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Mr. Matthew Washington  
Chair  
Community Board 11  
1664 Park Avenue  
New York, NY 10035

RE: Zoning commentary on the  
NYCHA pre-RFP releases

Dear Mr. Washington:

As you know, I have been participating in the community's dialogue on the New York City Housing Authority's (NYCHA) infill plans in Community District 11 since NYCHA first outlined their plans in April of this year. Last month NYCHA released a draft RFPs, or pre-RFPs, for the proposed land leases of eight of their housing estates. The pre-RFPs have much more information on the proposed infill than all the previous materials. My office reviewed the two pre-RFP documents in Community District 11--Washington and Carver Houses--from a zoning perspective and has prepared this letter which details our comments.

### **Summary**

NYCHA's pre-RFP documents includes hypothetical building massings, some zoning calculations and a restriction that would limit building height to 425 and 350 feet on the Washington sites and 350 and 300 feet for the Carver sites. The height limit is a significant change from the previously released materials which provided no guidelines on the building form.

There are issues with the pre-RFP documents that range from the trivial to the serious. The more serious issues with the building massings include: a massing that does not include all the floor area available for lease, a massing that does not match the development area and/or includes more floor area than is being offered for lease, and a massing that is not buildable as-of-right. Perhaps more serious, however, is the omitted information for the zoning lot, including required parking, open space. NYCHA's pre-RFP primarily focuses on the lease area, yet from a zoning perspective we need information for the entire zoning lot to demonstrate compliance with zoning. This district requires parking for residential uses and a substantial amount of open space, but zoning also limits the size of parking facilities and the amount of open space that can be used as parking. Without a zoning analysis of the entire zoning lot it is impossible to know if NYCHA's lease plans are reasonable.

These issues should be remedied before any RFP is issued. That said, we continue to encourage NYCHA to engage the community and develop plans and guidelines that meet the needs of NYCHA, its residents, and New York City.

## **Carver Houses**

The Carver Houses program has not changed from the initial materials: it remains 500,000 SF of community facility space and 242,000 SF of residential space on two sites leased on block 1608. The size of the Madison Avenue lease site has increased from approximately 14,000 SF to 16,716 SF, which is a net positive allowing for a larger floor plate and a shorter building more in context with the area. The Park Avenue site is slightly smaller than the approximately 23,000 SF initially indicated at 22,109.

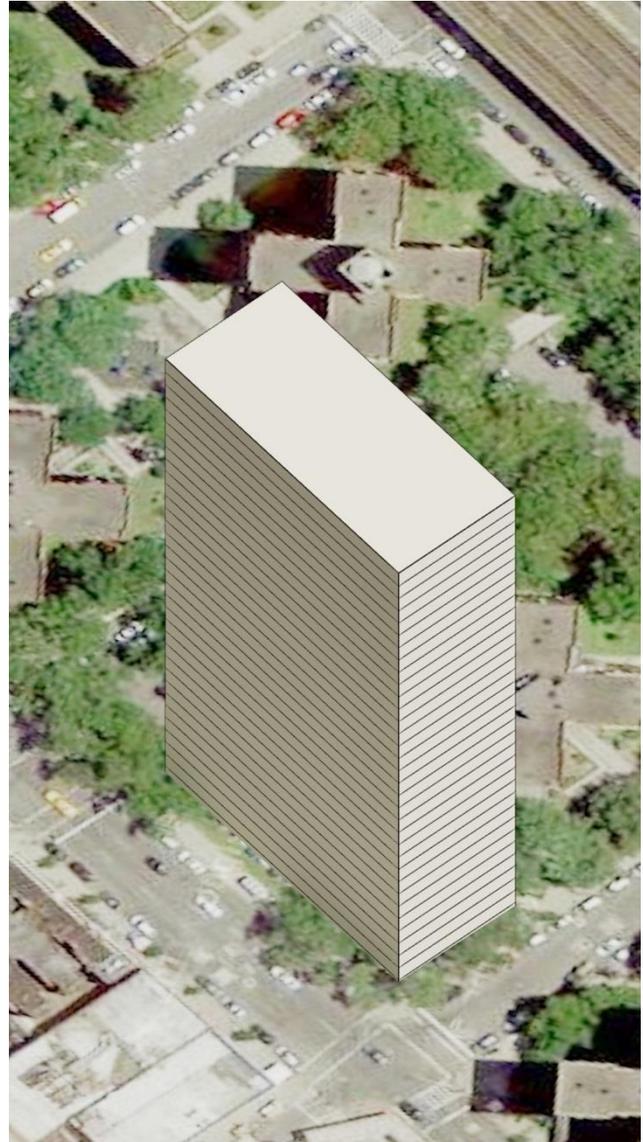
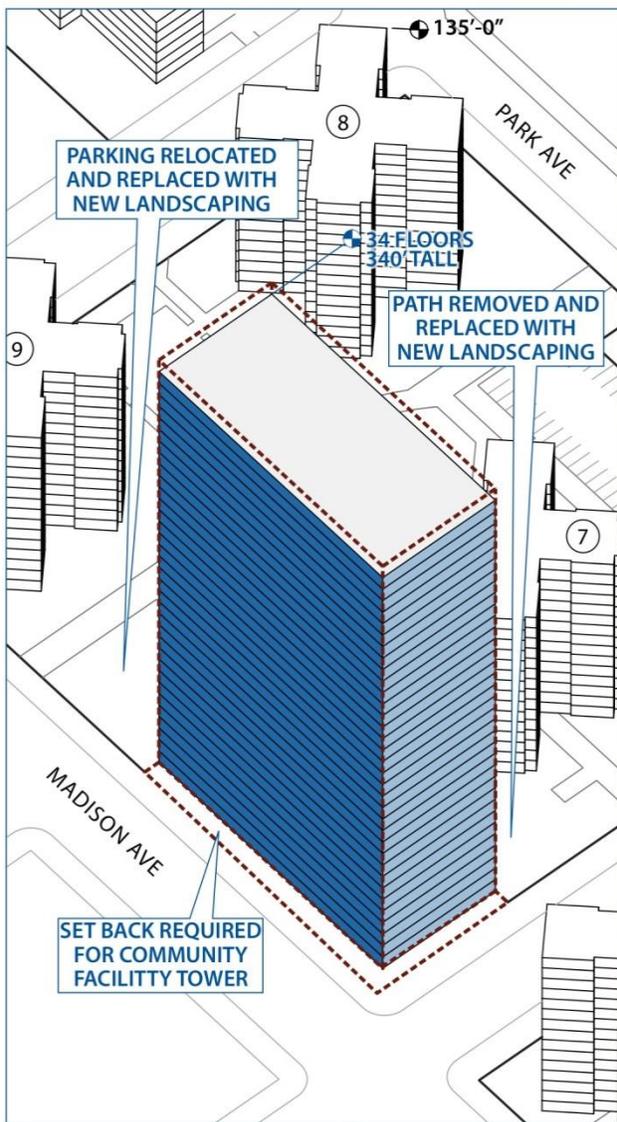
NYCHA's pre-RFP shows both residential and community facility massings on both sites to show that either site can accommodate either use. Building height is limited to 350 feet on the west site and 300 feet on the east site, though the buildings themselves may not be this tall.

### **Carver west site**

To be able to evaluate the massing shown in the NYCHA document, my office modeled a community facility tower on the west site based upon the massing shown in the NYCHA document. Because of this site's proximity to Mt. Sinai Hospital it is assumed to be more attractive for that use. The image on the left shows the community facility massing as captured from the NYCHA pre-RFP, while the image on the right is the massing my office produced.<sup>1</sup>

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<sup>1</sup> These models reflect 102<sup>nd</sup> Street as a wide street, which requires a 10 foot setback, rather than a 15 foot setback required for a narrow street. 102<sup>nd</sup> Street is a wide street as it is over 75 feet wide as it passes through Carver Houses. On either side of Madison and Park, however, 102<sup>nd</sup> Street is a narrow street.



The largest issue for the west Carver site is that even though size of the development footprint increases, not all of the floor area available can be accommodated in the community facility tower shown. As modeled, the massing has 462,545 SF of zoning floor area,<sup>2</sup> which assumes that no significant portion of the ground floor is used for accessory parking. If part of the ground floor is used as accessory parking, even more ZFA will have to be accommodated.

<sup>2</sup> Zoning floor area (ZFA) is not the same as gross floor area (GFA). Certain parts of a building (e.g., mechanical spaces, pipe chases, accessory parking under 23 feet, and other spaces) are not counted as floor area under New York City zoning. The rule of thumb often used is a 3% reduction of gross floor area to zoning floor area. Higher percentages are often used in large non-residential buildings that may have an entire floor devoted to building mechanicals. For the purposes of this analysis my office used the 3% reduction of GFA to develop an estimate of ZFA for all buildings. The actual ZFA deduction from GFA cannot be known until a building is designed, but it will likely be close to 3%, or higher if a substantial portion of the ground floor is used for accessory parking.

The massing could have another floor, a 35<sup>th</sup> story and still be under NYCHA's designated 350 foot height limit and keep the same floor-to-floor height, but that would only add another 13,604 SF of ZFA, leaving it about 24,000 SF of ZFA short. To fully build out the west site using all the community facility space and to stay within the building envelope determined by zoning and NYCHA's height limit, the floor-to-floor heights would have to be compressed by nearly nine inches to add an additional two floors.

NYCHA's massing already shows floors 2 through 34 at under 10 feet floor-to-floor, which while acceptable under zoning, is pushing the reasonable limits of a modern community facility building. A community facility building with 9+ foot floor-to-floor heights will likely break that reasonable limit, or at least restrict the community facility uses that will find the space to be attractive.

The purpose of a massing exercise is to show how a developer might propose a reasonable building, and the western community facility building shown in the NYCHA pre-RFP document is not reasonable since it does not accommodate all the community facility floor area available and would require short floor-to-floor heights if additional floors were added. NYCHA should re-evaluate the massing and adjust it to reflect all the floor area that's available for lease.

### **Carver east site**

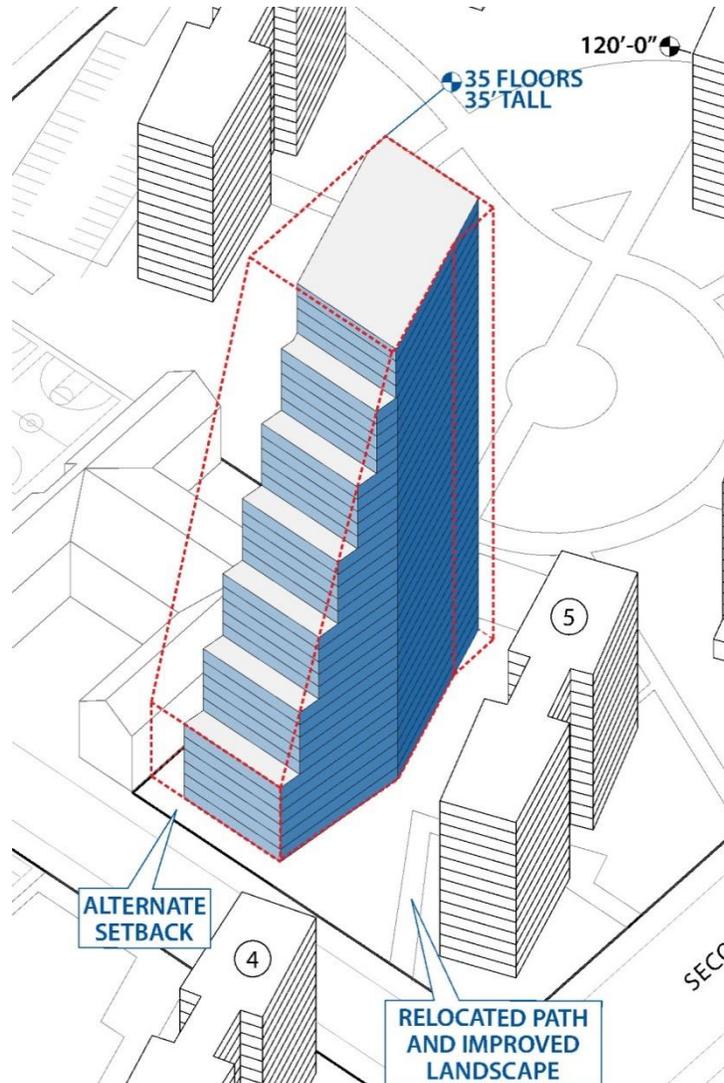
Carver east massing has no issues. It easily fits within the height limit of 300 feet and the required sky exposure planes. The size of the building is within a reasonable margin of the floor area available, assuming that the ground floor is not used primarily for parking.

### **Washington Houses**

The Washington Houses program has not changed from the initial materials: it remains 500,000 SF of residential space on the south site and 350,000 SF of residential space on the north site. The size of the north site lease area has increased from approximately 16,000 SF to 18,953 SF. The south site is defined as 57,649 SF, which is in-line with the previously approximated 57,000 SF. Building height is limited to 425 feet on the south site and 350 feet on the north site.

### **Washington north site**

The Washington north site is a difficult site to fit all of the floor area available in the zoning envelope, so there is little flexibility on the building form, yet the massing as shown (reproduced below) has many problems.



First, NYCHA's massing diagram is determined, in part, by the Alternate Setback and sky exposure plane, but the sky exposure plane for the Alternate Setback is shown incorrectly. While the plane is angled correctly, it is set too far back and the massing follows this incorrect plane. The 60 feet starting point of the sky exposure plane is measured at the street line, not at the setback.<sup>3</sup> Correcting for this error, however, will actually make a slightly more buildable building since NYCHA's interpretation pushes the massing back further than necessary.

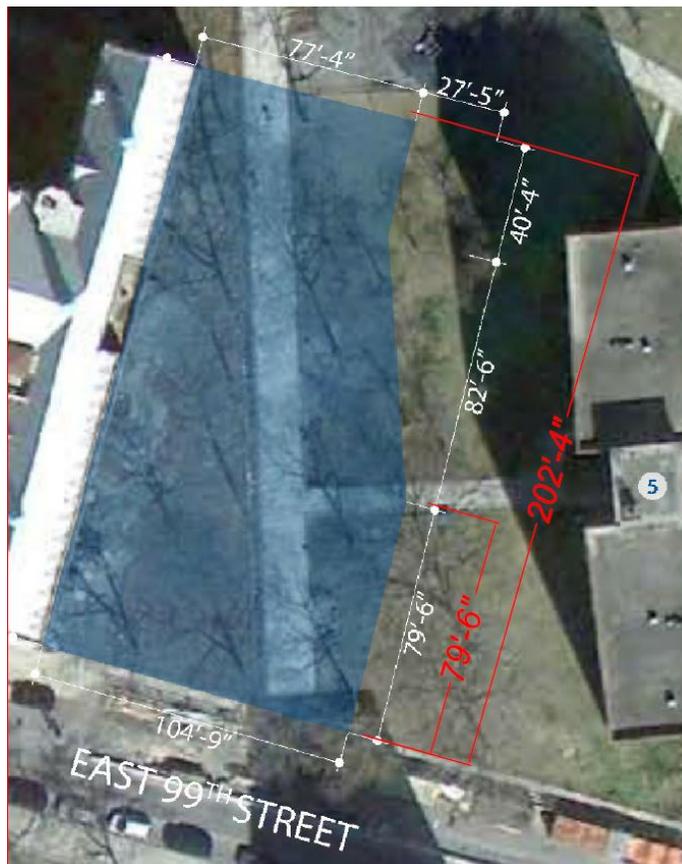
Second, this massing breaks a side yard zoning requirement. NYCHA's massing shows the building angling back from a side setback straight to the western lot line. While lot line buildings are allowed in this district, if a side yard is provided at any level, it needs to be at least 8 feet;<sup>4</sup> it cannot simply angle back steadily to the side lot line. The building would have to stop angling at 8 feet from the western lot line

<sup>3</sup> Diagram in 23-64 of the ZR

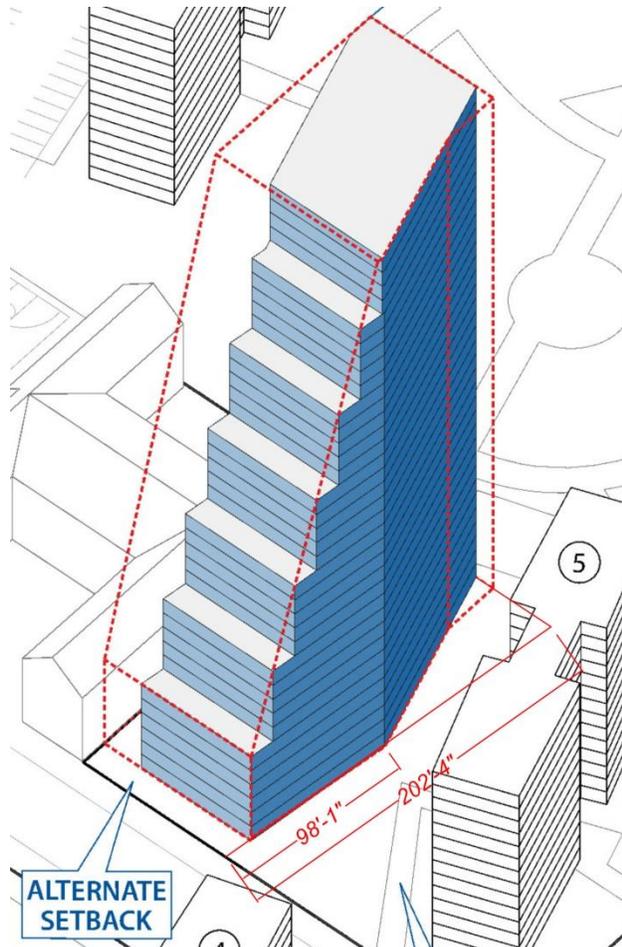
<sup>4</sup> 23-462 of the ZR

and then move perpendicularly to the lot line, or simply continue north leaving at least 8 feet from the side lot line.

Finally, and most curiously, the massing shown is too big. As a part of evaluating this building my office massed it like the others, and found that it had too much floor area than was being offered for lease. Consequently, we scaled the development footprint to check its measurements against the measurements of the massing shown in the pre-RFP and determined that they were not the same. Below is the lease area scaled in CAD with my office's measurements shown in red on top of NYCHA's measurements in white, and, as expected, they are virtually identical:



But when the base of the massing that appears in the pre-RFP document is similarly scaled, it does not fit into the lease area as shown by the measurements in the red lettering below:



Simply, the massing shown is too big for the lease site, and so its floor area exceeds what is available for lease. We have theorized that the massing was developed for the previously identified lease area and that NYCHA increased its size without updating the building massing.

NYCHA should modify the massing for this site so that it follows the proper zoning envelope for the Alternate Setback, matches the lease area, and reflects a legal, as-of-right building.

### **Washington south site**

My office massed the south site based upon the massing shown in the NYCHA document. Similar to the eastern Carver site, the ZFA was close to the floor area available if the ground floor is not used for parking, and no issues were found with NYCHA's massing, though the label states that the massing is 41 floors, when it is actually 42 floors.

Yet, I still have serious concerns about the reasonableness of the Washington south site, especially as it regards required parking and open space. To explain more fully I must first review height factor zoning concepts.

### ***Height factor zoning review***

The maximum floor area ratio (FAR) of a height factor district varies according to its "Height Factor," which is simply residential floor area divided by the residential building footprint. The Height Factor of a zoning lot with one building is typically equal to the number of floors in that building.

As currently built, the three NYCHA zoning lots in the lease program in CD11 are at or near their ideal maximum, which is Height Factor 14. Adding residential buildings taller than the existing buildings will increase the Height Factor of these zoning lots and decrease the amount of floor area they generate. Further, as the Height Factor goes up the amount of open space that is required goes up as well.

The Open Space Ratio (OSR) measures the minimum amount of open space required on the zoning lot, expressed as a percentage of the ZFA. So if you have a 100,000 SF building and the open space ratio is 20, the amount of land area that needs to be set aside as open space on the zoning lot is 20,000 SF, or 20% of the amount of ZFA. At the ideal maximum for the R7-2 district--Height Factor 14--the OSR is 22.

### ***Height factor and Washington Houses***

So what does this mean for the south Washington Houses site? By adding a 42-story, 500,000 SF residential building to the zoning lot of the Washington South site, the Height Factor of the zoning lot increases from 14 to 20. Height Factor 20 lowers the maximum FAR from 3.44 to 3.33 and increases the OSR from 22 to 25.<sup>5</sup>

Section 8.1 of the pre-RFP states that the amount of floor area available is 521,683, but that is the amount of floor area available only at Height Factor 17.<sup>6</sup> At Height Factor 20, there is just 503,167 SF of residential ZFA available. Consequently, as proposed this zoning lot will, for all practical purposes, be built out and there will be virtually no excess floor area for any future development on site. Further, with an OSR of 25, the zoning lot will need almost 220,000 SF of open space, which cannot be any more than half parking, on a lot that is just 264,000 SF total. This is a substantial amount of open space to be accommodated on this zoning lot, especially when NYCHA has committed to replacing the existing community center and parking that currently uses the proposed lease area on site and no changes are proposed to the other development footprints.

How many parking spaces, covering how much of the open space, are going to be relocated on-site? What percentage of required open space will it consume? Will the community center that is being relocated be placed on the same block or moved to another block site? Because the Washington south site is so close to being built-

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<sup>5</sup> From 23-142 of the ZR.

<sup>6</sup> It is not clear why the maximum FAR for Height Factor 17 is used when it is neither what the site currently is nor what it is proposed to be.

out and will require so much parking and open space, much of which cannot be used for parking, it is not at all clear that NYCHA is proposing a reasonable program for this zoning lot. The only way the reasonableness of the program can be demonstrated is by doing a full zoning lot analysis.<sup>7</sup>

### **Full Zoning Lot Analysis**

While NYCHA will just be leasing a small piece of their estates, for zoning purposes the lease area is no different from the rest of the estate; they are, and will remain, part of the same zoning lot. This means when the zoning drawings are submitted to the Department of Buildings by the developer as a part of the permitting process, they will show not only the lease area, but the entire zoning lot, and these drawings will account for all the floor area, required parking and open space on the entire zoning lot. Consequently, to demonstrate that the program is reasonable and buildable, NYCHA should show not just massing on the lease area, but how the entire zoning lot relates to zoning. I am especially concerned with compliance on open space and parking requirements on the Washington south site, though compliance on the other sites should also be so demonstrated.

The number of spaces provided by accessory group parking facilities is limited in the zoning resolution. Considering the parking that's already on-site, parking that will be relocated on-site, and the amount generated by the new development, will the developer be able to develop enough parking on-site? Or will off-site accessory parking be required? While allowed by zoning under certain conditions, off-site accessory parking may be contrary to the RFP, which requires, "All accessory / required parking for the new building must be accommodated within or beneath the proposed structure." This raises the question, if existing parking plus parking required by the new development exceeds the maximum size of an accessory group parking facility, and off-site accessory parking is not allowed under the lease agreement, just what is the developer expected to do? This is a potential conflict that should be resolved before any RFP is issued, and part of that resolution would be to do a full zoning lot analysis on all of the sites to demonstrate compliance.

### **Other comments**

The reference to non-residential uses on the ground floor is puzzling. Commercial and manufacturing uses are not allowed in this district. Community facility is allowed at a higher FAR. Is NYCHA permitting developers to get a BSA variance to allow commercial and/or manufacturing uses, or are they allowing only community facility uses, which are allowed in this district as of right? Does any non-residential floor area provided on the first floor have to come out of the "Residential Floor Area" available for lease? If so, then why is it called "Residential Floor Area?" NYCHA should reexamine the intent of this provision and clarify how it relates to the residential lease program.

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<sup>7</sup> A full zoning lot analysis should be done for each of the zoning lots but because Washington south would be nearly built out, it is more likely to have issues.

The lease sites seem to have been determined by identifying parts of the estates that are sixty feet from other residential buildings on the zoning lot and drawing a reasonable development area from the areas that meet that sixty feet building spacing criteria. This is overly restrictive and makes for a more difficult, more expensive building than necessary. Zoning requires a building spacing of at least 60 feet for window-to-window conditions on the same zoning lot, but this requirement only starts at 50 feet over curb level.<sup>8</sup> Lower than 50 feet, buildings can be closer. Building spacing narrows further if buildings are window-to-wall or wall-to-wall. Simply, the lease areas could allow for a bigger footprint and larger ground floors to help accommodate required parking. The larger the building footprint, the shallower underground parking garages need to be as more cars can fit on every level. This would reduce the expense in construction and, theoretically, leave more for lease payments. NYCHA should reexamine the sites in the RFPs that require parking and see if a larger footprint might be appropriate.

There are many minor errors. The non-exhaustive list of those I noted includes:

- Height limit for Washington south states a 325 foot limit in the text, but the diagram and massing shows a 425 foot limit.
- Diagram notation for Washington north says the height of the building is 35 feet. I believe 350 feet is intended.
- The diagrams for Carver Houses note a narrow street sky exposure plane for 102<sup>nd</sup> Street. I believe that 102<sup>nd</sup> Street was remapped as a wide street when Carver Houses was built.
- The text annotating the drawings needs to be proofread.

## Final thoughts

NYCHA should be commended for releasing these pre-RFP documents. It shows a level of openness that is appreciated by all stakeholders and this openness needs to be encouraged. While I have identified some short-comings from a zoning perspective, it needs to be said that the pre-RFPs reviewed are a good effort and I hope that this letter helps in helping to make them better, should the RFP process proceed as planned.

But *should* the RFP process continue forward as planned? For decades urban planners have posited ways to weave the housing estates back into New York's neighborhood fabric and these infill plans do nothing to address the fact that these housing estates are, and will remain, separated from the neighborhoods around them. As the last great reservoir of underdeveloped land in New York City, is continuing the current height factor zoning the right way to infill these estates?

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<sup>8</sup> 23-70 of the ZR.

Should infill on housing estates, not only NYCHA's but other privately owned estates as well, simply just continue the patterns of the past, or should New York City be looking at this effort by NYCHA as an opportunity to rethink, re-engineer and redesign these places for the benefit of residents, NYCHA and all New Yorkers?

As you know, the conflation of existing "tower-in-the-park" buildings and existing zoning which requires such structures is daunting: there is no easy solution that works with our zoning that respects the current built form already on the estates. But just because there is no easy solution does not mean that there isn't a better solution. I encourage NYCHA, to engage residents, the Community Board, and the larger community to develop consensus around plans that work for everyone, and then write zoning that works for those plans. I believe that the Department of City Planning has demonstrated an eagerness to change height factor districts in many of its re-zonings and would be an ally in this effort.

Simply, I am confident that we can do better than what is being proposed and find a solution that is good for everyone.

Please let me know if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "G. M. Janes". The signature is fluid and cursive, with a large initial "G" and "M".

George M. Janes, AICP  
Principal

CC: Victor Bach, Community Service Society  
Ethel Sheffer, Community Board 7