

A ZONING PROPOSAL FOR THE CONSOLIDATED EDISON FIRST AVENUE PROPERTIES

Prepared on Behalf of Community Board 6
By BFJ Planning

January 2006



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1.0 INTRODUCTION

The following outlines Community Board 6 recommendations for zoning an area located between 34 and 41 Streets, east of First Avenue, located on the East Side of Manhattan. This report summarizes years of work by the Land Use Committee of Community Board 6 and builds on the Board's current 197a Plan - a document authorized by the Charter of the City of New York and intended to "serve as a policy to guide subsequent actions by city agencies."

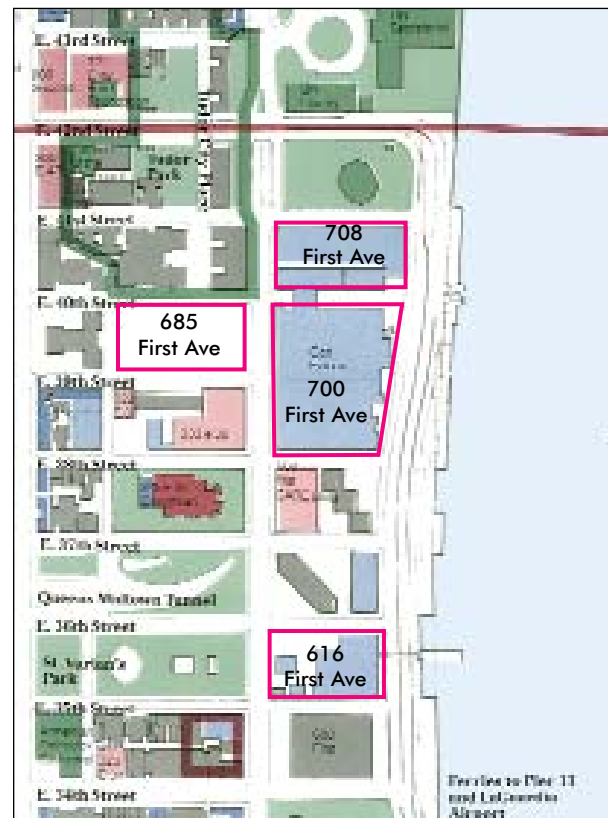
The study area currently includes a proposal from East River Realty Company (ERRC) for a total of approximately 6.4 million (gross) square feet of new floor area including approximately 4.4 million square feet of residential space, 60,000 square feet of community facility use, 1.1 million square feet of commercial office space, 40,000 square feet of retail use, and 700,000 square feet of below-grade space, which includes 300,000 square feet of parking (a total of 1,559 spaces). The proposal also includes 3.44 acres, or approximately 150,000 square feet of publicly accessible open space.

The ERRC sites are located along First Avenue generally between East 35 Street and East 41 Street (See Figure 1) and include 616 First Avenue, which was formerly used to store oil for the Generating Station at Waterside, 685 First Avenue, which includes a substation and an open service area, 700 First Avenue, which is the site of the Waterside Generating Station (known as "Waterside") and 708 First Avenue, which was the location of a 10-story office building occupied by Con Edison. Together these four sites total approximately 378,280 square feet of lot area, or 8.7 acres, making this the second largest development site in Manhattan after the World Trade Center.

In order to maximize the potential of this

waterfront area in terms of public access, neighborhood open space, affordable housing and neighborhood scale, Community Board 6 proposes a zoning plan to guide the redevelopment of the Con Edison First Avenue properties. The CB6 zoning plan requests four actions: 1) Zoning Map change; 2) Mapping of a new Special District; 3) Zoning Text change; and 4) City Map change.

We strongly urge the Department of City Planning to require that this proposal be considered and fully analyzed as part of all necessary City Environmental Quality Review (CEQR) and in its own 197c Uniform Land Use Review Procedure (ULURP). The proposal is based on a careful analysis of zoning precedents in the area and sound planning rationale that is summarized in Section 3 of this report.



Source: Incentra International Inc., and Williams Real Estate Co. Inc.

Figure 1: Location Map

2.0 ZONING PROPOSAL

The zoning proposal has two parts: changing the underlying zoning districts and superimposing a special zoning district.

2.1 REZONE FROM M TO C1-9

The rezoning portion of the proposal changes the remaining M zones (at 2.0 and 5.0 FAR) on the waterfront to C1-9 (10 FAR) (See Figure 3). As Figure 2 shows, C1-9, R10 and R8 are the predominant zones in the area surrounding the Con Ed property. C1-9 is described in the Zoning Handbook as a Local Shopping and Services District which allows a maximum commercial FAR of 2.0 and up to 10.0 residential FAR. This would affect 708 First Avenue and 700 First Avenue (Waterside) and 616 First Avenue (the southernmost parcel between 34 and 35 Streets). C1-9 is consistent with previous Department of City Planning policy in the immediate area which has facilitated the development of new residential towers such as Rivergate, between 34 and 35 Streets (immediately south of 616 First Avenue), Manhattan Place and the Horizon apartment buildings which are located in the blocks immediately south of Waterside between 36 and 38 Streets.

CB6 does not believe high-density office uses are appropriate and current zoning does not permit them. Office uses are appropriate to the Midtown core and are accommodated by the high-density commercial zoning, but office uses are not supported by existing zoning at the river's edge and away from subway access. The future of the area should be maintained as residential, consistent with the existing zoning designations of R-8, R-10 and C1-9.

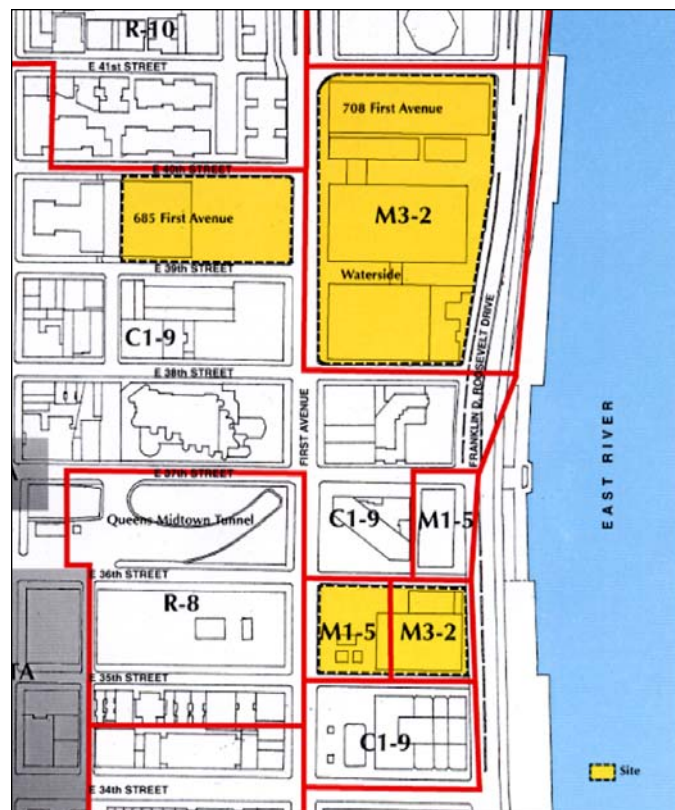


Figure 2: Existing Zoning

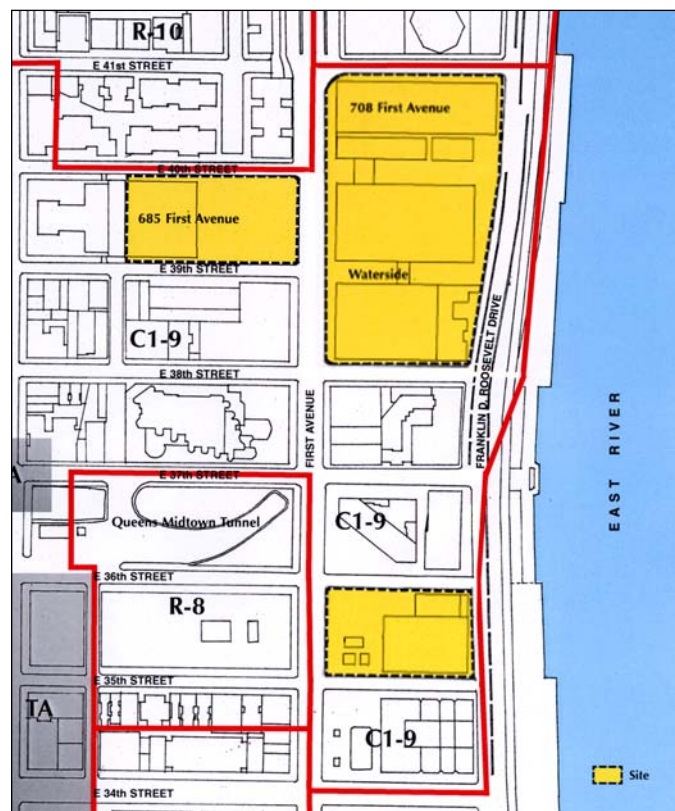


Figure 3: Proposed Zoning

2.2 SPECIAL EAST RIVER ACCESS DISTRICT

The special district portion of the proposal creates a Special East River Access District which includes the seven blocks between 34 and 41 Streets east of First Avenue (See Figure 4). Four of these blocks are part of the Con Ed site and are currently zoned for Manufacturing. The other three blocks were previously rezoned to C1-9 and have been redeveloped at densities of approximately 10.5 FAR including the Horizon Apartments, Manhattan Place and Rivergate Apartments.

The Special District would have the following provisions:

1. Highway Easement: Zoning lots abutting the FDR Drive would require an easement volume of up to 30 feet in width and height to accommodate improvements to the FDR Drive and limit impacts to waterfront open space (similar to the provision of easements for access to the Second Avenue subway).
2. 400 foot Maximum Height: The maximum height for any building would be 400 feet in deference to the 500 foot tall UN Secretariat.
3. Base FAR of 6.0: The base FAR of a zoning lot in the special district would be the greater of 6.0 or the existing zoning floor area on the lot. An additional 6.0 bonus FAR would be allowed for the provision of the following amenities.
4. Mapped Open Space: Additional zoning floor area, not to exceed 2.0 FAR on a zoning lot, would be allowed for the provision of specified public open space.

City Map Change

In addition to the rezoning, 39 and 40 Streets would be remapped as City streets with a north south connector road for emergency vehicle access.

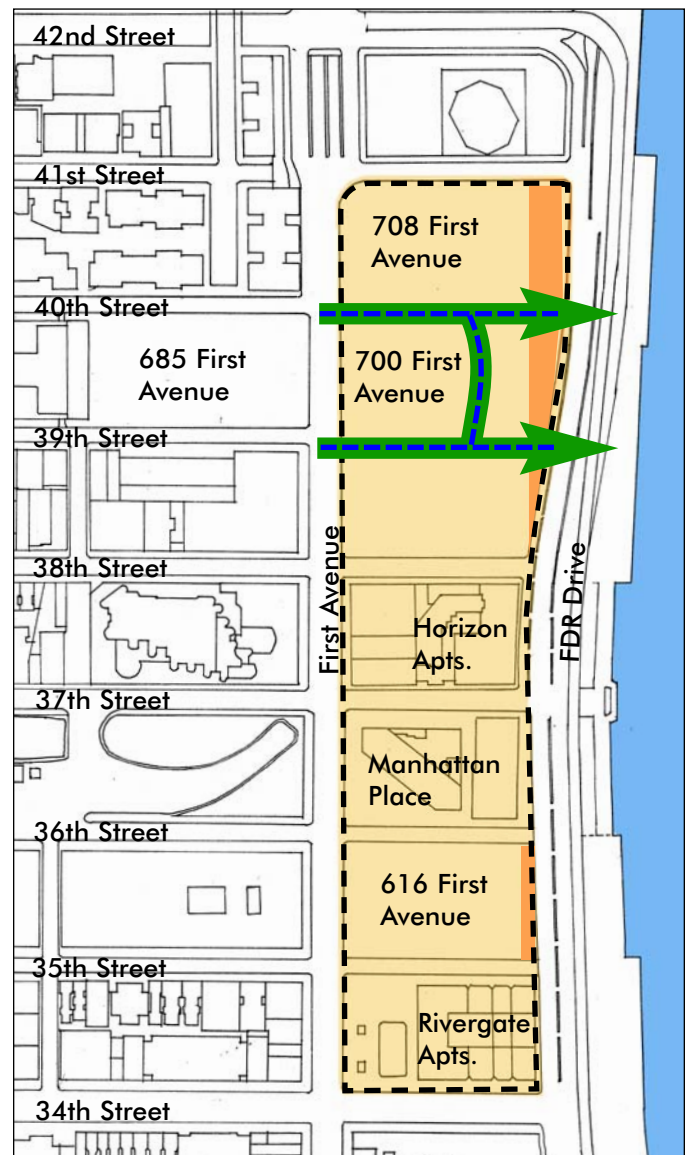


Figure 4: Special East River Access District

Legend

- Special District
- ➔ Mapped Streets
- Public Access
- 30' Easement

Open spaces and their bonus floor areas are defined and would include:

Building bridges extending 39 and 40 Streets across the FDR Drive.

Rebuilding 39 and 40 Streets and a connector road approximately level between First Avenue and approximately 20 feet above the service road along the FDR Drive.

Building a mapped promenade/overlook along the east edge of the three blocks between 38 and 41 Streets approximately 20 feet above the service road of the FDR Drive.*

Rebuilding the esplanade, replacing the former Con Ed parking lot, on City-owned property along the East River between 38 and 41 Streets, including ramps and stairs to the bridges crossing the FDR Drive at 39 and 40 Streets and a ramp to the foot of 42 Street.

5. Affordable Housing Bonus

Additional zoning floor area, not to exceed 2.0 FAR, would be allowed on any zoning lot that includes affordable housing. The bonus rate would be consistent with recent City policy such as the Special West Chelsea District rezoning. The affordable units will be required to be equally integrated in new developments with market rate units.

6. Adaptive Re-use Bonus

Additional floor area, not to exceed 2.0 FAR on a zoning lot, could be obtained for adaptive re-use of an existing historic building as a local-area commercial/retail destination space.

7. Accessory Parking

Accessory parking for residential uses would be limited to a number of spaces no greater than ten percent of the number of dwelling units. This is based on an analysis of existing parking garages in the area (see 197a Plan, p. 48).

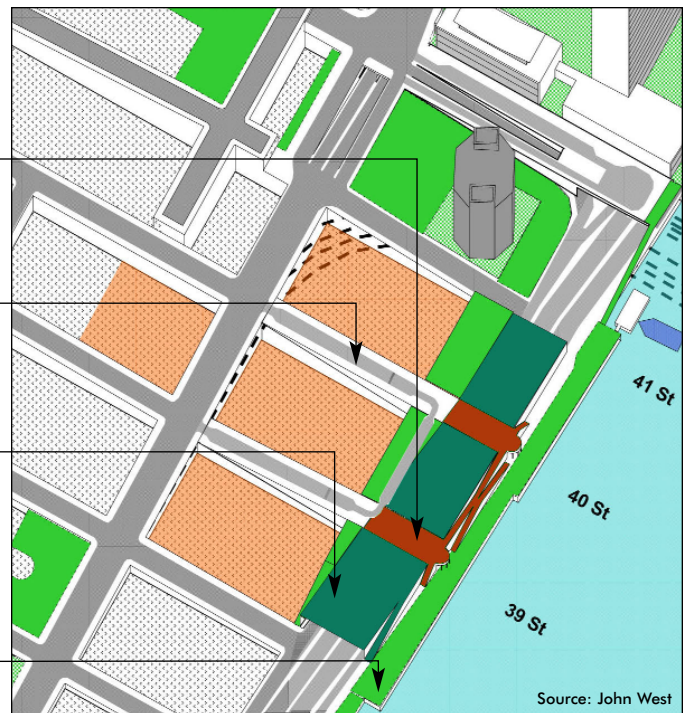


Figure 5: Special District Bonusable Open Space

*Building a mapped promenade above the FDR requires elimination or reconstruction of the 42 Street off-ramp for the FDR (as indicated in Figure 5)

3.0 PLANNING RATIONALE

The urban planning and design rationale for the C1-9 zoning and Special East River Access District are discussed below. The rationale include consideration of the following: public policy and zoning, land use, road network and block patterns, waterfront access and view corridors, neighborhood open space and affordable housing needs within the local community. Each of these rationale builds a case for the proposed zoning and new special district. Together these planning rationale provide the basis for a clear vision for the redevelopment of the Con Edison properties.

3.1 PUBLIC POLICY

City Planning policy in the area sets a clear precedent for C1-9 zoning. This is reflected in Table 1 below, which shows a list of zone changes in the area since the 1980s. The changes are generally from manufacturing and commercial zoning to residential at a higher FAR than previously permitted. In particular, the remapping of former manufacturing districts with commercial district zoning (typically C1-9) has permitted higher-density and residential uses. This includes high-rise residential buildings along First and Second Avenues between 34 and 40

Streets built at an FAR of up to 12.0, including complexes such as the Corinthian and Highpoint and on the east side of First Avenue, the Rivergate, Manhattan Place and Horizon buildings at 10.5 FAR in three separate rezonings before the City Planning Commission. This is a policy Community Board 6 supports.

In terms of commercial and office uses, with the exception of the expansion of the UN, City policy has sought to focus commercial growth west of Second Avenue, within the traditional Midtown CBD. Recent policy has further encouraged new commercial growth on the Far West Side with the creation of the Hudson Yards Special District which encourages high-density commercial development. The City has made it clear that this development is supported by the extension of the No. 7 subway line.

CB6 believes that the City should be guided by established policies: within the study area the City should encourage new residential uses at the Con Edison site. This should include continuous ground floor retail that serves the local residential population and provides some much needed street-level activity. CB6 does not endorse the encroachment of office uses, and the Midtown CBD, east of Second Avenue.

Table 1: Zone Changes, 1981 to Present

Year Rezoned	Project/ Location	Original Zoning	Original FAR	New Zoning	Maximum FAR
1981	Rivergate: First Ave/34 th St	M1-5	C & M 5.0, CF 6.5	C1-9	C 2 R 10
1982	First Ave. and 36 th Street	M1-5	C & M 5.0, CF 6.5	C6-4	C & R 10.0
1983	Second Ave. 36 th to 49 th Streets	C6-4	C & R 10 (12)	C1-9 C5-2, R10	C 2 & R10 (12) C & R 10 (12) R10 (12)
1986	36 th to 38 th St. First Ave to FDR Drive	M3-2 M1-5 C6-4	M 2 M 5 C & R 10 (12)	C1-9	C 2 R 10 (12)
1986	First Ave. 37 th to 40 th Streets	C6-4	C & R 10 (12)	C1-9	C 2 R 10 (12)
1986	35 th to 39 th Street, Second to Madison Avenue	R7-2 R8 R10	R 0.87 to 3.44 R 0.94 to 6.02 R 10	R8B R9X	R 4 R 9
1995	East Side Rezoning 15 th to 35 th St.	C1-7, C1-9, C2-5 R7-2 R8	C 2, R 6.02 C 2, R 10 (12) C 2 R 0.87 to 3.44 R 10 (12)	R8A, R8B, R7B, C1-8, C1-9, C1-9A	R 6.02, R 4, R 3 C 2, R 7.52 C 2, R 10 (12)

3.2 LAND USE

Historically, the west side of First Avenue has a long-standing tradition of residential uses - typically at R-10 densities near the avenues beginning with Tudor City in the mid 1920s and continuing to more recent developments such as the Corinthian (developed to 10.0 FAR with an additional 2.0 FAR plaza bonus) and the New York Tower Apartments. Existing commercial buildings mostly pre-date the residential zoning.

To the immediate north and south of 685 First Avenue are residential uses including the Tudor City complex, with buildings ranging from 18 to 22 stories. To the south is the New York Tower Apartments and the 53-story Corinthian Apartments at East 37 Street.

The east side of First Avenue has historically developed from industrial waterfront uses to large-scale institutional uses, including street demappings to accommodate the Waterside Power Stations and the United Nations north of 42 Street. Commercial uses are concentrated to the northwest, west of Second Avenue. South of the Waterside parcels is the 42-story Horizon at East 37 Street, the 37-story Manhattan Place Condominiums at 36 Street, and the 35-story Rivergate Apartments at 606 First Avenue between 34 and 35 Streets.

The commercial uses in the area include offices (occupied by the UN and UN-related uses), limited amounts of ground floor retail (such as in the base of Manhattan Place Apartments) and a hotel. Overall, the neighborhood surrounding First Avenue is poorly served by local retail. CB6 endorses the provision of local retail uses at the Con Ed site with frontage on First Avenue.

Future uses for the Con Ed properties should

focus on residential development in order to relate to the existing neighborhood character. Neighborhood retail uses should be considered at street level for new development along First Avenue, although CB6 recognizes that Second Avenue should retain its role as the more important retail street in this area.

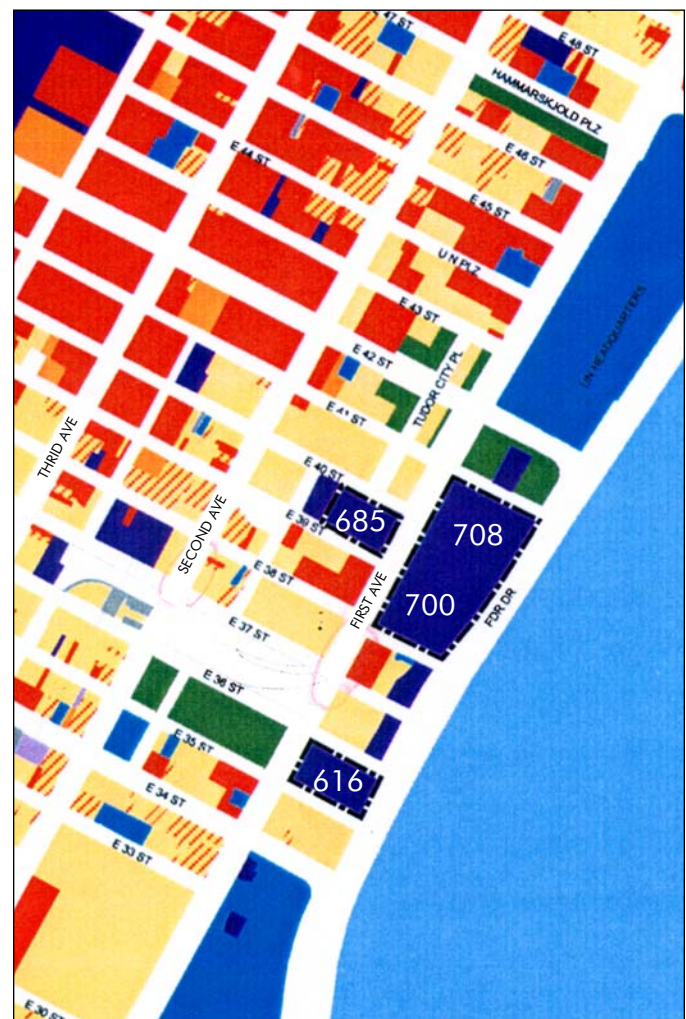


Figure 6: Land Use (AKRF, 2001)



3.3 ROAD NETWORK

The traditional street grid pattern is interrupted due to the presence of the largest Con Ed parcel between 38 and 41 Streets. The presence of this parcel also results in an interruption of east-west streets between First Avenue and the FDR Drive.

The road network is also impacted by the Queens Midtown Tunnel which affects several streets surrounding the tunnel entrance which have designated turn-only or tunnel-only lanes. In addition, the Tunnel Approach Street (between 34 and 40 Streets) provides a mid-block access route, parallel to First and Second Avenues.

The redevelopment of the Con Edison parcels represents a critical opportunity to remap 39 and 40 Streets between First Avenue and the FDR Drive and to reconnect the neighborhood to the waterfront as shown on Figure 7. A north-south connector road should also be mapped to allow circulation for emergency vehicles.

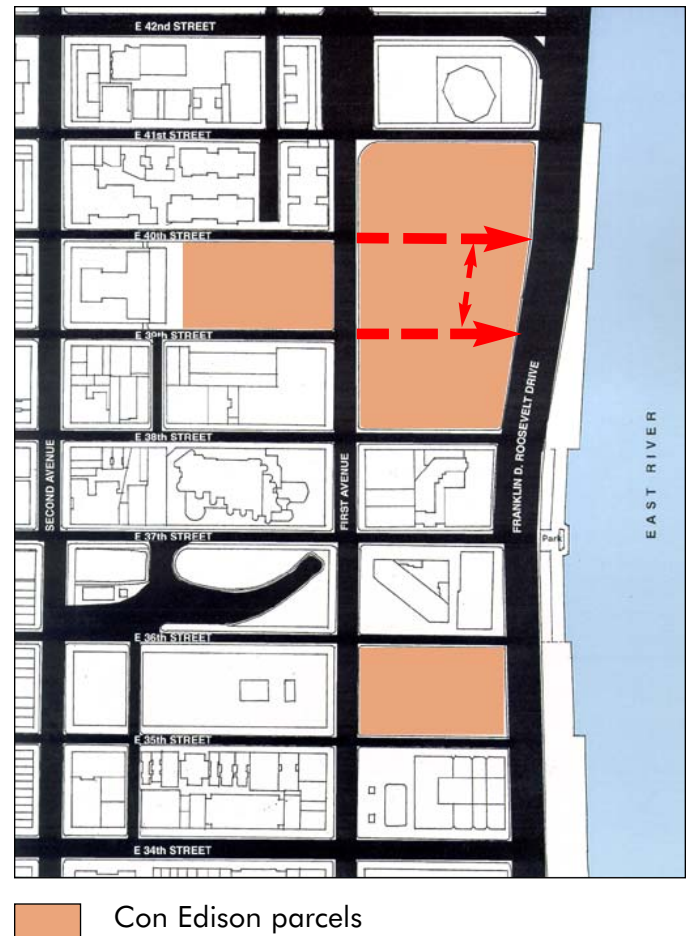


Figure 7: Existing Block Structure and Proposed Street Re-Mapping

3.4 PEDESTRIAN WATERFRONT ACCESS AND VIEW CORRIDORS

PEDESTRIAN WATERFRONT ACCESS

Existing direct pedestrian links to the waterfront are limited to the 36 Street pedestrian route giving access to Glick Park. Pedestrian access from First Avenue is also restricted by the Con Ed superblock that prohibits connections between 38 and 41 Streets. Under the proposed Special East River Access District:

- Expansion of the East River Esplanade will provide continuous pedestrian access along the riverfront as far north as 42 Street.
- Pedestrian crosswalk connections at East 36 Street and East 35 Street would connect with the south extension to the esplanade and to the ferry terminal site.
- East-west connections from First Avenue, aligned with remapped 39 and 40 Streets will give access to the waterfront.
- A sidewalk would be added to the 42 Street ramp, connecting to the proposed Esplanade.

VIEW CORRIDORS

Partial views to the East River occur on many of the cross-streets (i.e. 34-38 Streets and at 41 Street). Views to the river are obscured by the FDR Viaduct, which is at two levels north of 37 Street because of the ramp to 42 Street.

Views of the river from First Avenue are obscured between 39 and 40 Streets due to the existing Con Ed buildings.

Under the proposed East River Access District, visual corridors would be mapped on 39 and 40 Streets, restoring views to the river.

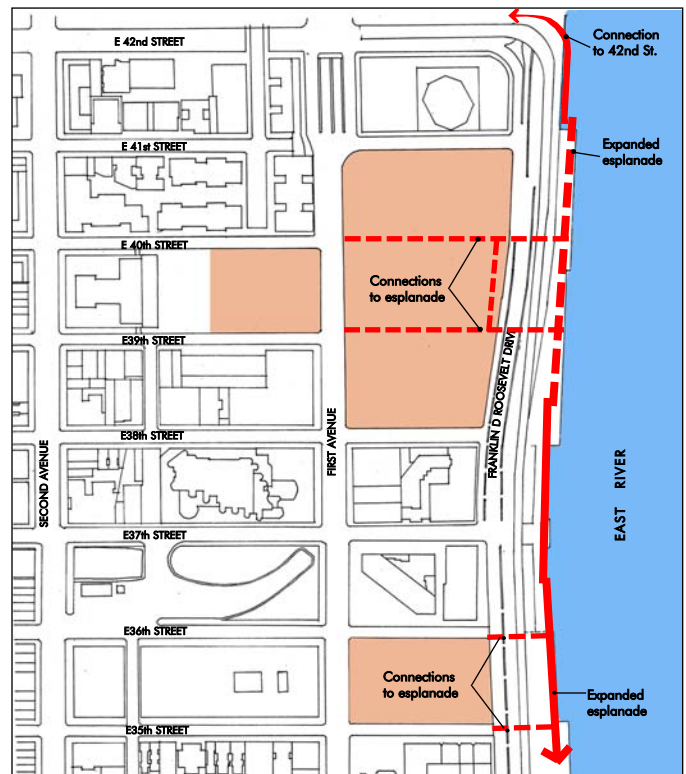



Figure 8: Proposed Pedestrian Access



Figure 9: Proposed View Corridors

 Con Edison parcels

3.5 OPEN SPACE

Community District 6 has the second lowest ratio of open space per capita in Manhattan. In addition, the quality of the existing open space is, in many cases, deficient. Existing public open space and landscape features within the immediate neighborhood of the Con Ed properties include:

- St. Vartan Park, located between 35 and 36 Streets and extending a full block between First and Second Avenues.
- The two-block long Glick Park, between 36 and 38 Streets, with access provided under the FDR viaduct at 37 Street.
- The Robert Moses Playground between 41 and 42 Streets, on the east side of First Avenue.
- A number of paved and landscaped plaza areas associated with high-rise residential towers, such as the open space in front of the Corinthian development. These plazas are generally lacking in amenities and do not substitute for the lack of real, public open space amenities in the area.

In addition, there are relatively few street trees in the neighborhood apart from those associated with the park and plaza areas noted above and the existing open space is largely cut off from the river. Adopting the recommended Special District open space and waterfront access recommendations in this report would address a critical need. Both access to the waterfront would be provided and the esplanade would be created.

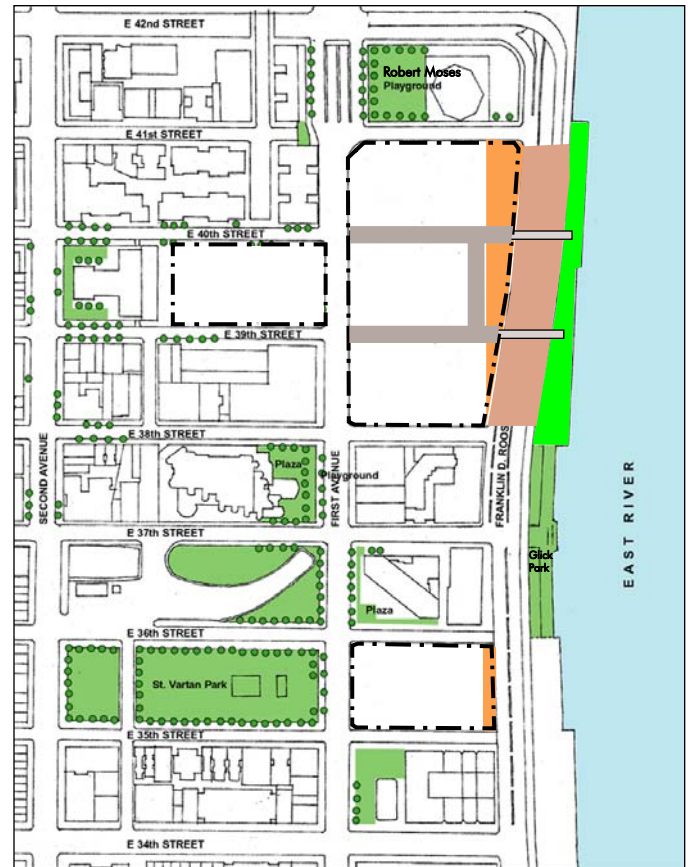


Figure 10: Proposed Open Space

Key

- Mapped Overlook deck
- Easement for FDR with Promenade above
- Bridges over FDR
- Roads
- Esplanade
- Con Ed Parcels

3.6 AFFORDABLE HOUSING

Indicators of poverty were drawn from the 2000 Census and were analyzed for the Census tracts that make up Community District 6 in order to illustrate the demand for affordable housing. The numbers were then compared to the known existing supply of subsidized housing units from both HUD's low-income housing tax credit (LIHTC) and New York City Housing Authority's (NYCHA) stock. The difference between the two is an estimate of the unmet need.

In 2000, in terms of households in poverty, there was demand for more than 6,000 affordable units. In terms of what is affordable on a rent to income ratio basis, there is a demand for more than 10,000 affordable apartments. Currently, there are 1,456 subsidized units using HUD's LIHTC in the Community District and 257 NYCHA affordable apartments. These units therefore address only a small percentage of the need.

An additional 4,812 units of affordable housing are required to meet the need of every household in poverty as defined by the federal government. In terms of households expending more than half their income on rent, an additional 9,649 affordable units are required to fulfill the need.

The Community Board's proposal would grant an FAR bonus of 2 for the provision of affordable housing on the Con Ed properties. The mechanism should seek basic consistency with the City's new affordable housing provisions in other parts of the City and should be aimed at serving a range of need from

below 50% of median income and up to 135% so that both income groups mentioned above (in terms of poverty level and rental-income ratio) are served. Assuming a ratio of 1 to 1, an FAR bonus of 2 could provide from 300 to 350 affordable units on the Con Edison parcels depending on building configurations and unit sizes. This would significantly add to economic diversity, cater to existing housing needs and limit the potential for an exclusive, high-end residential enclave.

Table 2: Affordable Housing Need

Indicators of Poverty in CD 6		
	Total	%
Total Population	144,022	
Persons in Poverty	11,227	7.8%
Retired (65-74)	866	7.7%
Elderly (75 and Older) in Poverty	688	6.1%
Total Households	88,864	
Households in Poverty	6,525	7.3%
Families Households	949	1.1%
Non-Family Households	5,576	6.3%
Rental Households	65,237	
More than 50% of income for rent	11,362	17.4%
40-50% of income for rent	3,918	6.0%
31-40% of income for rent	7,563	11.6%
Existing Supply of Subsidized Housing		
LIHTC* Housing Units	1,456	
NYCHA Housing Units	257	

Source: 2000 Census, HPD housing rolls, HUD housing rolls

*LIHTC: Low Income Housing Tax Credit

3.7 PARKING

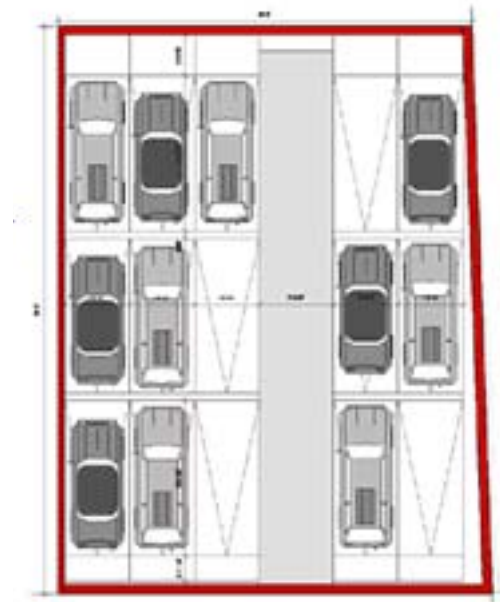
Article 1, Chapter 3 of the Zoning Resolution allows parking for 20% of the number of residential units. Community Board 6 believes that this percentage has resulted in an oversupply of accessory parking, which leads buildings to offer the excess spaces as public parking. In many cases this is illegal as the buildings were granted permits for accessory parking, not public parking garages.

The proposal from East River Realty Company effectively proposes parking at 30% of the number of residential units - an amount of parking that is both unprecedented and prohibited under the city's existing parking regulations. Furthermore, the addition of 1,559 spaces will serve to exacerbate the oversupply of parking in the area and contribute to traffic and congestion.

Under the proposed Special East River Access District, accessory parking garages would be limited to no more than 10% of the number of residential units. This will address the tendency to convert the excess accessory parking spaces to public spaces. Furthermore, the reduction in parking will also reduce traffic and congestion on the neighborhood streets. Community Board 6 is committed to reducing traffic impacts in a neighborhood that is already burdened by high volumes of regional through traffic coming from the FDR Drive and Queens Midtown Tunnel.



Source: American Development Group
<http://www.adgorg.com/ad-parking.htm>



Source: American Development Group
<http://www.adgorg.com/ad-parking.htm>

3.8 BUILDING HEIGHTS

Under the proposed Special East River Access District, building heights would be restricted to a maximum height of 400 feet east of First Avenue. This height restriction ensures that new buildings on the Con Ed properties would be contextual with the larger residential buildings in the area and shorter than the iconic UN Secretariat as shown below in Figure 11.

The heights that have been proposed for the buildings on the Con Ed properties by the East River Realty Corporation range from more than 500 feet to more than 800 feet – taller than the Secretariat and twice as tall as recommended by the Community Board.

Furthermore, because 39 and 40 Streets are not remapped the buildings do not set back from them and create a very narrow visual slot between the inland neighborhood and the waterfront.

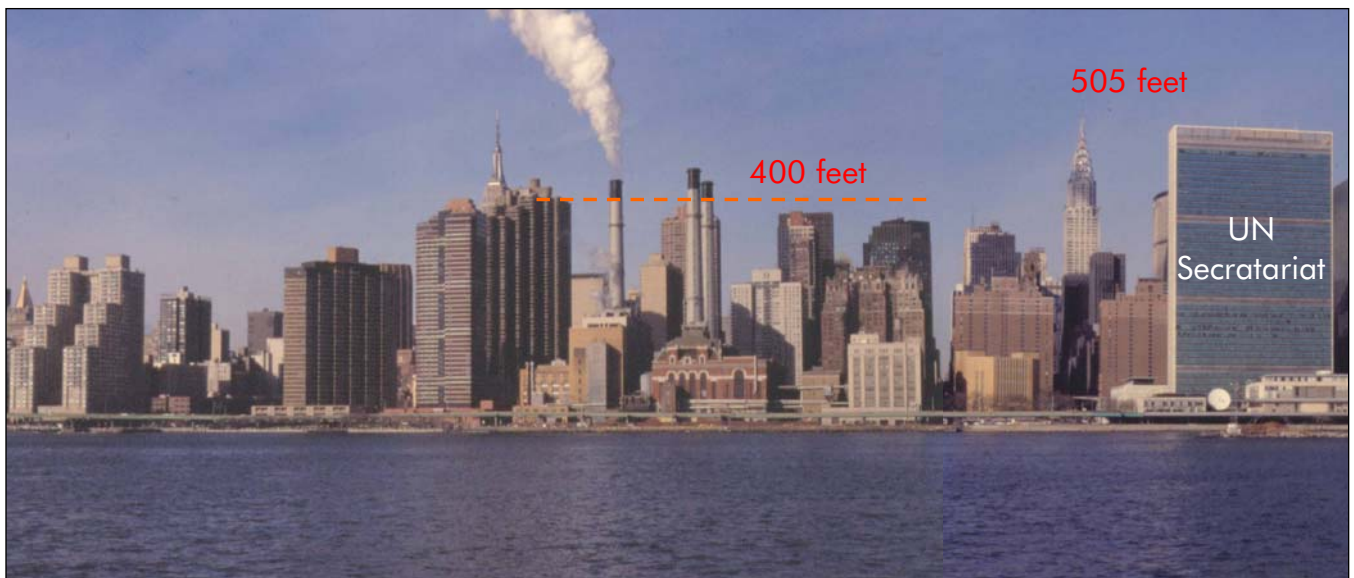


Figure 11: East Side Panorama

3.9 ADAPTIVE RE-USE

The following is an excerpt from an exhibition at the New York City Municipal Art Society documenting the historic significance of the Con Edison Waterside power plants. Demolition is currently underway, however Board 6 has long recommended that opportunities for adaptive reuse be considered in any redevelopment proposal for the site. This might include a destination retail space, museums, galleries and entertainment uses.

NEW YORK EDISON COMPANY WATERSIDE No. 2 POWER STATION

ADDRESS: FIRST AVENUE BETWEEN 39TH AND 40TH STREETS, MANHATTAN

ARCHITECT: THOMAS MURRAY

CONSTRUCTED: 1906

STATUS: NOT PROTECTED



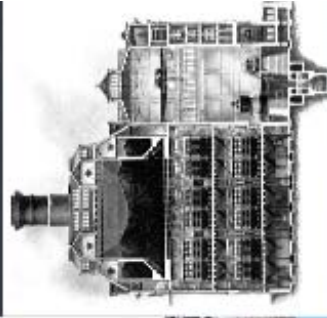
THE INTERIOR VIEW OF WATERSIDE No. 2, 1906



THE WATERSIDE No. 2, 1906, by Thomas Murray



THE WATERSIDE No. 2, 1906, by Thomas Murray



A 1906 rendering of the New York Edison Company Waterside No. 2, 1906

The Waterside No. 2 Power Station has been a visual anchor for the East River waterfront and First Avenue for nearly a century. Constructed by the New York Edison Company in 1906, the building was located next to the water so that coal could be delivered by barge to power the station. Despite its utilitarian purpose, the building was designed by in-house architect Thomas Murray in a Renaissance Revival style consisting of an ornamented stone base with large arches, red brick and a metal mansard roof.

The power station was recently decommissioned and sold to a private developer who has

presented plans to the local community board that entail the building's demolition. Destruction of the building could start in the very near future. The local community board and the Municipal Art Society believe that the structure should be incorporated into the developer's plans for the site.

The Waterside Power Station could be reused to create a new cultural or retail amenity for Manhattan's far East Side, while remaining one of the East River's most striking industrial structures.

4.0 SUMMARY AND CONCLUSION

The Community Board 6 plan represents a comprehensive planning effort that functions on a number of levels. First, it accommodates a substantial increase in FAR from 2.0 and 5.0 to 12.0 FAR (including bonuses at the site). This allows substantial new development in keeping with existing zone changes and buildings in the neighborhood. Second, the CB6 plan looks beyond the confines of the Con Edison parcels to consider the broader needs of the neighborhood such as open space and waterfront, affordable housing and local retail. Third, and perhaps most important for the Department of City Planning to consider under the provisions of Section 197c, is that the CB6 Plan recognizes and incorporates other ongoing planning efforts at the City and State levels including implementing the City's vision of providing continuous waterfront access on the East River in this area and accommodating a realignment of the FDR Drive as part of the State's ongoing plans. By comparison, the East River Realty Company proposal introduces an office district into a long-standing residential neighborhood, proposes 13 FAR buildings with no

precedent, ignores the vehicular and pedestrian benefits of the City's historic gridiron, proposes a 50% increase in permissible parking, does not provide affordable housing and does not accommodate any mapped parks in a Community District with few parks.

Table 3: Comparison of CB6 Plan and ERRC Plan

	COMMUNITY BOARD 6 197c PLAN	EAST RIVER REALTY COMPANY PLAN
Zoning	C1-9 (local shopping and services)*	C5-2 (medium bulk commercial) C4-6 (shopping centers and offices)
Use	Residential, with ground floor commercial	Commercial (1.1 million square feet) and residential
Bulk	12 FAR with reductions for removing the roadbeds of 39 and 40 Streets in area calculations	12 FAR (13 FAR including the roadbeds of 39 and 40 Streets)
Building Form	Towers up to 400 feet high on each block	Towers from 528 feet up to 836 feet high on superblock
Street Mapping	39 and 40 Streets be remapped and connected with a loop road	39 and 40 Streets as view corridors only
Public Access	39 and 40 Streets remapped and providing pedestrian connections with bridges over the FDR to connect to the esplanade	No public space on-site. Only publicly accessible, privately-owned open space
Open Space (On-site)	Open space above 30-foot wide easement for FDR	3.44 acres of publicly accessible, privately-owned open space
Open Space (Off-Site)	Overlook deck above re-aligned FDR, waterfront open space on pier between 38 and 41 Streets	No off-site open space is proposed
Affordable Housing	Affordable housing bonus available within proposed special district	No provision for affordable housing
Parking	Permitted accessory residential parking limited to 10% of residential units within the Special District	Percentage of parking to residential units is 30%

**As defined by the Zoning Handbook*