all community stakeholders to ensure that the East Side of Manhattan gets the comprehensive long-range planning it needs to grow and thrive.

Sincerely,



Scott M. Stringer
Manhattan Borough President

cc: U.S. Representative Carolyn Maloney
State Senator Liz Krueger
State Senator Tom Duane
Assembly Member Sylvia Friedman
Assembly Member Jonathan Bing
Councilmember Dan Gardonick
Councilmember Rosie Mendez
Community Board 6
Gail Benjamin, Director, City Council Land Use Division
East Side Rezoning Alliance
East Midtown Coalition for Sensible Development

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**Testimony of New York State Assemblymember Brian Kavanagh
Before the City Council Zoning & Franchises and
Planning, Dispositions & Concessions Committees
Regarding the East River Realty Corp., Inc.'s ULURP Applications
For the Former Con Edison First Avenue Properties¹**

February 25, 2008

My name is Brian Kavanagh and I represent the 74th Assembly District, which includes the properties on First Avenue between East 35th and East 41st Street that are the subject of this hearing, as well as all of the areas immediately adjacent to the sites.

I want to thank Chairs Tony Avella and Dan Garodnick as well as the members of the Committees for the opportunity to testify today.

As you will hear again and again today—and as I have mentioned in previous testimony before the Manhattan Borough President and the City Planning Commission—the proposed redevelopment of the former Con Edison First Avenue properties is a pivotal event for our community and for our city. Stretching all the way from 35th to 41st Street, the site comprises the largest plot of developable land on the East Side of Manhattan and its development will not only have a massive impact on the life of our community—its impact will ripple throughout the city.

New Yorkers understand that change is inevitable in our communities and those of us who are concerned about ERRC's plans for these sites are not standing up for the status quo. Indeed, this community has put forth bold plans of its own for redeveloping the area. In particular, I urge the Committees to work closely and investigate the suggestions made by the Community Board 6 197-a Plan—a plan that reflects the community's planning needs and goals and develops appropriate ways on how to mitigate the congestion and density impacts on our neighborhood.

¹ Uniform Land Use Review Procedure Application Numbers C 070522 ZMM, C 070523 ZSM, C 070524 ZSM, C 070525 ZSM, N 070526 ZCM, N 070527 ZCM, N 070528 ZCM, C 070529 ZMM, N 070530 ZRY, C 070531 CSM, C 070532 ZSM, C 070533 ZSM, C 070534 ZSM, N 070535 ZCM, N 070536 ZCM, N 070537 ZCM, and N 070538 ZCM.

In contrast, the proposed development by ERRC before you today would require changes that do not strike an appropriate balance among our community interests. While the City Planning Commission has made an effort to modify the ERRC proposal to better fit the community's vision, I continue to believe that the developer's proposal should be disapproved unless ERRC makes additional changes to the project. I would like to highlight several such changes that I think are essential.

First, the density and height of the proposed development should be reduced. This is particularly true on the northernmost portion of the project, where the density proposed by the developer is, in effect, artificially inflated by the fact that East 39th and East 40th Streets were de-mapped many years ago to accommodate Con Edison's Waterside plant. Our community, which is already overburdened in ways that are amply documented even in the developer's own environmental impact analysis, simply cannot absorb the density currently proposed. I particularly would like to emphasize my concern that the heights should be reduced to avoid the adverse effect that the developer acknowledges the shadows of the current proposed buildings would have on our very limited park space—in particular the effects on Tudor City Greens and St. Vartan Park. The buildings proposed by ERRC are too tall for these sites, and the zoning changes that would permit buildings as high as 69 stories should be rejected.

Second, the proposed zoning changes should be rejected unless the developer provides a plan that would genuinely mitigate the traffic congestion that the project would otherwise cause. The Mayor and the State Legislature—and now the traffic mitigation commission that we created by statute this past July—have rightly recognized that traffic congestion in Manhattan's central business district has a serious deleterious effect on our quality of life, our air quality, and our economy. In response, we have seen ambitious plans to reduce congestion, to increase the availability of alternative modes of transportation, and to ensure that new development is matched with public transportation. And, of course, the Traffic Mitigation Commission plan is now before the City Council. Unfortunately, the ERRC proposals all but ignore this growing awareness. If this project is approved as the developer currently envisions it, we could be undoing any of the other constructive steps we might otherwise take to mitigate traffic congestion. We would render the problem of clogged streets even more intractable than it is today and leave ourselves—perhaps indefinitely—with the congested status quo that we see every day on First and Second Avenues, the FDR, and the East River crossings. The developer should be required either to significantly scale back the proposal or to take responsibility for crafting real approaches to mitigating increased traffic congestion.

Third, even with such steps to mitigate congestion, it is highly questionable whether the public interest would be well served by zoning changes that would allow for the tremendous amount of office space proposed. While the

City Planning Commission has stated that the commercial use is appropriate, adding new office space to this site—isolated from public transportation as it is—simply flies in the face of our new emphasis on sustainability and our efforts to address the cumulative impact of planning decisions without adequate provision for public mass transit. Unless the developer is prepared to present feasible options for workers occupying 1.1 million square feet of new office space to get to First Avenue every morning in rush hour—without setting back our efforts to get traffic congestion under control—the proposed office space and the related parking space should be rejected.

I would also like to comment on the ERRC's proposal for affordable housing. The developer has recognized that some affordable housing should be provided in exchange for the kind of density proposed for the sites. But we should consider the developer's proposal to provide a total of approximately 600 affordable units out of 4,200 units to be a starting point for negotiations, but not sufficient.

Finally, as already discussed, a project of this magnitude would require the construction of an additional school for our community; however our students and teachers deserve a school-building far exceeding the 630-seat estimate. According to the Final SEIS, even without the ERRC project, the new residential developments in the Department of Education's Planning Zone 4 area would increase the housing stock to the area by 2,887 units and project 345 new elementary school children and 73 new middle school children thereby placing elementary schools and middle schools at 128 percent and 115 percent capacity, respectively. With the inclusion of the ERRC project, the addition of 417 elementary school students would raise the capacity to 151 percent for elementary schools and 120 for middle schools. Local elementary schools such as P.S. 116, the closest elementary school to the proposed development, which already operates at 110 percent capacity, would continue to bear most of the brunt of such an increase. We are all too familiar with the crisis in school overcrowding that we face in the city; therefore I urge the Committees, the City Council and the Mayor to insist on a school facility that not just caters to the needs of the new residents of the development but also to those throughout our neighborhood.

Again, thank you for the opportunity to testify, and good luck in your deliberations.



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Lyle Frank
Chair

Toni Carlina
District Manager

Good afternoon, Chair Avella, Chair Garodnick, and members of the City Council. My name is Lyle Frank, and I submit this testimony in my capacity as Chair of Manhattan Community Board 6. Community Board 6, by resolution of October 10, 2007, opposed the East River Realty Corp's proposal to rezone 616, 685 and 708 1st Avenue.

There are numerous reasons why the Board opposed this plan, and my colleagues who will follow will give in detail the reasons why we oppose the plan. I will touch on briefly these reasons.

The development is too big, too dense, and too commercial. The community is in favor of substantial development at these sites, but not overdevelopment. The community is in favor of development that will bring life to the area, and add to its existing residential character. The community is in favor of substantial development that will not severely strain infrastructure, and would not cast shadows over parks. The community is in favor of buildings that would have heights and density similar to the buildings in the surrounding area. The community is in favor of an increase in parking, but not so much as would further clog busy roads, and have detrimental effect on the air that we breathe. In fact, a review of the environmental impact statement submitted shows traffic impacts all the way to Queens!

A commercial building simply does not work for the area. When one looks up and down First Avenue, there are no commercial buildings in sight. It is completely residential, except for stretches of long existing hospitals and the United Nations. Aside from that, there are virtually no other such buildings or establishments. A commercial building would sit mostly vacant on nights, weekend and holidays. It would provide additional vehicles to an area that already includes the Queens Midtown Tunnel, and is en route to the Queensboro Bridge. In addition, the United Nations often leads to traffic closures and traffic nightmares.

39th and 40th Streets must be returned to the grid of the City, or at the very least have a street feel. This will provide a City feel to the area and will provide greater vibrancy to the community. There must be permanently accessible open space for an area that desperately needs it. There must be an easement through the property to provide access to the waterfront.

There must be substantial and permanent on site affordable housing that takes into account the income levels of those people who have had no choice but to leave Manhattan. On-site affordable housing will lead to the diverse mix of incomes that make New York City so great. There must be a badly needed and a state of the art school, and proper services for seniors, who are severely underrepresented in the area.

Community Board 6 and the community it represents are not opposed to substantial development. Such development is necessary to bring revenue to the City, and create needed jobs in construction and other areas. However, the development must be reasonable and responsible, fit with the surrounding community, provide open space, access to the waterfront, and not be a detriment but rather enhance the quality of life.

You will hear and have heard numerous speakers who will address the reasons the Board is opposed to the project. I remind you that the Board has a both a 197(a) and a 197(c) plan, which took years to develop and provides the community's vision for the area. I urge you to oppose this plan as presently proposed. Thank you.

My name is John West. I am a member of Community Board Six and co-chair of the Con Ed Subcommittee of its Land Use Committee.

You have before you today two matters: a 197a plan for the eastern half of Community District Six, between 14 Street and 59 Street, and a 197c application for the redevelopment of the former Con Ed properties between 35 and 41 Streets.

Although Community Board Six wrote its 197a plan several years ago it is only before you now because City Planning decided to review it at the same time as the Con Ed application. Some of us believe that the 197a plan should come first and serve as a guide for any 197c applications. Instead, City Planning chose to trim the community's plan to accommodate the developer's proposal.

You have the opportunity to restore the missing parts of the 197a plan and modify the developer's ULURP application to follow the community's plan.

For example, Community Board Six sees residential neighborhoods sharing the shore of the East River with some important institutions such as the United Nations and Bellevue Hospital and it agrees with several decades of consistent City policy to encourage the offices of Midtown to grow toward the west – to Times Square and now beyond, toward Hudson Yards. City Planning modified the community's plan to accommodate the developer's proposal for an office building on one of the Con Ed blocks.

You can fix this. Restore the office prohibition to the 197a plan and replace the developer's office building with apartment buildings, or even a mixed use building.

In order to share the East River with our institutional neighbors the community plan calls for access to and along the waterfront. This means remapping some of the streets that have been absorbed into the institutional superblocks.

For example, at the Con Ed site, 39 and 40 Streets, between First Avenue and the river, need to open to the public -- 24/7/365 -- to guarantee access to the waterfront. The best way to do this is to return them to the City Map. Second best is a permanent easement for street purposes.

However, the 197a plan is not just about the former Con Ed properties.

Among the other streets that need to be remapped is 26 Street. It is between Bellevue Hospital and the Brookdale Campus. It looks like a street but it is not, and Hunter is proposing to dispose of Brookdale, including half of the street, to a developer.

Or how about 14 and 15 Streets. They used to lead to the FDR Drive but now they are closed. The reason is security of the Con Ed power plant following 9/11. 39 and 40 Streets were closed for security during World War II.

We need a 197a plan that guides what happens in this community. Please help us.



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Joseph Ramaglia

PRESIDENT
Bill Elfeld

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~ LU 18 ~ LU 19 ~ LU 20 ~ LU 24 ~ LU 25 ~ LU 28 ~ LU 28 ~ LU 28 ~ LU 113 ~ LU 155 ~ LU 201 ~ LU 466 ~ LU 490 ~ LU 806 ~ LU 1281 ~ LU 1456 ~ LU 1486 ~ LU 1969 ~ LU 1974 ~ LU 8A-28A

Thank you Madam Chair and Committee Members

My name is Jack Kittle and I represent District Council 9 of the International Union of Painters and Allied Trades. District Council 9 is comprised of 10,000 painters, glaziers, bridge painters, paper hangers, drywall finishers and metal polishers in New York.

We have been experiencing a construction boom in this city of late. We have largely been supportive of this current development push. However, we have seen too many of these projects built by fly by night contractors who are willing to ignore quality, labor standards and basic workplace safety procedures. Lately, as you know, we have been reluctant to lend our support to new rezoning or redevelopment efforts.

Here, we finally have a responsible developer with a proven track record. We are confident that this project will be built to the highest standards and the jobs that are created will be the kind of jobs that we want to see in New York City.

While we support this project because of the great number of jobs that it will create, it is also obvious to us that this project can benefit everyone. Where once there stood a less than aesthetically pleasing power plant, the developer is offering to build a school, dedicate almost half of the land to open space and provide waterfront access as well as the housing, the commercial space and the job creation that will benefit construction workers as well as

those permanent workers that will occupy the space later. What else do we want?

We strongly support the East River Realty Co. proposed project. The members of District Council 9 urge you to support this proposal and help create good jobs in Manhattan.

Thank you for your time.



Pratt Center for Community Development

Testimony to the New York City Council Subcommittee on Planning, Dispositions & Concessions; Zoning & Franchises

East River Realty Company Rezoning & Manhattan Community Board 6 197a- Plan February 25, 2008

Chairpersons Avella and Katz, Councilmember Garodnick, and other council members, thank you for this opportunity to provide testimony today. My name is Mercedes Narciso and I am the Assistant Director for Community Planning at the Pratt Center for Community Development, a university-based center that works for a more just, equitable, and sustainable city for all New Yorkers by helping communities to plan for and realize their future.

The Pratt Center has reviewed both the East River Realty Company's (197-c) rezoning proposal and Manhattan CB6 197-a Plan and we have reached the following conclusions:

197-a Plan for the Eastern Section of Manhattan Community District 6

The Pratt Center supports Community Board 6's 197-a Plan, as the community envisioned it -- that is, maintaining the scale and character of the existing neighborhood. The Plan was prepared after many sessions, consultations and meetings with a wide spectrum of the district's ~~stakeholders~~ ^{STAKEHOLDERS} and careful consideration was given to each recommendation. We support this community's effort to develop the area for their residents and the City as a whole. We are disappointed that City Planning refused to consider CB6's zoning proposal for the district.

East River Realty Company 197-C Rezoning

The Pratt Center shares many of the community's criticisms of the East River Realty rezoning proposals. In particular, we believe that the proposal is still insufficient in the provision of affordable housing, that it should not include an all-commercial high-rise, and that the amount of parking should not be increased through special permits.

- **Affordable Housing:** We support the creation of an Inclusionary Housing Designated Area within the proposed "general large-scale development" for all sites (616, 685, 700 and 708 First Avenue), as proposed on C 070531 (A) ZSM. This is a significant improvement on the original proposal.
- However, we urge the City Council to reject two amendments requested by the developer which reduce the affordable housing requirements:
 - The exclusion of non-residential space above the ground floor to be included in the calculation for affordable housing, as proposed in C 070523(A) ZSM.
 - The exclusion of the portion of the lot area that contains a wholly commercial building from the inclusionary requirements. As noted below, we do not believe that an all-commercial building should be constructed. However, if it is, it should not in any way diminish the required affordable housing.
- The developer should agree to provide affordable units under the provisions of the IHDA even on the existing C1-9 building. This would result in 20% affordable units in that building, in exchange for a density bonus, rather than as little as 7%.

o **Commercial Development**

- o We urge the City Council to reject the rezoning to high density commercial district as proposed in applications for zoning text and map amendments C 070522 ZMM and C 070529 ZMM; the community's proposal for a C1-9 district agrees with the surrounding area and should prevail.
- o We disagree with the proposal for an office tower at 708 First Avenue, and agree with the community' 197-a Plan to make this a residential mixed-use building, with no more that a third of its floor area dedicated to office use.
- o **Parking:** There is too much parking in the proposal. We urge the City Council to reject the three special permits for parking required by East River Realty Company: C 070525 ZSM, C 070534 ZSM and C 070533 ZSM.
 - o We believe that parking should conform to zoning requirements, especially in the City's Midtown where congestion is already such a significant issue. We agree with the City's proposal for congestion pricing, and we do not believe that we should be undermining congestion-reduction goals by allowing developers to include more parking that allowed under zoning.
 - o The requirements for special parking permits have not been complied with, because the City Planning Commission failed to refer the parking application to Department of Environmental Protection and Department of Transportation as per Zoning Resolution section ZR §13-53.
 - o The EIS failed to examine the impact of traffic from additional parking, and its impact on the existing violation of federal standards for particulate matter. The existing violation would be exacerbated and consequently approval of the special permits is unlawful (see ZR §13-53).
 - o Reduced parking would allow all of the parking to be below the towers in a basement. This would reduce the size and cost of the platform, and potentially allow some creative redesign of the site (e.g. the towers could be pushed further west to create more open space near the river.)

In addition, we support the community's efforts to achieve an East River Waterfront Park, and we hope that the proposed rezoning will be the catalyst necessary to connect this community to its waterfront.

Thank you.

**City Council Public Hearing
Manhattan Community Board 6 197a- Plan
February 25, 2008**

Good afternoon. My name is Lacey Tauber and I'm with the Municipal Art Society Planning Center. I am making comments today on behalf of the Community-Based Planning Task Force, a broad and diverse coalition of community boards, grassroots community organizations, citywide civic groups, environmental justice advocates, planners, academics, architects, and elected officials--who are working to secure a more meaningful role for New Yorkers in the city's land use process, and to establish community-based planning as official New York City policy.

The Task Force urges the Administration to support consensus-driven comprehensive planning, which sets forth goals and growth targets, and can be used as a blueprint for the development of consensus-driven local plans. The city is growing and neighborhoods need development, but effective planning has to be a partnership between the city and local residents. Otherwise, development will continue to be plagued by costly delays, neighborhood growth will not be sustainable, and land use decisions will continue to be made in the court system, as opposed to within the public review process.

Manhattan Community Board 6 has developed a comprehensive land use plan for the district, and a site-specific plan for the First Avenue properties, both driven by neighborhood need and desire for development, and both created through a consensus-based process.

The community board's 197-a plan constitutes a comprehensive planning framework which accords with stated citywide goals; provides a framework for the development of specific sites; outlines an overall vision; and is an extension of the Comprehensive Manhattan Waterfront 197-a Plan. The board's 197-c plan set out a detailed rezoning for the site in accordance with its 197-a framework. Action on CB 6's 197-a and 197-c was held in the ULURP pipeline until the developer had a chance to catch up--this delay was antithetical to effective planning; this delay ignored CB 6's 197-c action; and this delay sent a message that the city is overlooking an opportunity to implement expressed community needs and goals.

Community Board 6 obviously supports development in the district, and is willing to play its part in the future growth of the city--accepting the goals that the Mayor has laid out in PlaNYC 2030. CB 6's commitment to consensus-driven planning must be matched by the city's commitment. So far, the City Planning Commission has made many changes to both the 197-a, and to ERRC's development plan, in an attempt to reconcile the two plans

with each other. While we are happy to see the community's plan exerting influence over coming development, we are discouraged to see that many of DCP's modifications favor the developer's wishes over the community's goals. This undermines the community's plan, undermines faith in the charter provisions for community planning, and discourages other community boards and organizations from doing their own planning in the future. We need to go beyond adopting the 197-a plan and advance to the point of taking its recommendations seriously, and implementing them.

FOR THE RECORD

Barry Gleicher
305 East 40th Street, Apartment 9Z
New York, New York 10016

December 5, 2007

City Council

~~City Planning Commission~~
~~Calendar Information Office Room 2E~~
~~22 Reade Street~~
New York, New York 10007

Re: My comments on proposed "construction of two large-scale, mixed-use developments by 161 Realty Company L.L.C. on 1st Avenue between 36 and 41 Street.

Council
Dear City ~~Planning Commission~~:

I live at 305 East 40th Street which is between 2nd Avenue and an entrance road to the Queens Midtown Tunnel. I strongly oppose the application by 161 Realty Company for the following reasons:

Traffic Congestion:

During rush hour, the Southbound traffic on 2nd Avenue between 35th Street and 42nd Street is gridlocked and pedestrians cannot cross the street. 35 Street to 39th Street is gridlocked from 2nd Avenue to Lexington Avenue. This is without added traffic coming into the neighborhood to park in the applicants garage parking spots. There is no mitigation that can work or the New York City Department of Traffic would have corrected the problems.

Public Transportation

During rush hour, Trains # 6, 7 and Bus M-34, M-42, M-104 are already above capacity and there is not any additional room for more people. If there was possible mitigation, the Transit Authority would have corrected our present severely overcrowded conditions.

Education

The local High schools in the area: Norman Thomas and Seward Park have received "D" failing ratings from the Department of Education. In addition, a majority of the students do not graduate. The large scale development and especially the affordable housing component would add hundreds of high school students to already failing schools that are operated far above capacity. If there was mitigation, the Department of Education would have corrected the situation.

Public Safety

The 17th Pct has a low crime rate. However, quality of life complaints are extremely high. The Commanding Officer advised the community at a meeting of the 17th Pct Community Council that he does not have sufficient personnel to satisfy the community's desire for taking care of commercial bicycle riding in violation of New York City Laws which is our main safety concern. This problem arose as the 17th Pct lost personnel and in addition, Officers are reassigned on a daily basis to other areas of the City with more pressing needs. As a result, we are extremely dissatisfied with the level of Police in the 17th Pct.

Councilmember Lappin knows the unlawful bicycle problem as in a September 25, 2007 press release stated "For children and seniors, getting hit by a bicycle can be life threatening."

As the New York City Police Department is severely understaffed in the 17th Pct and cannot address the concerns of our existing population, I suggest that you deny all the applications for new development. There is no mitigation as the future will result in less Police as the class in the Police Academy is half full as a result of New York City's extremely low salaries.

Therefore, as our New York City Government has proven to be incapable of addressing: Traffic congestion, transportation, high school education, public safety for our existing population, we should not take a chance and permit more building in a neighborhood where essential services are not being provided. The claimed mitigation is nonsense. If it was possible, it would have been done for our existing population.

Therefore, please deny all the applications for new construction.

Very truly yours,


Barry Geicher

Cc: Councilmember Dan Garodnick

My name is Charles Buchwald. I am co-chair the of Con Ed Subcommittee of the Land Use Committee of Community Board Six and a member of the East Midtown Coalition for Sensible Development.

The Project, by allowing 685 First Avenue to rise to 600 feet, ensures the destruction of the Tudor City Greens and is contrary to all neighborhood wishes. These land-marked Jewels are privately maintained public parks. There is no reason to allow 685 to soar to almost double the height of adjacent buildings and yet be excluded from affordable housing calculations.

Our two parks, Robert Moses and St. Vartan do not afford sufficient open space for our community now, let alone for the thousands of new residents promised by the proposed development. We lack access to the nearby waterfront that would be obtained by treating the extensions of 39th & 40th Streets as if they were mapped streets, thus continuing the street grid to the Waterfront. A connecting road at the eastern edge of the property would allow police, fire protection, ambulances and sanitation uninterrupted access throughout the community. Buildings constructed along these street extensions should follow normal zoning regulations, and not rise to sheer super heights with no setbacks as now proposed.

I urge the City Council to **oppose** this zoning proposal, unless the following changes are made.

1. Reduce the density to be in scale with the other re-zonings made by City Planning east of First Avenue in the recent past (c. 10 FAR) and not allow large commercial buildings in our residential neighborhood.
2. Treat the extensions of 39th and 40th Streets as if they were public streets and not include them in the calculation of buildable space.
3. Refuse the permit for public parking spaces and reduce allowable accessory parking to 10%, so as not to further exacerbate our already intolerable traffic conditions.
4. Severely reduce the allowable heights of 685 First Avenue and 708 First Avenue so as to not allow them to cast park killing shadows on the Tudor City Greens. Keep all buildings to no more than 400 feet in deference to the UN Secretariat.
5. Require the granting of a c. 30 foot easement, so the soon-to-be rebuilt FDR Drive can move westward enough to allow lowering the 42nd Street exit ramp so that bridges or decks can be built across it to a new Waterfront Park.
6. Require the builder to *construct* a new school and a large Community Playground on First Avenue, and not the FDR Drive as currently planned.
7. Require the builder to include at least 20% affordable housing, on-site, and not exclude any portion of the project from this calculation.

Although we find the developer's plans severely deficient, we are not opposed to development; in fact we enthusiastically endorse the Community Board's 197 C Plan (more than 4+ million square feet) as a reasonable model for development. We would like to emphasize that the new development should be integrated into the existing community.

City Council Public Hearing
February 25, 2008

My name is Irene Peveri. I'm a member of CB6's Land Use and Park Committees and chair of the East Side Rezoning Alliance (ESRA), an alliance of 16 east side community groups.

Today we have an opportunity to determine and finalize a planned and proper development for the Con Ed site on First Avenue between 35th and 41st Streets, a development which should be compatible with existing buildings and residential neighborhoods in our area.

CB6 and ESRA have always supported appropriate development. Community-based plans for the neighborhoods of Turtle Bay, Murray Hill, CB6 South and the East River Science Park were given serious consideration and approvals because of input from the community, professional consultants, city agencies and elected officials who collectively created zoning that got the best results. We always felt that zoning should accommodate growth and change, and still respect the urban fabric and quality of life.

We have submitted 197a and 197c Plans for the site to establish a fabric which, among other things, fosters the residential character of the surrounding neighborhood and retains the population diversity of our City. **There is currently no commercial zoning between 41st and 34th Streets east of Second Avenue.** The Central Business District shouldn't be expanded to the east, especially since office buildings deaden street-life at night and on weekends.

We ask for C1-9 zoning for this project. We want reasonable heights, fewer parking spaces, and the restoration of 39th and 40th streets as public roads rather than private driveways which generate FAR. We seek development which does not adversely increase environmental impacts. And because this part of the city is second-to-last of all neighborhoods in parks, the community needs permanently accessible open space. We have the rare chance to add to the riverfront esplanade that could one day encircle the city. And, of course, our community needs and wants more affordable housing--most of it on site to avoid the aspect of a museum-like enclave reserved for the very rich.

We urge you to help us secure our recommendation for residential zoning of C1-9 and other recommendations which will maintain the residential character of this neighborhood.

Thank you.

Irene Peveri

Affordable Housing in Community Board Six

Claude L. Winfield

Chair

Housing and Homeless Services Committee

Community Board Six, Manhattan

Most of the sales and dissolutions of affordable developments in Community Board Six Manhattan were completed in 2006, hence Community Board Six has undergone an alarming transition that has deeply affected the social, ethnic, cultural, and economic diversity of the area. The community has witnessed the loss of a substantial number of affordable housing units, during this time. This loss is attributed to Mitchell-Lama opt-outs, the sale of hospital residences, the sale of charitable organization's properties, and the private purchase of rental properties. The following properties have been lost:

• Waterside Plaza	1,470 units
• Phipps Plaza West	892 units
• The Cooper Gramercy	167
• East Midtown Plaza (pending dissolution vote)	[746]
• The Booth House (New York Downtown Hospital)	146
• The Elektra (Beth Israel Medical Center)	166
• Stuyvesant Town/Peter Cooper Village	[?]
• Park East Towers	324
• The Parkside & Ten Eyck (The Salvation Army)	600

This is a loss of 3,725 affordable housing units, excluding East Midtown Plaza, EMP, Stuyvesant Town/ Peter Cooper, and the rent stabilized/rent controlled units demolished to make way for the construction of large hi-rise buildings. There is a continuing loss contributable to Peter Cooper Village and Stuyvesant Town.

During this same period, the construction of many hi-rise condominium and cooperative buildings has taken place. The following have been constructed:

- The Aurora
- The Gramercy/Victory
- ThreeTen
- Sutton57
- Place57
- Grand Beekman
- 245 East 25th Street
- The Sycamore
- The Anthem

- The Sonoma
- The Milan
- The Charleston
- 45 Park Avenue
- The Veneto
- 316 Third Avenue, Gramercy Green
- The Illuminata
- 47 East 34th Street

99% of these buildings have received 421a tax abatements. These developments range in size from 77 to 207 units.

In addition, there have been some low income housing constructed. Primarily, these units have provided *compensated square footage* for the condominiums and cooperatives mentioned above. They are:

• 141 East 23 rd Street (Senior housing)	19 units
• 171 Lexington Avenue (Senior housing)	41
• 385 Third Avenue (Senior housing)	49
• 400 Third Avenue	30
• 319 East 21 st Street	22
• 307 East 54 th Street	8
• 228 East 46 th Street (under construction)	19
• 332 East 22 nd Street (under construction)	14

These low-income inclusionary housing buildings range in size from eight (8) to forty-nine (49) units. On average, they provide 30,000 square feet of livable space. Thus, these buildings provide the condominium buildings with four (4) times their square footage in *compensated square footage*, on average 120,000 square feet.

Hence, the community that was affordable, moderate to middle income, two working adults in a family, has changed. A community with an ethnic breakdown of 79% White, 4% Black, 9% Asian, and 8% Hispanic is losing its minority composition. The average median income, AMI, has reached \$76,010 and is now the highest in Manhattan exceeding Community Board Eight.

There is a drastic need for affordable housing for the families currently being displaced through the on-going transition at Waterside, Phipps(Kips Bay Court), Peter Cooper and Stuyvesant Town.

Bullets

○ Average Median Income, AMI	\$76,010	(\$70,900 HPD)
50% AMI	\$38,005	35,450
80% AMI	\$60,800	56,720

125% AMI	\$ 95,012	88,625
135% AMI	\$102,613	95,715
175% AMI	\$133,017	124,075

○ Rents per Months @ AMI		
50%	\$950.00	886.25
80%	\$1,520.00	1,418.00

Originally, East River Realty Corporation, ERRC, did not provide for affordable housing in its development plan. They suggest a possible Affordable Housing Scenario of 80/20, given a mixed-use complex. A residential development program would produce 6,131 housing units. The mixed-use development program would produce 4,166 housing units. In this program, there would be 833 affordable housing units. Interestingly, 833 units are the number of units proposed for the southern portion of the development with the community facility at the 616 buildings.

- Residential Units
 - Residential Development Program*
 - 6,131 units*
 - Twenty Percent (20%)*
 - 1,226 units*
 - Thirty Percent (30%)*
 - 1,839 units*

 - Mixed-Use Development Program*
 - 4,166 units*
 - Twenty Percent (20%)*
 - 833 units*
 - Thirty Percent (30%)*
 - 1,249 units*

The EIS suggest a 2.5 person family when affordable housing is included in the development program. Hence, Market Rate units are estimated to have 1.6 persons per family.

Today, ERRC's plan offers 14.88% affordable housing through a Zoning Text Amendment to designated the eastside lots as an ***Inclusionary Housing Designated Area***. Their offer of 527,000zsf of affordable housing in the "Inclusionary Housing Designated Area" is 14.88% of the total zoning square footage of the Proposed Development's 3,541,399zsf. In addition, all of the affordable units would be at 80% of AMI or low income in agreement with Zoning Resolution, Section 23-93. This would yield 620 affordable units not the 833 units as suggested in the EIS. A unit was proposed to be 850zsf.

ERRC's plan is inadequate and insufficient on "affordable housing." Their plan would negatively impact the social, ethnic, cultural, and economic diversity of the community.

Inclusionary Zoning

HPD and CPC have developed Affordable Housing Principles that include:

- Provide tiers of affordability among low-, moderate- and middle income households.
- Preservation of existing affordable units, as well as new construction.
- Preference for local community.

The Bloomberg Administration has developed an IZ approach that incorporates the following:

- Voluntary program
- 33% density bonus for 20 -30% affordable units
- Tiers of affordability
- Permanently affordable units
- On site, Off site options
- Applied to contextual rezoning

Lastly, I believe, community proposals on various IZ sites have ranged from a request of 30% at Hudson Yards to at least 40% at Greenpoint/Williamsburg and the Brooklyn Atlantic Yards. In West Harlem, the community and Columbia University have agreed on a \$20 million dollar affordable housing fund.

Community Board Six's Housing Committee recommendations are in line with the standards established by HPD, CPC and the Bloomberg Administration.

This recommendation

"... would significantly add to economic diversity, cater to existing housing needs and limit the potential for an exclusive, high-end residential enclave."

Attached

Community Board Six Resolution: East River Realty Corporation

Community Board Six: Housing Committee Inclusionary Zoning Recommendations

**Inclusionary Zoning Strategies for Securing Affordable Housing
At the Con Ed Site**

The Housing and Homeless Services Committee
Community Board Six, Manh
February 14, 2006

- **2 Far Affordable Housing Bonus**

The development should have a range of incomes from as low as 80% of area median income (AMI) to as high as 175% of area median income.

Affordable requirements (tiers)

10% below 80% + 20% between 80% to 125% AMI

or

10% below 80% + 20% between 80% to 175% AMI

Required affordable units should be

Permanently affordable

On site rental

Integrated through out development

Preference for local community

Developer should not be precluded from using other public subsidies, Bond financing, tax abatement or tax credits: including 80/20 and Other such programs.

Developer should not have to utilize a nonprofit to administer the Affordable housing units.

The tiers take into consideration the average income of residents in CB6 that have been displaced by dissolution of Mitchell-Lama developments (i.e., Waterside Plaza, Phipps, Cooper Gramercy, Booth House, and East Midtown Plaza (in final stages of dissolution). The top limit on the tiers estimates an average income of two retired municipal workers on pension. Similarly, 125% of AMI is \$78,125 and 175% of AMI is \$110,000. These ranges would provide a tier for middle-income families being priced out of our neighborhood.



MANHATTAN COMMUNITY BOARD SIX

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Website cb6mny.org

Lyle Frank
Chair

Toni Carlina
District Manager

10b.

DRAFT

Housing & Homeless Services

December 2007

RE: East River Realty's Inclusionary Housing Plan

Whereas, under recently revised plans, Sections 23-90 to 23-95 of New York City's Zoning Resolution, East River Realty Corporation, ERRC, asked that an "Inclusionary Housing designated area" be defined. This area would include the properties 616, 700, and 708 of the former Con Ed site, the eastside of the Proposed Development; and

Whereas, the 527,000zsf of affordable housing in the "Inclusionary Housing designated area" is only 14.8 per cent of the total zoning square footage of the Proposed Development's 3,541,399zsf; and

Whereas, the Inclusionary Housing Plan, under section 23-93; requires affordable housing be built in an R10 zone at 80% of Average Median Income, AMI, low-income; and

Whereas, the affordable housing to be built at 80% of AMI would not meet the needs of our district where residents are being displaced on a continuing and daily basis from such places as Waterside Plaza, Phipps Plaza West, Peter Cooper Village, and Stuyvesant Town; and

Whereas, tiers of affordability are needed in order to meet the incomes of Community Board Six's long term, moderate income residents (i.e., 135% to 165% of AMI) that are being displaced; and

Whereas, the properties 685 which would be excluded from the "Inclusionary Housing designated area" would not calculate into the 20% affordability being offered in the Proposed Plan; and

Whereas, the properties 685 which should produce affordable housing as a requisite to construction since they are proposed to be built within the Geographical Exclusion Area, GEA, under 421a Tax Abatement law; and

Whereas, affordable housing is not accounted for in accordance with 421a Tax Abatement law for the 685 properties; and

Whereas, Community Board Six supports a Zoning Resolution Amendment that includes the 685 properties within the *Inclusionary Housing designated area*; and

Whereas, the affordable housing generated by the *Inclusionary Housing Program* must be on-site, permanently affordable and include units of moderate to low income individuals and families; and

Now therefore be it

Resolved that Community Board Six opposes ERRC's Inclusionary Housing Plan as proposed in its amendment to the NYC's Zoning Resolution, Sections 23-90 to 23-95, and

Be it further

Resolved that Community Board Six would support a plan by the East River Realty Corporation to set aside at least 20% on site units for affordable housing for all of its locations and that the affordable housing be in keeping with the range of incomes as noted above.

Statement by Joseph Di Cesare
of Manhattan Place Condominium
630 1st Avenue given at
City Council hearing.

FOR THE RECORD

I live in Manhattan Place condominium on 36th street directly north of the southern site in the development project, which is Lot 616. I want to focus your attention on what is being planned for 616 specifically because it completely contradicts much of what has been said to be favorable about the overall development plan for the former Con Ed sites in general; and this includes what has been said by The City Planning Commission in its recent report approving the project.

The developer has consistently indicated that it would not be erecting buildings that would become “walls” between the community and the waterfront, that buildings would be situated on an east-west orientation in order to maximize sight lines to the river, that truly open public space would be created, and that shadows would be minimal.

In fact, the plan for 616 calls for a 47 floor, sheer rectangular tower orientated north-south along 1st Avenue between 35th and 36th streets, and stretching almost from corner to corner. This tower would loom over and cast substantial shadows on St. Vartan Park, and especially on the eastern portion of the park which is the part most heavily utilized by families with young children.

This tower would also overshadow Manhattan Place’s open public plaza to the north and the supposedly “open” public space planned for 616 itself. That public space would effectively be **closed in** and overshadowed by tall towers on almost all 4 sides, making it very un-inviting to the public actually.

This tower clearly **would** be a wide ‘wall’ along the avenue, cutting off sight lines to the river and severing St. Vartan Park and the neighborhood west of 1st avenue from the waterfront.

Now because 616 is also the site where the developer has agreed to build a public school, I would suggest that an alternative plan be considered where the 5 story school building would be sited on the western side of the lot instead of this 47 story tower. This would eliminate or mitigate all of the shadows on St. Vartan Park and the other public areas.

The school building would then be closer to St. Vartan Park, which is a natural fit. The public space on 616 would be much more “open” and useful to the public. In regard to retail space, there could be a 2 story strip of stores along the avenue or on one of the side streets.

A plan along **these** lines, with the park and the school in close proximity, would provide the neighborhood with a real “community” oriented area that it will need.

There would still be one residential tower, as currently planned, on the eastern side of 616, which is the prime location for such a tower.

One residential tower, along with a school, open public space, and some retail, is **enough** for 616.

In closing, I would just ask that the Council please review the plan for 616 carefully, and consider alternatives along the lines I’ve mentioned. But if nothing else, 616 should **not** be re-zoned in a way that permits construction of a wide tower along 1st Avenue as planned. Even with the increased recreational park space now provided in the developers’ overall plan, the highly valued space of this kind that already exists in our community near 616, most notably St. Vartan Park, should not be infringed upon in the way that it would be under the current plan.

February 25, 2008

My name is Louise Kittel Mason. I am speaking today as both a resident of Tudor City Place and as a painter who maintains a separate fine art studio there.

Every first year art student learns a principle which applies profoundly to the project under discussion today. That is: when planning any project, carefully consider how the character of line will impact the people who will have to live with it. Modern researchers have proven what master artists have known for centuries: low horizontal lines, whether in a painting or a landscape, will evoke feelings of peace, harmony, and freedom in people. Tall vertical lines have the opposite effect, creating tension, anxiety, even feelings of fear and doom.

It's not hard to see which category the currently proposed plan for the Con Ed site falls into. Six new towers shaped like tombstones 700 feet high will create a claustrophobic effect on the people who live there, made even worse by the catastrophic effect it will have on the only parks in which to seek peace and refuge.

As Manhattanites, we are already struggling with the daily tensions of traffic snarls, air and noise pollution, crowding, and the threat of terrorist attacks made ever-present by TV and subway ads reminding us "if you see something, say something." We already live in an unhealthy and unrelieved state of hyper-alert. What we don't need is another building project which by its very design, or lack of, will add to our feelings of anxiety and unease. What we do need is a plan of Vision, such as the 197-c plan created by Community Board 6, which will not only create housing, but contribute to true quality of life.

Today as City Council Members, you could choose the business-as-usual plan which is short-sighted and serves the needs of only a few. Or better, you could choose to be like the Medici's of old: hold out for the Vision! Launch a Renaissance of better living in this town!

I beg you please, honor the requests of those who have elected you. Do not to just sign off and be done with it, but reserve your precious signature the way an artist would. Inscribe it only on something you can be truly proud of, that you and the citizens who will have to live with your decision will be happy to look at and live with every day.

Thank you.

Sincerely,

Louise Kittel
2 Tudor City Place # 7D North
New York, N.Y. 10017

Email letter to Councilman Garodnick originally
but for review by entire council.

FOR THE RECORD

Dear Councilman Garodnick:

I am writing once again in regard to the development plan for the South Site in the Solow project, 616. I have just reviewed the City Planning Commission's report and frankly, I am shocked and very concerned by the CPC's complete failure to address the issue of how the plan for 616 will affect St. Vartan Park (not to mention Manhattan Place Plaza). As you are aware I'm sure, throughout the report the CPC congratulates East River Realty Company (ERRC) for developing its sites to include public open space, and indicates that in regard to 616 this is the "primary reason for the Commissions' determination of a good site Plan" (pg.76). However, while the CPC recognizes on the same page that our community "has the lowest open space per person ratio in the borough", it fails to consider that the building planned for 616 along 1st avenue (Tower 616-1) will have very negative shadow effects on the public recreational space we already have, St Vartan Park. CPC indicates that this "public open area will provide a large park-like setting for enjoyment of the public" but fails to recognize that the public space on 616 will be overshadowed and closed in on 3&1/2 sides by Manhattan place to the north, Rivergate to the south, Tower 616-1 to the west, and Tower 616-2 to the east. It promises to be a very un-enjoyable public space actually.

I have long advocated a position that the school building should be placed on the western side of 616 instead of the wide 47 floor slab tower "wall" along 1st avenue that Tower 616-1 would be, in order to eliminate its adverse effects on the park and surrounding areas. I note that the CPC considered alternatives such as having 1 tower only, or multiple shorter buildings on 616, and dismissed them because the large footprints would not leave room for open public space (pg.76). However, this assumes that Mr. Solow must be allowed to build every square foot of residential housing that he wants. I would submit that we should dispute this assumption. One slender building on the site, such as Tower 616-2, and a school, would leave plenty of room for open space.

Alternatively, if it is impossible to consider that Mr. Solow not be permitted to have his 2 towers on the site, then I would urge that the north-south width of Tower 616-1 be narrowed substantially. As was done with the commercial building proposed for the 708 site, where CPC indicated that it must be narrowed in terms of it's east-west width, Tower 616-1 should be a much more slender tower, positioned in the far southwest corner of the site, thus mitigating it's shadow effect on St. Vartan Park and Manhattan Place plaza to some degree. If retail along 1st Avenue is so important, it can still be placed in a much narrower Tower 616-1, as well possibly in a 2 story retail mall running along the rest of the 1st Avenue side of the lot.

In my research on St. Vartan Park, I came across a NY Times article on the construction of Manhattan Place in relation to St. Vartan Park that I think you may find interesting (attached, see paragraphs 5 & 6). Written in 1983, the article indicates that Manhattan place was originally intended to be situated on a North-east diagonal on its lot with its open plaza facing toward 37th street. After negotiations with CB-6, Jeffrey Glick agreed to situate the building with a south-west orientation, so that its open space would face St. Vartan Park and complement it rather than obstruct it. I ask that if Mr. Glick could make concessions to his plan in order to respect St. Vartan Park, why can't Mr. Solow be made to do the same?? I have also attached an article about St Vartan Park which I feel really captures how important it is to the families in our neighborhood. I had included this as part of my own submission to the CPC, but apparently it was ignored. The increased recreational playground space further north dictated by the CPC is a welcome development, but in a community so underserved already, it does not compensate for the harm Tower 616-1 does to St. Vartan Park. The tower on 685 has been altered by the CPC "in order to improve its relationship to the surrounding streets and buildings" (page 61). I would suggest that the same consideration be given in regard to Tower 616-1 and how it relates to St. Vartan Park and Manhattan Place Plaza.

Throughout its report, the CPC repeatedly favorably indicates that the towers in the development have *"narrow silhouettes and smaller footprints and provide generous view corridors"* (pg 17), and *'allow for the maximization of open space and views toward the East River'* (pg 59). The report indicates that the open space on 700 *provides a number of connections between 1st Avenue and the sites eastern edge where views to the east river can be enjoyed"* (page 67) and that generally the plans *'expansive views'* to the east river provided by the open public space is *"substantial reason for approval of the height and setback waivers"*. A direct reference to 616 is included on page 49 where the CPC indicates that *"...the plan for the two sites features 7 new high-rises... configured around two large public open spaces and arranged in a way to maximize views toward the east river"*. It is unbelievable that these statements can be made in view of the plan for 616. Tower 616-1 is a huge 506 foot "wall" running north-south along the avenue for almost the full length of the lot, which severs, rather than connects 1st Avenue and St. Vartan Park from the river. Tower 616-1 is arranged in a way that completely obstructs views to the river rather than maximizing them, and Tower 616-1 would cast shadows and further close in the "open" public space planned for 616.

Finally, in its Findings on page 79 of the report, the CPC indicates that *"...the location of the buildings will not unduly increase the bulk of the buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby blocks or of people using the public streets"*. This finding completely ignores the plan for 616. Tower 616-1 clearly obstructs light and air to Manhattan Place and its plaza, to St Vartan Park, and to the public space planned behind the tower.

The CPC has completely and egregiously ignored the effect of the plan for 616 on St Vartan Park and the incompatibility of Tower 616-1 with all of the favorable aspects it finds in ERRRC's plan. Accordingly, I am respectfully requesting that you acknowledge and highlight these issues before the City Council. If Mr. Solow is going to be allowed to have most of what he wants, including possibly the commercial building on 708, he should be forced to make some major concessions. I would submit that the south site, 616, is the most obvious place where such concessions should be made.

Thank you for your attention,

Sincerely,

Joseph Di Cesare
Manhattan Place resident (212 705-9815)



March 11, 1983

REAL ESTATE; HOUSING CONSTRUCTION NEAR EAST RIVER

By ALAN S. OSER

New York City's housing developers are saying "Dig we must" these days in Consolidated Edison's own backyard. Nowhere in Manhattan does Con Ed have a stronger presence than along the stretch from 41st Street to 35th Street on Franklin D. Roosevelt Drive. The properties include the inactive Kips Bay generating station east of First Avenue between 35th and 36th Street and the active Waterside generating station on the superblock from 38th to 41st Streets.

As in so much of Manhattan, however, locations are no longer purely industrial, commercial or residential. In transition areas there has been a shift toward housing, especially on waterfront sites where high-rise construction provides an opportunity for expansive views.

Ground was broken Monday for Rivergate, a 34-story, 700-unit rental structure that Donald Zucker is building on the square block formerly occupied by a Coca-Cola bottling plant east of First Avenue from 34th to 35th Streets. It is a natural extension toward the East River of residential development along 34th Street, much of it done by Mr. Zucker.

Two blocks to the north, the Glick Construction Corporation will start demolishing a Texaco station and an old warehouse in May or June, in preparation for construction of a 35-story condominium with 487 apartments and 6,000 square feet of commercial space. Its tentative name is Manhattan Place. The 40,000-square-foot site is on the east side of First Avenue between 36th and 37th Streets.

The immediate area is not entirely industrial. Across First Avenue is the landscaped ground surrounding the entrance to the Queens Midtown Tunnel. Another neighbor is St. Vartan's Park, formerly known as St. Gabriel's Playground, which occupies a full square block.

Jeffrey Glick, a partner in Glick Construction, said in an interview that the assemblage of the site and the rezoning it required took three years. As with Rivergate, the Glick project involved months of negotiations with the City Planning Commission and Community Board 6. One outcome was that the building will face southwest instead of northeast, as originally planned, so that the landscaped area in front will face St. Vartan's Park.

More unusual was the developer's decision, following a suggestion of Planning Commissioner Martin Gallent, to make a \$427,000 contribution to help Phipps Houses provide 75 apartments for Bellevue Hospital nurses at below-market cost in a prospective development on First Avenue at 29th and 30th Streets.

This is a \$50 million venture that will produce about 400 apartments, most of them market-rate, in a conversion of the hospital's former pathology laboratory and its current psychiatric hospital. Hospital employees are to get first choice in buying or renting, depending on whether a condominium or rental is built. Nurses earning about \$20,000 will be able to afford the subsidized apartments.

"They didn't say I had to do it," Mr. Glick said, "but we liked the idea." The apartments at Manhattan Place will have floor-to-ceiling bay windows running the full width of the living rooms, and 8-foot, 6-inch ceilings. Ribbons of glass and brick will encircle the jagged facade of the building, which is shaped like a giant rectangle with triangular ends. The architect is C.A. Kondylis of Philip Birnbaum & Associates.

On the top floor there is to be an 8,000-square-foot glass-enclosed health club for tenants, surrounded by an indoor jogging track around the perimeter.

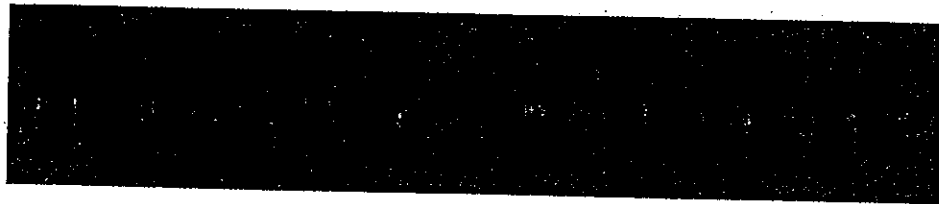
Opening prices are expected to be about \$240 a square foot. The apartment mix as currently planned is to be 10 percent efficiencies of 655 square feet, 75 percent one-bedrooms or larger one-bedrooms of 715 to 760 square feet, 10 percent two-bedrooms averaging 1,030 square feet and 5 percent larger two-bedrooms of 1,275 square feet. Thus, \$182,400 would be a typical opening price for a 760-square-foot one-bedroom apartment.

The mix of apartments may change, depending on sales experience, as it already has at another Glick condominium project: Baybridge, on 30 acres off Bell Boulevard at 108th Place near the Throgs Neck Bridge in Bayside, Queens.

Baybridge is a low-rise condominium development built in a Georgian style. Construction started two years ago. The original plan was to build 700 1,200-square-foot simplex (single-level) units, one to a floor in the three-level buildings. These units are now on the market at prices of \$95,000 to \$157,000.

But the developer has made a design change, and newer buildings are to contain two duplex units rather than three simplexes. The apartment size will be about 1,800 square feet, Mr. Glickman said. Prices will range from \$180,000 to \$230,000, buyers will typically be older, and the total number of units at Baybridge should turn out to be about 600 instead of the 700 originally planned, he said.

Similarly, buyer preferences could lead to a change in the mix at the First Avenue building. "If the market wants more larger apartments, we can change the mix to more twos or threes," Mr. Glick said.



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A Fun Time for Kids at St. Vartan's Park

By Margaret Chiffrieller



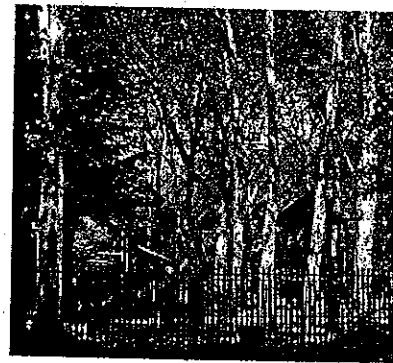
Children running through spraying water to erase the summer heat, climbing on wooden logs, swinging on tires swings, sharing cookies and a favorite toy while parents sit and exchange local gossip and hints on finding a good baby-sitter.

These are scenes you would expect to see in the suburbs or a small town not in the middle of New York City.

I was pleasantly surprised when I wandered into St. Vartan's Park. I found them all in a play group in the park at 35th Street and First Avenue. This child friendly place is nestled among high-rise building and skyscrapers, with the Empire State Building looming in the background.

In this hectic two-income family world, it's rare to find a place in an urban setting like Kip's Bay in the heart of New York City, where parents and children come together at the playground to socialize and enjoy each other's company.

It is one of the wonders of living in a city like New York. Each of the city's neighborhoods is a small town. There are so many community activities going on around us that we never see. People reaching out to help others and creating that feeling of community involvement that many people think New Yorkers lack.



The NYC Department of Parks and Recreation is the sponsor of St. Vartan's Play Group, as it is officially known. Established in 1991, it was designed as an affordable, not-for-profit cooperative for parents and their children, ages two through four.

As a parent-driven alternative to commercial play centers, the St. Vartan's version focuses on total involvement of the group to provide its kids with structured play and learning time. Children can experience what some of us may remember as an old-fashioned

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neighborhood environment.



St. Vartan's Park was originally called St. Gabriel's Park. It was named for a parochial school that once stood near the site serving the area's mostly Irish-American and Italian-American residents.

Not only were parents and grandparents involved in nurturing their own offspring, they also served as a

"community watch" for the rest of the neighborhood's kids.

It is a modern version of this nurturing environment that allows St. Vartan's children to explore with toys, blocks, books, puppets and the like, provided by the play group as a whole.

Parents are expected to attend play groups, take turns working as leaders and coordinating the group's activities.



This includes the nitty-gritty of organizing, setting up - and cleaning up. However, many parents are prepared and willing to assume the responsibility.

"It's a wonderful opportunity to be with the kids, talk with other parents to get a fresh perspective, and have a voice in what goes on," offered a mother of two.

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Thinking about a New Year's resolution?

Other activities at St. Vartan's include story time, where parents take turns in reading from books or making up age appropriate tales to intrigue or entertain the group.

For the young artist, there are various arts and crafts projects available that emphasis the spirit of play in creation. Sing-alongs, dancing or playing musical instruments are other activities offered just for the fun of it. At lunch, there are no unexpected surprises. The kids get to eat the

