

# FRIENDS

## of the UPPER EAST SIDE HISTORIC DISTRICTS

*Friends of the Upper East Side Historic Districts, founded in 1982, is an independent, not-for-profit membership organization dedicated to preserving the architectural legacy, livability, and sense of place of the Upper East Side.*

WINTER 2017

# NEWS FROM FRIENDS

## LETTER FROM THE PRESIDENT



A variety of restaurants line Second Avenue.

An enormous CVS is moving in across the street from me. Taking up the whole block from East 86th to 87th Streets on Second Avenue, it joins another CVS just two blocks away at 87th and Lexington. There are also two Duane Reades nearby, each just a block away. Not long ago, there seemed to be a battle brewing between the banks and the drug stores to create the largest number of generic, redundant outlets. The drug stores seem to be winning.

In contrast to this bleak, homogenized invasion, our small, historic shopfronts provide variety, neighborhood character, and human scale. Consider, for example, the enormous selection of

dining options in just a few blocks on Second Avenue in the East 80s and 90s. Your dining options include Mexican, Hungarian, Vietnamese, Irish, Japanese, Thai, Italian, Indian, and Argentinian fare, and of course many universally appealing “watering holes” and several bakeries.

One of the factors that makes this variety possible is the small size of the buildings they occupy, typically just 20 to 25 feet wide. Many of these small spaces on the ground floor of century-old tenements on our side streets and avenues offer just the right amount of commercial space for such ventures. They enliven the streetscape and enhance the neighborhood for all who live, work, visit, and of course, eat here. How can we protect these small buildings, and with them the storefronts that are so important to our neighborhood, and, not incidentally, the melting pot of entrepreneurs who find opportunity in this city?

FRIENDS is confident that zoning can provide solutions in two ways. First, and unexpectedly, transfers of development rights (or TDRs) can work in our favor. This is not how the preservation community usually feels about TDRs, also known

as air rights transfers, which too often create inappropriately tall buildings. But the upside is that they also preserve the smaller buildings, typically historic tenements, from which the transfers come. Second, to reinforce neighborhood character in general, we must eliminate the threat of the “supertalls” that are looming on the horizon, too close to our neighborhood. They achieve much of their height from the use of egregious loopholes that are the creations of developers, apparently not anticipated by the Department City Planning, and not regulated by the Zoning Resolution.

FRIENDS is leading the effort with other community groups and our elected officials to make the necessary changes. There’s more in this newsletter about these initiatives, and how the reforms could work, starting on page 3, including illustrations that make these concepts easier to understand. Please read on, and be in touch with FRIENDS for more information. We are eager to meet with you and your neighbors to spread the word, and add your support to this effort.

Franny Eberhart

## ATTACK OF THE KILLER MEGATOWERS

On May 13, 2017, FRIENDS hosted “Attack of the Killer Megatowers: How to Preserve Quality of Life in a Changing Upper East Side,” partly funded by a grant from the National Trust for Historic Preservation with additional support from Council Member Ben Kallos. This half-day workshop featured presentations about landmarks and zoning, with the goal of educating neighborhood residents about the policies which have shaped the Upper East Side into the neighborhood we see today, and those that will continue to influence development in the future. The event featured a presentation by Tara Kelly, Vice President of Policy and Programs at the Municipal Art Society, who spoke about the history of zoning in New York City, and provided a primer on the fundamentals of zoning.

The morning closed with a presentation by urban planner and Upper East Side resident George Janes titled, “How Do Megatowers Get So Tall?” Working with FRIENDS, George has developed a compelling presentation to explain the rise of supertall towers, many of which rely on an exploitation of loopholes in the Zoning Resolution which developers use to create buildings of unprecedented height, even in residential neighborhoods (see the article on page 3 for an in-depth report). An engaging discussion followed the presentations, where members of the community had the opportunity to raise questions and voice concerns about the future of the Upper East Side. If you missed the event, or just need a refresher, video recordings of all of the day’s presentations are archived

under “Planning and Zoning,” within the Advocacy page on the FRIENDS website.

FRIENDS is eager to share our work beyond our website and newsletter, and we would welcome opportunities to speak at local neighborhood and block association meetings across the Upper East Side. Reach out to us at the office if you’d like FRIENDS to visit your group! We spoke at packed community gatherings on both sides of Central Park this summer, including an event organized by Landmark West! as well as one organized by the East 79th Street Neighborhood Association. These meetings attest to the broad concern over the problem of supertalls mounting across the city, and FRIENDS’ work on this issue continues to pave the way forward. ♦

## A Busy Summer for Young FRIENDS



An elegant creation by one of our students this summer, as FRIENDS collaborated with the Society of Illustrators’ Summer Illustration Academy to bring our architectural appreciation courses to new audiences.

This summer, Young FRIENDS partnered with some of our old favorite schools and new ones, too, as we took advantage of sunny and carefree days to explore architecture.

In July, we were lucky to once again be a part of the Society of Illustrators’ Summer Illustration Art Academy. FRIENDS’ Director of Education, Heidi Carey, was paired Sam Kalda, a professional illustrator, in presenting our Building Fun program over the course of one full day. Heidi introduced and Sam drew various architectural concepts and elements. We then embarked on a neighborhood sketching tour, paying careful attention to cornices, arches,

columns... After lunch in the Society’s dining room, students created their own works of architecture using their drawing skills and our cut-outs of architectural elements.

We also saw old friends at The Child School on Roosevelt Island, where the middle school students enjoyed Building Fun. Our walking tour included visits to the 1888 Chapel of the Good Shepherd and the 1796 Blackwell House. It was wonderful to contrast these historic buildings with the more contemporary steel, glass, and brick high rises of Roosevelt Island.

The youngest students at The Child School, as well as new preschool friends at the Sunshine Learning Academy in East Harlem, took part in Building Fun Basics. Children learned about shapes, colors, and textures in architecture and learned to look for these elements outside in the world around them.

This school year, we plan to reach even more students on the Upper East Side, in East Harlem, and in other parts of the city. We hope to continue making new friends and of course, keeping the old! ♦

## Progress for POPS



One of the Upper East Side’s newest POPS, located at 205 East 92nd Street, which boasts an expanse of seating, as well as a water feature.

The spotlight on Privately Owned Public Spaces (POPS) continues! FRIENDS has been at the forefront in increasing awareness about these pocket parks and plazas, and advocating for the improvement of these spaces, many of which are often poorly maintained or closed to the public. On June 21, 2017, the City Council passed Intro. 1219-2016, a bill sponsored by Council Members David Greenfield and Ben Kallos which requires building owners with POPS to post signage clearly stating that the space is open to the public. Signage will need to include the name of the person charged with maintaining the POPS, its required hours of operation and amenities, and should notify the public to direct any complaints about the space to 311.

*continued on page 6*

# DIGGING INTO THE ISSUES: HOW DEVELOPERS USE LOOPHOLES AT THE PUBLIC'S EXPENSE

A number of proposed new buildings will reach record-setting heights in residential neighborhoods all over the city, but how do these buildings become so tall? Aside from advances in building technology which make it easier and cheaper to build taller, a number of developers are exploiting the city's Zoning Resolution, using loopholes not anticipated by the law to add extra building height. FRIENDS' urban planning consultant, George Janes, has tackled this issue to identify these zoning loopholes. These include excess mechanical spaces and voids within the building, extremely tall floor-to-ceiling heights, and egregious sculpting of zoning lots.

Each zoning district in New York limits the density of buildings by a calculation known as FAR, which stands for Floor Area Ratio. What is density? Imagine a corner lot that measures 100 feet by 100 feet. The maximum building that can be built

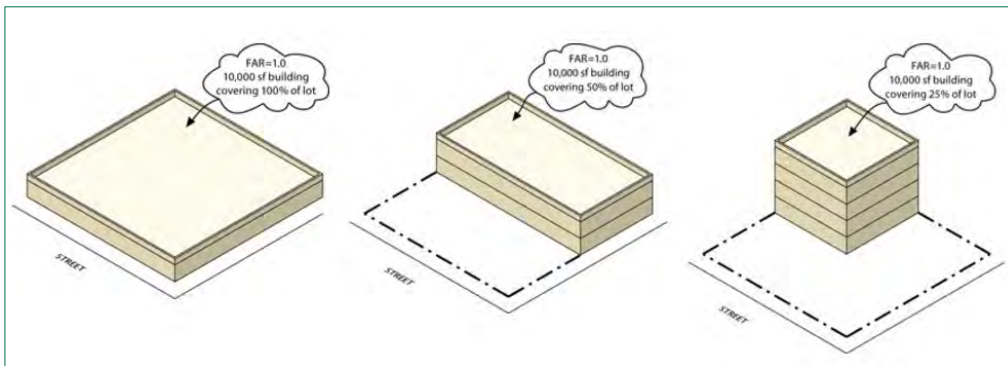
up the entire lot, it can only be one story tall, otherwise it would max out its FAR, which is 1 FAR in this example. The building on the right only uses one quarter of its lot, therefore it can rise to four stories. But the total square footage or density of all three buildings is the same.

Various FAR limits are laid out in the Zoning Resolution and these zoning districts are mapped throughout the city. This makes likely future development somewhat predictable for land owners and residents. On the eastern avenues of the Upper East Side – First, Second, Third, and York Avenues – maximum FAR is limited at 10 (or up to 12 with a bonus in exchange for provision of affordable housing either on or offsite).

But if the density of these buildings is regulated by zoning, and zoning is supposed to make develop-



432 Park Avenue at night. Each pair of illuminated floors is mainly empty space.



ment more predictable, then why are towers getting so tall? That's where loopholes come in. When mechanical spaces are located within a building (rather than on the roof), they are exempt from FAR calculations. This makes sense when used for the typical mechanical needs of a building – boiler, pipe shafts, electrical chases, etc. – but developers are now exploiting the exemption and using such spaces simply as platforms to boost residential units higher into the air, where they will have better views and earn a higher profit. Not only are excess mechanical spaces questionably exempted from FAR, entire floors of “mechanicals” are completely exempt from zoning. For example, 432 Park Avenue

on this lot is regulated by a given FAR. The corner lot may be limited to an FAR of 10, but the shape the building takes can vary. It could be built to cover the entire area of the lot, in which case it would be lower in height, or it could be built on just a portion of the lot, in which case the building would be taller. But the **density** of those two configurations will be the same. Regardless of the shape of the building, it will have a cumulative floor area (in square footage) that is no more than 10 times the size of the lot, or 100,000 square feet.

contains 19 full floors of mechanical/void space. These empty floors amount to nearly a quarter of the gross floor area of the building. Yet this loophole in the Zoning Resolution exempts all of them from floor area counts.

As a two-dimensional measurement based on square footage, FAR also fails to account for ceiling heights. Therefore, a building can have the same FAR regardless of whether the ceiling heights are 10 feet or 20 feet. This loophole allows developers to add height to buildings without impacting the FAR.

Finally, we are seeing developers who improperly “sculpt” their lot in order to evade zoning regulations with which they would rather not comply. Take, for example, the development at 180 East 88th Street. The site is an L-shaped lot, with frontage on both Third Avenue and East 88th Street. But in plans filed with the Department of Buildings, the developer cut off a nar-

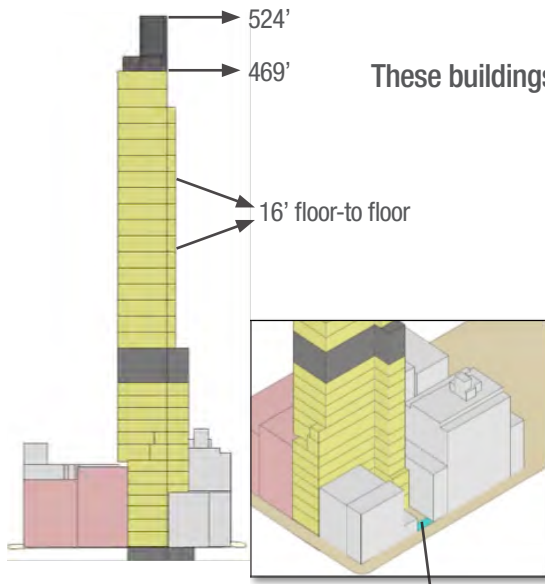
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# LOOPHOLES IN ACTION: 180 EAST 88TH STREET

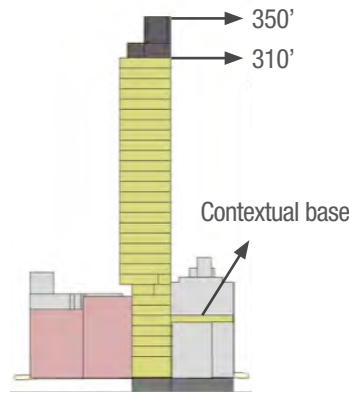
IF 180 EAST 88TH STREET USED TYPICAL BUILDING DESIGN, IT WOULD FIT IN WITH MOST UPPER EAST SIDE TOWERS...

## As Proposed



These buildings have the same floor area!

## "Typical" UES Tower



10' portion of lot cut off on 88th Street

	180 East 88th Street	"Typical" UES Tower
Floor-to-floor height	16 feet	10 feet
Voids	34 feet	None
Mechanical penthouse	55 feet	40 feet

continued from page 3

row, 10 foot deep portion of the lot along 88th Street, claiming that it was not part of the development and was owned by a separate owner. Because the remaining building lot no longer technically faced onto on 88th Street, the developer was able to skirt zoning rules that would have required a building fronting the side street to have a shorter, contextual base that more closely aligned with the low-rise buildings of the midblock. This rule also would have required the building to keep a significant portion of its square footage below 150 feet. By concocting a scheme to transfer ownership of this sham zoning lot to a separate entity (still under the same umbrella company), the developer was able to evade these contextual rules. Instead, the developer piled that additional square footage on the top of the building, where residential units would have better views and fetch higher profits. The

graphic above illustrates the cumulative impact of the loopholes used to raise the height of the building to over 100 feet beyond typical towers constructed on the Upper East Side.

All of these issues are compounded by the Department of Buildings, which routinely permits aggressive interpretations of the Zoning Resolution that allow developers to receive permits for projects using these techniques. Ultimately, a legislative solution is needed to "lose the loopholes." This could involve a limit on the maximum amount of mechanical space that can be exempted from floor area calculations, based on the size of the building or the location of the mechanicals in the building. Based on research commissioned by FRIENDS from the American Planning Association, New York City is unique among peer cities in its broad mechanical exemption. Similarly, it may be possible to devise a method to relate ultra-luxury floor to floor

## UPDATE ON 180 EAST 88TH STREET: DOB DENIES FINAL COMMUNITY APPEAL

The Department of Buildings (DOB) has denied the final zoning challenge by Carnegie Hill Neighbors against the development at 180 East 88th Street and its illegal shaping of the zoning lot. As future developments arise, we must hold the DOB accountable for their improper actions which subvert the intent of the zoning resolution. FRIENDS has joined forces with Carnegie Hill Neighbors to continue this battle, and in the coming months we will be challenging the DOB's decision at the Board of Standards and Appeals. Stay tuned for updates! ♦

heights to zoning floor area, so that these loft-like spaces count toward a building's FAR.

Over the last several months, FRIENDS has begun the discussion around these complex issues with numerous stakeholders, meeting with elected officials, city agencies, architects and planners, preservation colleague groups, and Upper East Side residents and FRIENDS members to brief them on these issues and solicit feedback on potential solutions. We also continue to attract the attention of policy makers by speaking out on buildings that utilize these techniques, such as 180 East 88th Street. The Building Department's aggressive zoning interpretations are happening without any public policy intention or public input in the process, and the results will have irreversible impacts on our residential neighborhoods. Though these tactics are still new, our goal is to halt them through regulation before it's too late. ♦

# Shaped by Immigrants: A History of Yorkville



St. Elizabeth of Hungary at 211 East 83rd Street, constructed in 1893, is one of the many extant buildings which tell the story of Yorkville's immigrant past.

FRIENDS has received a generous grant from our City Council Member, Ben Kallos, to enhance our work telling the immigrant history of Yorkville. Over the past couple of years, FRIENDS has presented a number of public programs about Yorkville, but this time we are taking it to print! We are at work on *Shaped by Immigrants: A History of Yorkville*, an illustrated and user-friendly history of the development and immigrant culture of the Yorkville neighborhood. The development of the area was shaped

by a melting pot of Czechoslovakian, German, Hungarian, Irish and other immigrant groups that lived in the neighborhood between the second half of the 19th century through the first half of the 20th century. The lasting imprint of these groups can be seen through Yorkville's historic architecture. The book will feature images including historic and current photographs specially commissioned by FRIENDS, plus maps and other details to bring this story to life. Read an excerpt of the book below, telling the story of the White Rose Mission, which opened its first permanent location on East 86th Street.

## ***The White Rose Mission***

*Founded in 1897, the White Rose Mission was a settlement house that served African-American women and their families who had recently arrived in New York. The Mission was founded by Victoria Earle Matthews, along with Alice Dunbar Nelson. Both women were writers, journalists, and political activists. Matthews was born into slavery in 1861 and lived in Georgia until moving with her mother to New York at the age of eight. Having started out as a domestic servant to support her family, Matthews became a pioneering figure in African-American society as a journalist and fiction writer, as well as an activist for women's rights. Dunbar Nelson was also an influential figure during the Harlem Re-*

*naissance in writing (especially poetry) and journalism. After operating out of several apartment buildings in the East Harlem area, the Mission moved to a permanent space in a rowhouse at 217 East 86th Street in 1902. The Mission offered food, shelter, and classes on housekeeping duties, such as sewing and cooking, to help*



The White Rose Mission's brownstone on East 86th Street, indicated by the arrow.

*women secure jobs. It also provided educational classes, especially on African-American history and literature. Esteemed leaders of African-American society participated in activities and lectures, including poet Paul Laurence Dunbar and Booker T. Washington. The White Rose Mission later moved to a permanent home in Harlem, and closed in 1984. Unfortunately, the Mission's rowhouse building on East 86th Street no longer stands; it was replaced by an apartment building in 1922. ♦*

## GERRY GRANT FUNDS YORKVILLE RESEARCH

More exciting Yorkville news! FRIENDS has received a generous grant from the Gerry Trust to fund the research and writing of nominations for individual buildings to the National Register of Historic Places. The National Register is a listing of historic buildings, districts, structures, and archaeological sites across the country, and is administered by the National Park Service. Since its creation in 1966, over 90,000 properties have been listed. The National Register is a separate entity from the NYC Landmarks Preservation Commission, and listing on the National Register is an honorary title that does not impose regulatory restrictions.

Working with an architectural historian with over 20 years of experience, Gregory Dietrich, FRIENDS is working to produce several nominations for individual buildings in Yorkville in order to bring awareness to the immigrant history of Yorkville and preserve the story of these buildings for the future. This effort will greatly strengthen the identity of Yorkville as a place rich in architectural, cultural and social history; and will allow FRIENDS to grow larger preservation constituency among residents, businesses, and policy makers through a future series of walking tours, public programs and other events. ♦

## ART DECO ON THE UPPER EAST SIDE



The tour admiring the facade of 895 Park Avenue, designed by Sloan & Robertson in 1929.

On a rainy weekend in June, a group of Deco devotees joined FRIENDS and tour guide Anthony W. Robins on a tour of the Upper East Side's Art Deco architecture. Robins is the author of the newly-released book *New York Art Deco: A Guide to Gotham's Jazz Age Architecture*. While Art Deco buildings are not as numerous on the Upper East Side as they are in other neighborhoods, with a close eye you can spot a number of these gems. Check out the stories of the Upper East Side's Art Deco buildings yourself in Robins' book, which includes a full, self-guided walking tour.

## MODERN ARCHITECTURE ON THE UPPER EAST SIDE



Our group checks out the Fifth Avenue Synagogue.

In May, FRIENDS explored some of the newer architectural additions to the Upper East Side with tour guide, professor, and architectural historian Matthew Postal. The Upper East Side boasts Modern and Post-Modern designs by some of the most prominent architects of the mid-twentieth century and beyond. Highlights included the Fifth Avenue Synagogue designed by Percival Goodman and completed in 1959. This interactive tour sparked discussions on the subtle qualities Modern design and whether these buildings are successful architectural contributions to the neighborhood. It was a fun and thought-provoking tour for all! ♦

## FRIENDS FOURTEENTH ANNUAL AMBASSADOR TO THE UPPER EAST SIDE AWARD DINNER

On Monday, September 25th, over 250 friends joined us for a festive evening honoring Ann Pyne as the recipient of our Fourteenth Annual Ambassador to the Upper East Side Award. A dedicated preservationist in both New York City and the Village of Southampton, Ann has been a Partner of McMillen Inc. Interior Design and Decoration since 2002 and has been the firm's President since 2012. McMillen, founded in 1924, is an internationally-renowned firm that combines old school interior decorating with modern relevance. Ann also holds a Masters degree in Decorative Arts from the Bard Graduate Center, and an MFA in Writing and an MA in English and American Literature from Columbia University. Adding to her active career and advocacy work, Ann has also published a book of short stories, and is a longtime collector of Aesthetic Period furniture and ceramics.

The evening kicked off with an introduction from our Board President, Franny Eberhart, and our Executive Director, Rachel Levy. We were also honored to have Michael Bloomberg present the Award to Ann, a longtime friend.

We would like to give special thanks to our Benefit Committee, including Co-Chairs Helena and Roman Martinez and Dailey and Gordon Pattee, and Vice Chairs Janine and Tom Hill, Alexandra and Philip Howard, Barbara and Tom Israel, and Kitty and Tom Kempner. It was a warm and celebratory evening for all, as we also celebrated the 35th Anniversary of FRIENDS!

*Photos by Sarah Greig Photography.*



*FRIENDS Board Member Alexandra Howard, Dinner Co-Chair Helena Martinez, and Joseph Singer.*



*Michael Bloomberg, at left, along with FRIENDS Board Member Bill Judson, Board President Franny Eberhart, Ann Pyne, FRIENDS Board Members Peter Millard, Fr. John Kamas, David Karabell, Sarah Chu, and Executive Director Rachel Levy.*

## Progress for POPS *continued from page 3*

Currently, there is no standard for POPS signage. The legislation will also require the designation of a City agency to inspect POPS every three years, starting in July 2019, and a new website managed by the Department of City Planning which will include information about POPS locations and the required amenities for each location.

Earlier this year, City Comptroller Scott Stringer released an audit on the city's 333 POPS, finding that over half of them failed to provide required amenities, and almost all of the POPS had not been inspected by the Department of Buildings in the last four years. In November, the Comptroller released a second audit, this time looking at 34 POPS which had been used as case studies in the original audit. Of these 34 sites, 32 of them still failed to pro-

vide required amenities or allow for public access.

And recently, the City Council passed additional legislation, Intro. 1692-2017, which increases fines on building owners for non-compliant POPS. For POPS that do not provide their required amenities, penalties are \$4,000 for the first offense, \$10,000 for each additional offense, and a penalty of \$250 for each month the violation is not resolved.

Unlike the more prevalent POPS in Midtown commercial buildings, almost all of the Upper East Side's POPS are at residential buildings where they provide critical open space in this community. We look forward to this long-needed oversight on POPS, although an action plan for the implementation of this legislation has not been released. ♦



# THIRTY-FOURTH ANNUAL AWARDS

FRIENDS held its Thirty-Fourth Annual Meeting and Awards Ceremony on March 27, 2017 at The Cosmopolitan Club. Each year, FRIENDS highlights outstanding restoration, renovation, new construction, and advocacy work on the Upper East Side, both within and outside of the historic districts. FRIENDS Board of Advisors Member Hermes Mallea led the evening with an engaging presentation on the awardees, showcasing the amazing work of each project. Following the awards ceremony, guests gathered for a cocktail reception in the club's beautiful ballroom.

- **Renaissance Award**  
**34 East 68th Street**  
Presented by Daniel Allen, Principal, CTA Architects P.C.
- **Exterior Restoration Award**  
**Yorkville Bank Building**  
Presented by Ronda Wist, Wist Preservation Associates
- **Technology Award**  
**New York Preservation Archive Project**  
Presented by Andrew Dolkart, Columbia University
- **Interior Restoration Award**  
**The Veterans' Room at the Park Avenue Armory**  
Presented by Kent Barwick, President Emeritus, The Municipal Art Society
- **Good Stewardship Award**  
**Environmental Playscape at Lenox Hill Neighborhood House**  
Presented by Ben Kallos, City Council Member
- **Restoring Modernism Award**  
**The Met Breuer**  
Presented by Barry Bergdoll, Columbia University



Andrew Dolkart presents the Technology Award to Tony Wood and Matthew Coody of the New York Preservation Archive Project.



Kent Barwick presents the Interior Restoration Award to Rebecca Robertson of the Park Avenue Armory.

## IN MEMORIAM: JOYCE MATZ

The FRIENDS Board of Directors is saddened to report the death of Joyce Matz. Although Joyce lived on the Upper East Side, and had been a board member of FRIENDS since 1991, as a preservation activist she was a citizen of the whole city. With her passion for architecture and her experience as a publicist, she was an important force in many of the major battles to protect important landmarks, including Town Hall, Lever House, the Beacon The-

ater, and St. Bartholomew's Church. She was also a member of Community Board 5, and was chair of its Landmarks Committee in the 1980s.

Joyce's presence as an avid and generous New Yorker will live on through the fund she established at the New York Community Trust. Her family will be hosting a celebration of her life for friends and colleagues at a date to be announced. ♦

## CITYBENCH PROGRAM



A local CityBench on Second Avenue.

In the hustle and bustle of New York, it sometimes feels like finding a place to stop and sit for a while is like finding a needle in a haystack. Less than 1% of the land area on the Upper East Side is devoted to park space and open space, and our neighborhood is lacking seating areas along our busy avenues. To help remedy this, the New York City Department of Transportation (DOT) has a program called CityBench, which seeks to increase public seating in our city. Anyone can submit a request for a location of a CityBench, provided that they meet the location requirements. If a request is met, the DOT will pay to install and maintain the bench. Priority locations for benches include bus stops without shelters, sidewalks near subways, senior centers, hospitals, commercial zones, and municipal facilities like libraries and schools. For more information and to request a much-needed bench on the Upper East Side, contact the FRIENDS office or visit [www.nyc.gov/citybench](http://www.nyc.gov/citybench). ♦

## OUR MISSION

FRIENDS of the Upper East Side Historic Districts, founded in 1982, is an independent, not-for-profit membership organization dedicated to preserving the architectural legacy, livability, and sense of place of the Upper East Side. In addition to monitoring the Upper East Side's seven historic districts and 129 individual landmarks, FRIENDS has also been a leader in successful efforts to improve the zoning laws governing the area's avenues and residential side streets. Through effective advocacy and successful educational programs, FRIENDS acts as a steward safeguarding the future of all Upper East Side historic districts and the designated and contributing buildings that make those districts special.

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## IN GRATITUDE

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