



CITY PLANNING COMMISSION

August 21, 2013 /Calendar No. 11

N 130263 ZRM

IN THE MATTER OF an application submitted by Carnegie Park Land Holding LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, concerning Article VII, Chapter 8 to amend the ownership provisions of ZR Sec. 78-06 to allow application for modification of a Residential Large Scale authorizations and special permits granted in connection within an urban renewal area that has expired in Community District 8, Borough of Manhattan.

This application to amend the ownership provisions of Section 78-06 of the Zoning Resolution was filed by Carnegie Park Land Holding LLC on April 16, 2013. The amendments would facilitate the development of a 36-story mixed-use building located at 205 East 92nd Street in Manhattan Community District 8.

RELATED ACTIONS

In addition to the application for amendments of the Zoning Resolution which is the subject of this report (N 130263 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following non-ULURP applications which are being considered concurrently with this application:

M 860289(A) ZAM: A modification of a previously approved authorization of a Large Scale Residential Development (LSRD) in the former Ruppert Brewery Urban Renewal Area (RBURA) in order to reflect the development of 305,020 square feet of residential floor area, 47,013 square feet of private school use by the Windward School, 31,272 square feet of commercial health club use and 995 square feet of retail use at 205 East 92nd Street (Site 4A of the LSRD).

N 130264 ZCM: A Chairperson Certification pursuant to Zoning Resolution Section 37-78 that a 10,679-square foot Public Plaza complies with the provisions of Zoning Resolution Section 37-70 (Public Plazas).

BACKGROUND

The Ruppert Urban Renewal Area (RBURA), approved by the City Planning Commission on March 20, 1968 (CP 20197) and by the Board of Estimate on June 20, 1968, established an urban renewal plan that covered a four-block area generally bounded by East 90th and East 94th streets, and Third and Second avenues and set forth a policy for the rehabilitation and redevelopment of this portion of the Yorkville-Carnegie Hill (Upper East Side) neighborhood. On September 22, 1971, the City Planning Commission approved an LSRD (CP-21724) coincident with the boundaries of the RBURA. The Large Scale Residential Development (LSRD) set total allowable floor areas for residential, commercial, community facility uses, as well as open space uses on a site by site basis for the purpose of assisting in the implementation of the RBURA.

The RBURA and LSRD resulted in the creation of 13- to 42-story residential developments for a mix of incomes (Ruppert Towers, Yorkville Towers, Knickerbocker Plaza, Ruppert House, Yorkville Gardens and Carnegie Park). The second to last stage of redevelopment within the RBURA/LSRD occurred on sites 4A and 4B, known as the Carnegie Park development. Between 1982 and 1983, the Department of Housing Preservation and Development (HPD) made applications and was approved for land use actions related to Sites 4A and 4B: an amendment to the LSRD (N 803109 ZAM), an amendment to the RBURA (C 810178 HUM), a housing plan and project and related disposition (C 830262 HPM), and a special permit authorizing height and setback waivers (C 830264 ZSM).

The urban renewal plan amendment (C 810178 HUM) updated the designation of Site 4A from public high school use to public open space due to an overall reduction in high school-aged children in the borough. The amendment to the LSRD amended the floor area limits for Site 4A to reflect the public open space use under the urban renewal plan amendment by eliminating a floor area allocation to Site 4A. The disposition action (C 830262 HPM) authorized a disposition pursuant to Article V of the New York State Private Housing Finance Law of sites 4A and 4B to allow for private development of a 30-story, 397-unit residential building on Site 4B (1633 Third Avenue between East 93rd and East 94th streets), and the development of an approximately 34,000-plus square foot “active recreational open space” on Site 4A (205 East 92nd Street between East 92nd and East 93rd streets). The special permit (C 830264 ZSM) authorized height

and setback waivers along the East 94th Street and Third Avenue portion for the residential building on Site 4B.

In 1983, HPD entered into a Land Disposition Agreement (LDA) with the developer, Carnegie Park Associates. The LDA specified requirements for the developer to maintain Site 2A as park land for 10 years. The LDA also required the developer to refurbish, operate and maintain Site 4A as a public recreation area for a period of 25 years ending June 30, 2008 (coterminous with the expiration of the RBURA). The public recreation area, which contained a basketball court and play areas, was closed to the public in September 2011.

Although the RBURA expired in 2008, the LSRD continues to govern the floor area limits and minimum open space requirements within the LSRD's boundaries.

Under Section 78-06 of the Zoning Resolution, the City's urban renewal agency (HPD) or its authorized designee, may make application for and be granted authorizations or special permits or modifications thereto under Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), for a tract of land which is part or all of an Urban Renewal Area, without regard to the general ownership provisions of Section 78-06. Those provisions require that applications for authorizations, special permits or modifications thereto must be made by the owners of property within the Large Scale Residential Development.

Consistent with these provisions, HPD or its authorized designee may apply for and be granted modifications to previously granted authorizations or special permits for a LSRD. The purpose of these special provisions relating to the urban renewal agency is to facilitate the use of the LSRD authorizations and special permits to further the implementation of urban renewal plans and their associated acquisitions and dispositions of real property. When an urban renewal plan expires, however, HPD may no longer act in such a capacity and the general ownership provisions apply to any application to apply for or modify LSRD authorizations and special permits.

The CPC has amended Zoning Resolution Section 78-06 in 2003 (N 030404 ZRM), 2006 (N 060426 ZRQ) and 2008 (N 050402 ZRM) to allow owners of sites within certain LSRDs to modify the governing LSRD without meeting the ownership requirements of Section 78-06 provided that the modification (1) does not seek the distribution of floor area from any zoning lot not included in the subject parcel and (2) does not increase the total allowable floor area on the zoning lot included within the parcel(s) beyond that permitted by the underlying zoning. These provisions apply to the former West Side Urban Renewal Area (WSURA) and former urban renewal areas in Queens Community District 7. In both cases, the Commission recognized that applying the general ownership provisions would impose a significant constraint on the ability of a single property owner to apply for and seek modifications to the LSRD regulations governing the site, given the disparate ownership patterns within the Large Scale resulting from the period of HPD administration of the Urban Renewal Plan. The text amendments served to provide relief from application of the general ownership rules, where certain conditions are met.

The proposed text amendment to Section 78-06 of the Zoning Resolution filed by Carnegie Park Land Holding LLC would allow individual property owners of a parcel of land previously used as open space for a term of years that has expired within a LSRD located in an expired urban renewal area listed in Section 78-06 to make an application to modify the previously approved LSRD where such modifications do not seek the distribution of floor area from any zoning lot not included within the parcel, for a development that includes a building and public open space permitted by the applicable district regulations. The modifications must result in a site plan that includes a building and public open space that are appropriately located and oriented with respect to other uses in the surrounding area..

The proposed text would only apply to former RBURA in Manhattan Community District 8. Site 4 is the only parcel within the LSRD that meets the description of a parcel of land previously used as open space for a term of years that has expired.

The text amendment would facilitate a project constructed pursuant to the underlying C4-6 district regulations. The project will consist of a 36-story mixed use building with 384,300 square feet of floor area. The building would contain 305,020 square feet of mixed income

residential use (290 units, 58 of which would be affordable), 47,013 square feet of private school use with 350 seats (the Windward School) and 31,272 square feet of commercial use (Equinox health club), 995 square feet of ground floor retail use and 80 accessory parking spaces. A 10,679 square foot public plaza and a 2,111-square foot non-bonused private open space will be located on the site.

The building, oriented north-south, will be located on the easterly portion of the lot and the public plaza and non-bonused private open space will be on the westerly portion. The residential use and health club will be accessed from East 92nd Street and the private school will be accessed from East 93rd Street. The public plaza will be accessed from East 92nd Street. A small retail use will occupy the ground floor and will be accessible from within the public plaza. The private school will be occupied by The Windward School (the “School”), a K-8 institution specializing in programs for children with learning disabilities. An 809-square foot retail use will be located on the ground floor fronting on the public plaza and a health club use will be provided, subject to a future special permit from the Board of Standards and Appeals.

ENVIRONMENTAL REVIEW

This application (N 130263 ZRM), along with the related actions (M 860289(A) ZAM and N 130264 ZCM) 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 13DCP121M. The lead is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 6, 2013. The Negative Declaration included (E) designations to avoid the potential for significant adverse impacts related to air quality and noise (E-311).

On August 20, 2013, a Revised Environmental Assessment Statement was issued which describes and analyzes the modifications to the Proposed Actions, adopted herein. The Revised

Environmental Assessment Statement concluded that with the provision of revised (E) designation requirements, the proposed actions with modifications would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration. A Revised Negative Declaration was issued on August 21, 2013. The Revised Negative Declaration reflects the modified application and modified (E) designation language. The (E) designation requirements related to air quality and noise would apply to the following development site:

Block 1538, Lot 10

The text for the (E) designation related to air quality is as follows:

Any new development on the above-referenced property must ensure that fossil fuel fired heating and hot water equipment be fitted with low NOx (30 ppm) burners and utilize only natural gas, and that boiler equipment exhaust stack(s) are at least 405 feet above grade. In addition, no temporary or permanent Certificate of Occupancy from the New York City Department of Buildings (DOB) may be obtained for any new development at the subject property unless and until the operator of the building located at 200 East 94th Street (Block 1539, Lot 1) has converted its existing boilers to utilize natural gas, as evidenced by a certificate from DOB.

The text for the (E) designation related to noise is as follows:

In order to ensure an acceptable interior noise environment, future school/residential/commercial uses must provide a closed window condition with up to 41 dBA of window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. The specific attenuation requirements to be implemented throughout the project building facades are provided in the 203-205 East 92nd Street Technical Memorandum, Table 6 (CEQR No. 13DCP121M), August 2013.

With the implementation of the above (E) designation (E-311), no significant adverse impacts related to air quality and noise would occur.

PUBLIC REVIEW

On May 6, 2013, the text amendment was duly referred to Community Board 8 and the Borough President for information and review in accordance with the procedure for referring non-Uniform Land Use Review Procedure (ULURP) matters.

Community Board Recommendation

On June 12, 2013, and on that date, by a vote of 25 in favor, 5 opposed, and 3 abstaining, adopted a resolution recommending disapproval of the application.

The Community Board disapproved the application because the proposed land use actions represent a loss of “open park space” in an area of the Upper East Side that contains “very little” open space.

Borough President Recommendation

The Borough President did not submit a recommendation on this application.

City Planning Commission Public Hearing

On July 10, 2013 (Calendar No. 7), the City Planning Commission scheduled July 24, 2013, for a public hearing on this application (N 130263 ZRM). The hearing was duly held on July 24, 2013 (Calendar No. 31). There were 6 speakers in favor of the application and 27 speakers in opposition.

Those speaking in favor of the application included four representatives of the applicant and two representatives from the Windward School. Those speaking against the application included a representative from New York Park Advocates, a representative of the Ruppert Houses, and local residents in the neighborhood.

The land use counsel for the applicant, speaking in favor of the application, described the history of sites 4A and 4B within the LSRD and RBURA, and the reasoning behind applying for the

proposed text amendment. It was mentioned that Site 4A was intended to serve as interim open space and was never contemplated as a city park, as indicated by the LDA which specifies a 25-year term for maintenance. In addition, it was noted that Site 2A was intended for park land and that the developer was required to improve and maintain Site 2A for ten years after which the site was transferred permanently to the city. The applicant's land use counsel, also speaking in favor, further stated that the applicant fulfilled its obligation under the urban renewal plan to maintain the site as an open space and that the proposed text amendment would facilitate an as-of-right building with a public plaza that would be sited appropriately in relation to the surrounding uses in the area. Speaking in favor of the application, the applicant's representative noted minor changes to the floor area of building since referral, including the elimination of the parking component.

The project architect was in favor, and discussed the design of the development and noted that the building is located on the westerly portion of the subject lot in order to separate it from the Ruppert Houses, located immediately east of the site. Also in favor, the project landscape architect discussed the site's significant grade changes and that the design of the public plaza would modulate such grade changes and meet the public plaza design standards.

Representatives of the Windward School spoke in favor, discussing the school's mission to serve underserved students with language-based learning disabilities and its vision to provide more school seats to more children. The head of the Windward School and a trustee of the school noted the school's existing location in Westchester County and expressed its need to more serve students in the New York City area.

A representative of the shareholders of the Ruppert Houses co-op, located immediately east of the subject site, opposed the application on the basis that it would permanently eliminate an active open space in an area with a low open space ratio. The representative noted that, in 1983, the developer was required to provide a public open space on Site 4A in order to offset the density of the residential development on Site 4B and that such mitigation should be provided for the life of the development. The representative further noted that the co-op owns the site to

the immediate west of the project site, known as Site 3A, and encouraged the developer to consider Site 3A as a development site and preserve Site 4A as active recreational open space.

Twenty six residents of the local community, many from the Ruppert Houses, opposed the project because it represented the loss of an active recreational open space that was previously well-used by a wide range of community members before it was closed in 2011. Many speakers who opposed the project noted a need for preservation of active open space because the Yorkville-Carnegie Hill area contains dense residential developments. Speakers in opposition also expressed concerns about the decreasing quality of life in the area due to high density infill development and the construction of the Second Avenue Subway.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application for amendment to the Zoning Resolution (N 130263 ZRM), and the related applications M 860289(A) ZAM and N 130264 ZCM are appropriate.

The Commission recognizes that Section 78-06 of the Zoning Resolution does not currently provide a workable mechanism for individual property owners within former urban renewal areas that contain an LSRD to modify the LSRD controls applicable to their individual sites. The Commission notes that during the period when the active urban renewal areas are in effect, modifications may be made to the LSRD by the urban renewal agency (HPD) on behalf of individual property owners, however, with the expiration of the urban renewal plan, that process is no longer available and the general ownership requirements which require owner authorizations from all owners within the LSRD for applications to be made take effect. The general ownership provisions are appropriate to LSRDs formed and jointly agreed to at the inception by private parties, who typically enter into mutual and reciprocal agreements governing consents to future applications for modifications to LSRD provisions with respect to their properties. However, applying these requirements in LSRDs originally applied for and administered by the urban renewal agency can impose a significant constraint on the ability of

property owners to seek changes to the LSRD controls for their sites, given multiple and disparate ownership within the LSRDs and the absence of underlying agreements among the owners governing such applications.

The Commission notes that in 2003, 2006 and 2008, text amendments (N 030404 ZRM, N 060426 ZRQ and N 050402 ZRM) applicable to the former WSURA and former urban renewal areas in Queens Community District 7 were approved that allowed individual owners of property within to apply for modifications of LSRD requirements without applying the general ownership requirements. In the 2003 report, the Commission recognized that the large scale ownership provisions “may require redefinition as new proposals for developments or enlargements emerge at these locations”. As such, it amended the provisions in 2006 and 2008, provided that the modification on the subject parcel was developed in accordance with the underlying zoning district regulations and met a specific set of conditions and findings.

The proposed text amendment follows a similar approach for RBURA consistent with the rationale for the previously-approved 2003, 2006 and 2008 amendments in recognition that the RBURA expired in 2008 and that HPD no longer administers the LSRD on behalf of owners within the area. The Commission further notes that the proposed text would require that the proposed development include a public open space, and that the site plan must show that the building and public open space are appropriately located and oriented with respect to other uses in the surrounding area.

The Commission has considered the testimony of community members and others who oppose the text amendment and the development it would facilitate under related applications M 860269(A) ZAM and N 130264 ZCM, discussed below, on the basis that LSRD Site 4A should be restored to use as public open space and other development disallowed, consistent with prior approvals. The Commission notes in this regard that the RBURA which established an urban renewal land use control for Site 4A of public open space has expired, and that the LDA entered into by HPD in 1983 specified that maintenance of Site 4A as a public open space be required only until 2008, a date coterminous with the expiration of the RBURA. The 1983 amendment of the LSRD floor area tables which eliminated an allocation of floor area to Site 4A reflected the

land use control of the RBURA but did not itself establish any obligation to maintain Site 4A as publicly accessible open space.

At the public hearing, questions were raised whether the provisions of the LDA are consistent with the Commission's 1983 approval of a Housing Plan and Project and related disposition (C 830262 HPM). The report in C 830262 HPM makes no mention of a time limit on the operation of Site 4A as public open space, and the suggestion was made that the Commission's approval thereby provides that Site 4A must be maintained and operated as public open space, irrespective of the time limits set forth in the LDA. At the August 5th Review Session, Counsel to the Department addressed this issue, explaining that the 1983 Housing Plan and Project approval was not in fact relied upon by HPD as the source of authority for disposition of the property pursuant to the LDA; instead, the LDA states that disposition of Sites 4A and 4B is being made pursuant to the provisions of the Urban Renewal Law (General Municipal Law Article XV). As noted, the RBURA land use controls were only effective for the life of the urban renewal plan (2008), and the LDA correspondingly required maintenance of the space as public until 2008 only. The LDA did provide an option for formation of a Redevelopment Company under Article V of the Private Housing Finance Law, and acknowledged that under this circumstance the Housing Plan and Project approval would take effect, but this option was apparently not exercised. Counsel to the Department further explained that, even if the 1983 Housing Plan and Project approval had been relied upon as the source of authority for disposition pursuant to the LDA (and, assuming further, that the LDA's time limit is inconsistent with the Commission Report in C 830262 HPM), this would not establish that the current owner must continue to operate the site as public open space, since it is the LDA that is binding upon owner, not the CPC Report. Accordingly, the Commission does not believe that under the terms of prior approvals, the owner of Site 4A may be required to restore this property to use as public open space, and disagrees that the text amendment is inappropriate because it would result in the loss of public open space. The obligation to provide public open space has ended, and the current owner has no requirement to restore the site to public use.

The Commission acknowledges that its 1983 Housing Plan and Project report viewed the development on Sites 4A and Site 4B as an ensemble, and considered “ [t]he high density and

bulk on Site 4B with the building oriented toward Third Avenue” to be “ balanced by the recreation area on Site 4A”. However, this does not mean that the site plan and urban design vision reflected in the 1983 development is immutable and foreclose consideration of other proposals for use of Site 4A which may be compatible with the LSRD and provide other advantages, such as new public open space.

Accordingly, the Commission believes that the text amendment, which would allow the owner of Site 4A to seek and obtain approval of a modification to the LSRD controls applicable to the site, subject to certain conditions including the provision of public open space, is appropriate.

The Commission believes that the proposed development is appropriately located and oriented with respect to other uses in the surrounding area. The proposed development will consist of a 36-story building with a residential tower oriented north-south on the westerly portion of the site and will be constructed in full compliance with the underlying bulk regulations of the C4-6 zoning district. The site will contain a 10,679-square foot Public Plaza and an adjacent 2,111-square foot non-bonused open area located along the full depth of the easterly portion of the site. The Commission notes that the site immediately to the east contains a large through lot open space on the western portion of its site and a 42-story building that is similarly oriented north-south on the eastern portion of its site, and therefore the buildings will have more than 125 feet of distance between them. The Commission further notes that other mid-block high rise towers, surrounded by open areas, exist on the blocks immediately to the north and south. The Commission believes that other design alternatives built pursuant to the underlying C4-6 bulk regulations could result in buildings with greater lot coverage or longer street walls for example, that would be less sympathetic to the surrounding context, and that the location of the proposed development has been thoughtfully considered with respect to its immediate surrounding and the general development pattern of the area.

The Commission notes that a revision was made to the proposed development to reflect refinements made to the building program after referral of the application. The proposed total floor area for the development will remain 384,300 square feet. However, the residential use was decreased (by 1,087 square feet) to 303,933 square feet or 231 units, of which 46 would be

affordable, the private school use was decreased (by 581 square feet) to 46,432 square feet, the commercial health club use was increased (by 1,854 square feet) to 33,126 square feet, and the ground floor retail use was decreased (by 186 square feet) to 809 square feet. The 80 accessory parking spaces were eliminated. The 10,670-square foot public plaza and a 2,111-square foot non-bonused private open space will remain the same.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Section 201 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

- Matter in underline is new, to be added;
- Matter in ~~strikeout~~ is old, to be deleted;
- Matter in # # is defined in Section 12-10;
- * * * indicate where unchanged text appears in the Zoning Resolution

Chapter 8
Special Regulations Applying to Large-Scale Residential Developments

* * *

78-06
Ownership

* * *

(b) Notwithstanding the provisions on paragraphs (a) of this Section, the following actions shall be permitted:

* * *

(7) In the event that the urban renewal plan has expired, the owner(s) of a parcel(s) of land previously used as open space for a term of years that has expired within such #large scale residential development#, if located in a former urban renewal area listed below, may make application for and be granted modifications of authorizations or special permits previously granted under the provisions of this Chapter, where such modifications do not seek the distribution of #floor area# from any #zoning lot# not included within such parcel(s), for a #development# that includes a #building# and public open space permitted by the applicable district regulations. Such modifications shall result in a site plan that includes a #building# and public open space that are appropriately located and oriented with respect to other uses in the surrounding area.

Ruppert Brewery Urban Renewal Area – Community District #8 Manhattan

* * *

The above resolution (N 130263 ZRM), duly adopted by the City Planning Commission on August 21, 2013 (Calendar No. 11), 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, FAICP, Chair
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, PE,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE R. DE LA UZ,
MARIA M. DEL TORO, JOSEPH I. DOUEK, ANNA HAYES LEVIN,
ORLANDO MARIN, Commissioners
RICHARD W. EADDY, Commissioner, Recused

Nicholas Viest
Chair

Latha Thompson
District Manager



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**The City of New York
Manhattan Community Board 8**

June 17, 2013

Hon. Amanda M. Burden
Chair
The Department of City Planning
22 Reade Street
New York, New York 10007

**Re: Applications N 130263ZRM & M 860259 (A)ZAM, 203-205 East 92nd Street, Block 1538,
Lot 10 (formerly Lots 10 & 12) Large-Scale Residential Development former Ruppert Brewery
Urban Renewal Area**

Dear Chair Burden:

At the Land Use meeting on Wednesday, June 12, 2013 Community Board 8M **disapproved** the following zoning text amendment by a vote of 25 in favor, 5 opposed, 3 abstentions and 3 not voting for cause.

Whereas, The applications (N130263ZRM & M860259 (A) ZAM) and related materials submitted by Carnegie Park Land Holding LLC requesting a zoning text amendment to Section 78-06 of the Zoning Resolution and a modification of the previously approved application N860259ZAM for a modification of a Large Scale Residential Development (LSRD) within the former Ruppert Brewery Urban Renewal Area, to facilitate the construction of a 36-story mixed use development at this location. These applications (N130263ZRM & M860259 (A) ZAM) are not subject to the Uniform Land Use Review Procedure (ULURP) and do not require a public hearing by the Community Board or the City Planning Commission. However, if the board has any comments or recommendations on these applications, please submit them by July 15, 2013.

Whereas, Community Board 8M held a public hearing regarding this matter;

Whereas, a large number of local residents attended the hearing,

Whereas, residents are very concerned about the loss of open park space this proposal represents and registered their opposition to this application,

Whereas, Community Board 8 and this area in particular have very little open space,

Be It Resolved that Community Board 8 **disapproves** the proposed zoning text amendment to facilitate the construction of a 36-story mixed use development at 203-205 East 92nd Street.

Please advise this office of any decision made by City Planning concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Nicholas Viest'.

Nicholas Viest

Chair

cc: Honorable Michael Bloomberg, Mayor of the City of New York
Honorable Scott Stringer, Manhattan Borough President
Honorable Carolyn Maloney, 14th Congressional District Representative
Honorable Liz Krueger, NYS Senator, 26th Senatorial District
Honorable Micah Kellner, NYS Assembly Member, 65th Assembly District
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District
Honorable Jessica Lappin, NYC Council Member, 5th Council District
Honorable Daniel Garodnick, NYC Council Member, 4th Council District
Jerry Johnson, Esq., Wachtel Masyr & Masyr LLC