The Municipal Art Society of New York
MASNYC

THE ACCIDENTAL SKYLINE

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THE ACCIDENTAL SKYLINE

A REPORT BY

The Municipal Art Society of New York

MASNYC

DECEMBER 2013

Letter from MAS

December 2013

Dear Fellow New Yorkers:

We are pleased to present "The Accidental Skyline," which takes a look at the cumulative effects that a number of new hyper-tall buildings will have on Central Park.

For well over 100 years, our dynamic and ever-changing skyline has symbolized New York City to the world. Since the early 20th century, architects, engineers and property owners have been competing to create "the tallest." The current generation of contenders are hyper-tall, super-slender towers that are, for the most part, as-of-right, meaning that environmental review and public input are not required. Many of the new buildings will cluster near Central Park, where they will offer unfettered views to their residents.

Although MAS advocacy efforts to improve our city's livability have shifted since our founding 120 years ago, we have remained steadfast in our desire to protect our shared public spaces. Then and now, we believe that public access to light, air and green space cannot be sacrificed. In fact, protecting these qualities is critical to the economic health of New York City and the well-being of New Yorkers.

We began our inquiry because of the proximity of these buildings to Central Park, but we understand that any area that offers park, water or other desirable views could pose the same question: What are the cumulative effects of these buildings on shared public spaces? Or more broadly, how should we think about the future of our skyline?

There is more work to be done to understand the environmental effects of these buildings but the images presented here will help all New Yorkers imagine how the park will feel. We hope this work sparks a much bigger and broader conversation about how we should re-balance some of our priorities and proactively plan the shape of our city.

For more information and to download digital copies of this report, please visit our website at MAS.org.

Vin Cipolla
President

Eugenie Birch
Chair

View South From Central Park with New Development

Perspective from Central Park; Wollman Rink is in the foreground.[1]

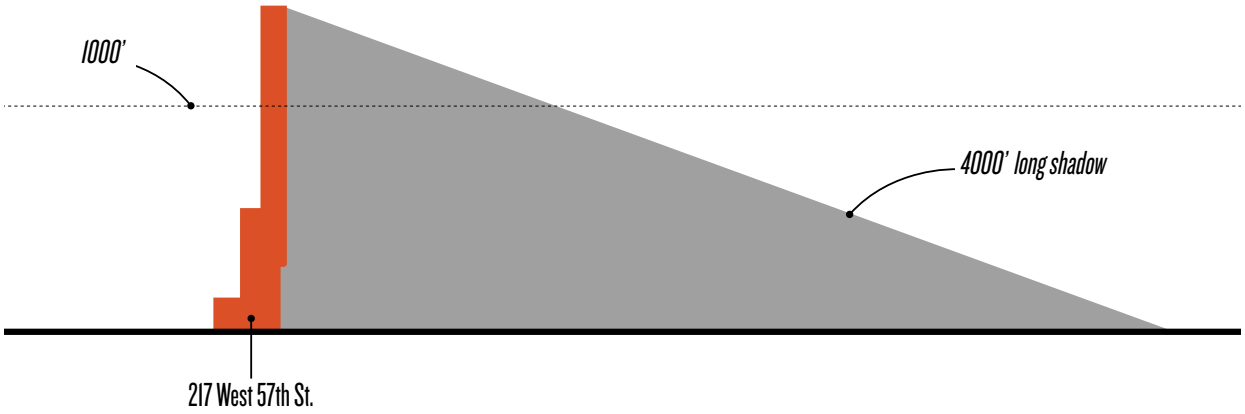
Executive Summary

Change and development are essential to retaining New York City's dynamism. Over the years many of the city's most iconic buildings have been constructed as-of-right, some to great acclaim, others to significant criticism. But because of advances in building technology and changes in the real estate market, extraordinarily tall buildings are now being built around some of our most important open spaces, raising a great deal of public concern.

The size and scale of the as-of-right buildings going up on and around 57th St. deserve particular attention because of their proximity to Central Park. Individually, the towers may not have a significant effect; however their collective impact has not been considered.

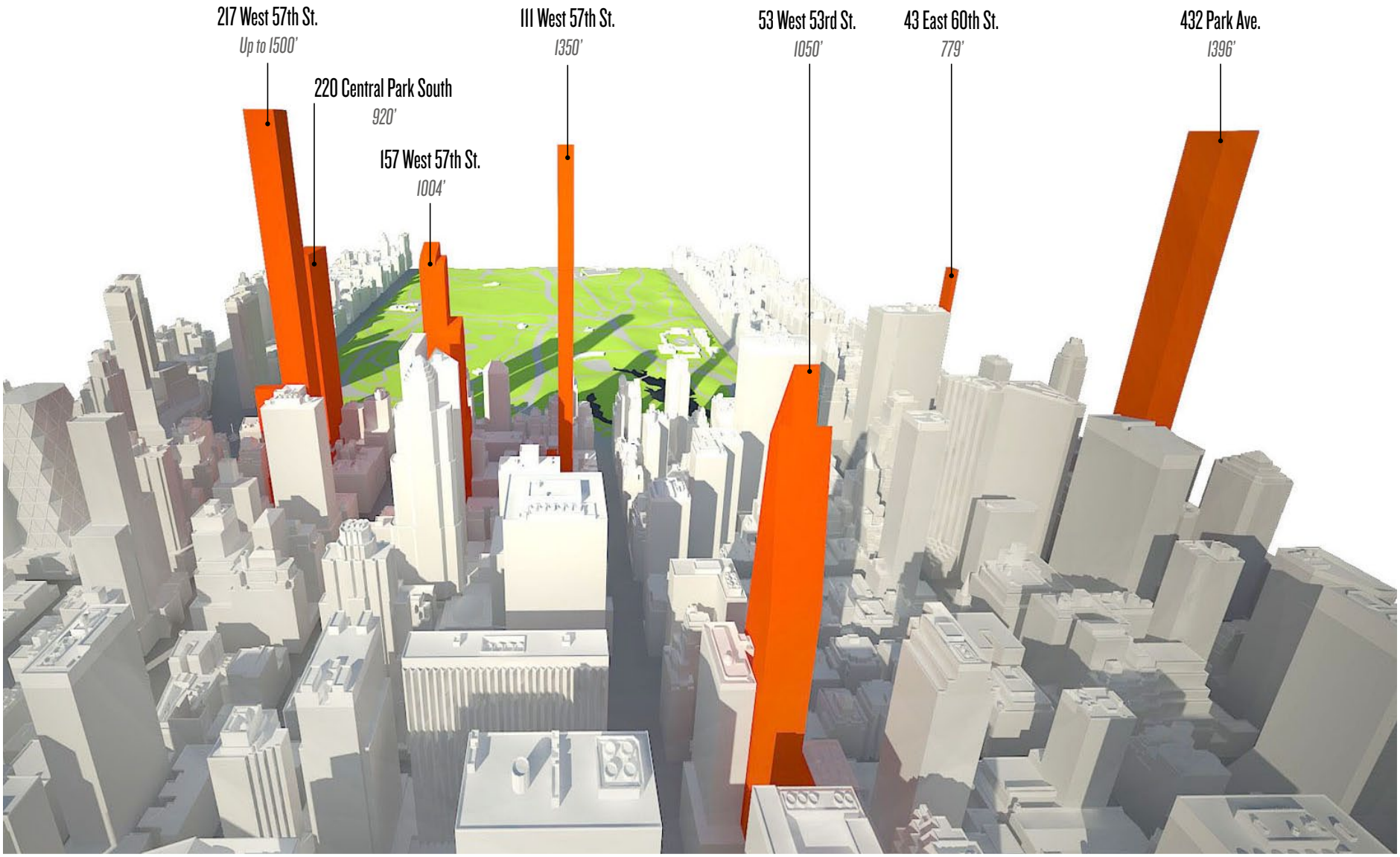
MAS has undertaken a series of shadow studies to show the serious impact these new luxury towers will have along the southern end of Central Park, blocking views of the sky from a number of locations within in the park and shrouding the carousel, ball fields, zoo and other popular features in shadow throughout the day.

Central Park and New York City's other open spaces are critical to the economic health of the city and to the well-being of its residents. The mixed skyline along the edges of Central Park is one of the park's defining and most memorable features. The solution is not to landmark this skyline, but to find a way to ensure that the public has a voice when our skyline and open spaces are affected by new development and to require careful analysis to help inform the decision-making process.



Shadow Length

Shadows from 217 W 57th St. will be 4000' long on September 21st at 4 pm – or ¾ of a mile long.



View North Toward Central Park

Rendering showing the location, size and massing of projects currently being developed.

Based on the shadow studies MAS has produced, it is clear that the existing regulations do not sufficiently protect Central Park, nor do they provide a predictable framework for guiding development. Quite to the contrary, the existing regulations are producing buildings that have caught the public off guard and have surprised regulators. A re-appraisal of the zoning around our key open spaces is needed to ensure that, as New York continues to develop, we are carefully considering the impacts of growth.

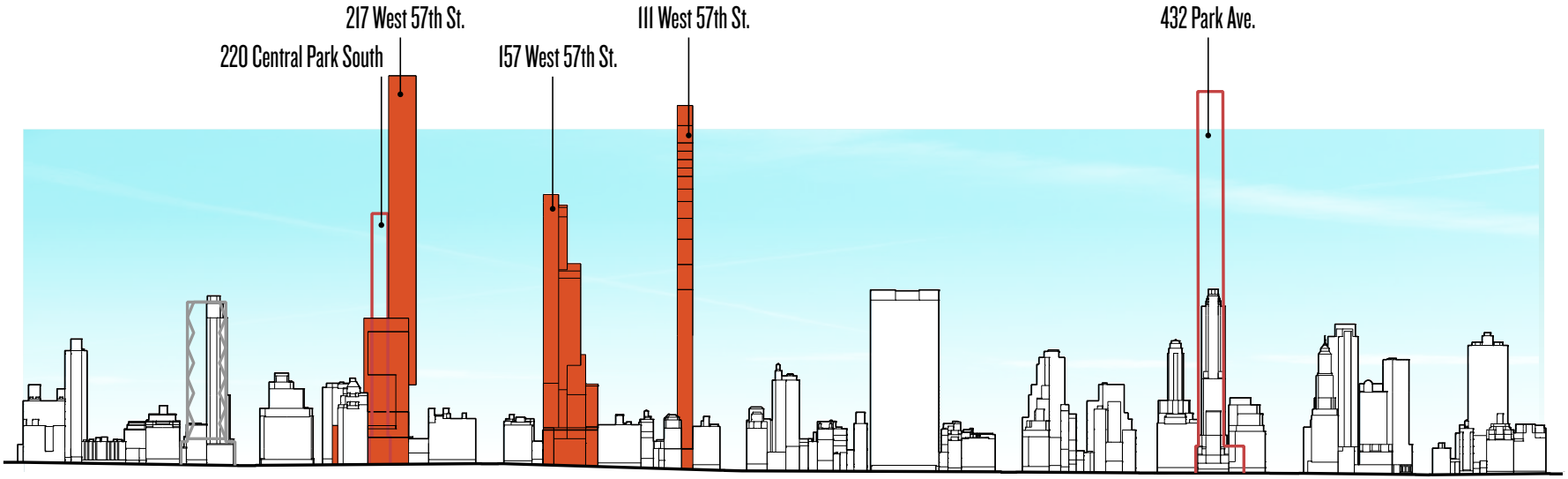
The approaches outlined in this report — changes to zoning rules which govern the shape of buildings, public review for buildings which cast a shadow on critical open spaces, greater transparency as developers are assembling these sites — will require further study and conversation. But it is clear that we cannot use the status quo as a sufficient rationale for eroding the quality of our most treasured open spaces. Although the current problem mostly is centered around Central Park, the broader citywide challenge is how to permit growth while protecting the public spaces, historical sites and waterfronts that make New York unique.

Prior to Development

After Development

Shadows Across the Park
Before and After Development (4 pm on September 21st)

57th St. Prior to Development



57th St. After Development

This cross section of 57th St. shows the extraordinary scale of the proposed buildings compared to the surrounding context.

MAS and Central Park

Even a hundred years ago, New York City's skyline was called, "the most stupendous unbelievable manmade spectacle since the hanging gardens of Babylon."[2] For over a century, the demand for land, advancing technology and intense ambition to create the tallest building in the world has transformed New York City's skyline. However, what began as a utilitarian response to urbanization in downtown Manhattan has increasingly become an extravagant way to offer a small number of people their own private aeries.

For the most part, today's buildings are being constructed as-of-right, meaning without any kind of public review or decision-maker discretion. As-of-right buildings require no environmental assessment or meaningful public input. Consequently, many people are unaware that the cluster of buildings described in this report will be some of North America's tallest and that no city agency is examining how these buildings will affect the environment. The views from across New York City are being remade without the level of discussion which should be required for changes of this scale to take place.

Since the Municipal Art Society's (MAS) founding 120 years ago, we have advocated for the protection and enhancement of New York's greatest assets, including the city's shared public spaces. From defending Central Park against encroaching development to advocating for the country's first zoning resolution, MAS has supported the aspects essential to New York City's livability. Throughout our history, we've maintained that access to light, air, and green space in urban areas are indispensable because they underlie the very factors that encourage growth. Central Park provides all of these elements in abundance and any new development surrounding the park should continue to support the health and vitality it affords the public.

MAS has fought some hard-won battles over the years, many of them about Central Park. These include: opposing signage, the construction of the subway along the western edge and overcoming Robert Moses' plan to build a recreation center in Central Park's deteriorated woodlands — and instead facilitating the restoration of the cherished Ramble between 73rd and 78th St.[3]

Most of the early issues facing Central Park were about activities and architecture within the park. That changed in the 1980s. The southwestern corner of Central Park was a jumble of haphazard architecture and disastrous traffic patterns. The Coliseum, a utilitarian convention hall, was set to be demolished and redeveloped as a mixed use site through a Request for Proposals process overseen by the MTA.[4] The winning bid was a development of two towers 58 and 68 stories tall containing approximately 2.7 million square ft. MAS filed a lawsuit arguing that the City essentially sold a zoning bonus to the developer.[5]

In 1987, as part of its advocacy campaign against oversized development around Central Park, MAS staged a "Stand Against the Shadow," event which organized hundreds of protestors wielding black

umbrellas to stand in the vast sections of Central Park potentially cast in shadow by the proposed towers. The shadow studies had been provided as part of the mandated environmental review process.[6] Many still recall that protest and its simple illustration of the damage that would be done to the park. As a result of MAS's work along with the Coalition for a Livable West Side, the project went through several iterations. The current Time Warner Center is the result of this advocacy — a mixed-use building designed to minimize its impact on Central Park and was required to have an artistic programming component, which became Jazz at Lincoln Center.

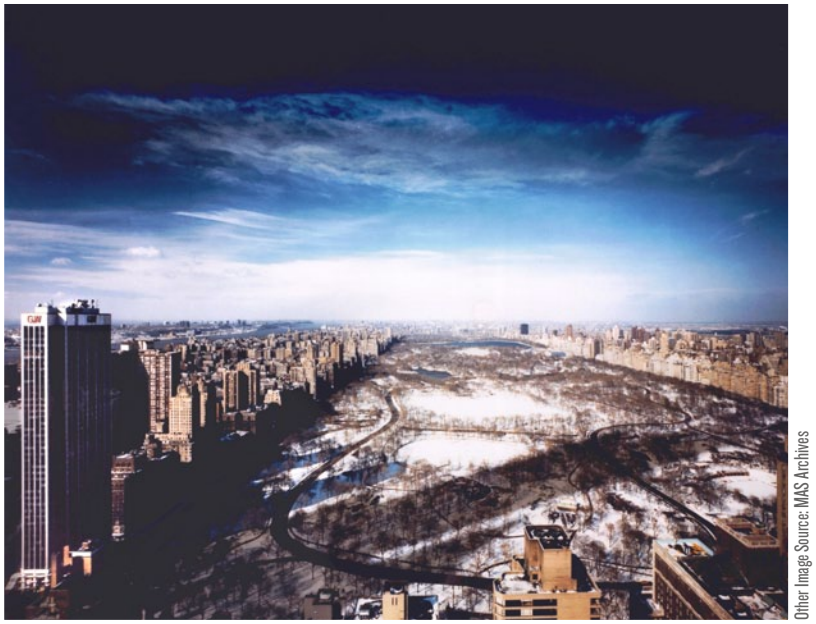


Image Source: Safdie Architects

Other Image Source: MAS Archives

MAS' Advocacy on Shadows in Central Park

MAS' "Stand against the Shadow" event in Central Park where hundreds of people under black umbrellas stood in the vast area of the park which would be shadowed by the proposed towers (top left). Former MAS President Kent Barwick (standing) with Celeste Holm, Bill Moyers, Jacqueline Onassis and Brendan Gill at a press conference announcing the lawsuit (top right). Photosimulation created by MAS showing the shadow that Moshe Safdie's proposal for the Coliseum site (bottom left) would cast on Central Park (bottom right).

A Brief History of New York's Skyline

Skyscrapers are pervasive in New York City. Viewed individually, they stand as emblems of some of New York's most defining architectural styles and moments of historical significance. Collectively, they comprise New York's famous, frequently-changing skyline.

Early History

The impulse for taller buildings dates back to the mid-19th century. Revolutions in industry, commerce and communication drew vast numbers of people to the city, driving up the demand and cost of land. The need to accommodate the swell in population inspired a new strategy for building taller. Technological advances facilitating the quest for height included the invention of steel framing, elevators, fireproofing, and amenities such as telephones and sanitary facilities.[7] By the early 20th century, tall commercial buildings began to dominate the Lower Manhattan skyline previously shaped by church steeples and bridges.

Among the first to recognize the advertising value of taller buildings were the media moguls clustered along Park Row, at the time called Newspaper Row.[8] Prominently situated across from City Hall, Joseph Pulitzer's 1890 World Building was the first to be taller than Trinity Church's 284 ft. tall spire, with its golden dome topping out at 309 ft. (20 stories).[9] The World Building set the record for tallest building for almost a decade. Each subsequent record-holder was similarly short lived until Cass Gilbert's 1913 Woolworth Building which rose to 792 ft. tall (58 stories) and prevailed as the tallest "Cathedral of Commerce" until after World War I.[10]

At the same time these towers were competing, the 1915 Equitable Building, though not the tallest, became the world's most massive office building with over 1,200,000 square ft. of rentable office space. The 38-story building rose straight up from the sidewalk, blocking sunlight to surrounding offices. The building became an impetus for the 1916 Zoning Resolution's requirements for new buildings to setback in order to allow light and air to reach neighboring properties and the street.[11]

Post-War, Post-Zoning Development

The 1920s post-war period was characterized by an economic boom driven by the financial and corporate sectors. New soaring wedding-cake skyscrapers responded to the 1916 Zoning Resolution, and served as corporate calling cards for headquarters in the financial district and Midtown. In 1930, the Manhattan Company Building at 40 Wall St. (927 ft. tall; 70 stories) was the first to challenge the Woolworth's Building's record height but was stymied immediately following construction by the clandestine addition of a towering spire to its midtown rival, the Chrysler Building (1,046 ft. tall, 102 stories).[12] The competition continued, as Chrysler's status was quickly eclipsed by the Empire State Building, which swept the title away, rising 1,250 ft. (102 stories).

Skyscrapers and the Changing Shape of the City

Top, from left: New York World Building; the Singer Building; the Woolworth Building; the Equitable Building; the Chrysler Building; Bottom, from left: Rockefeller Center; the Empire State Building; the World Trade Center; and One World Trade Center.

Image Source: Library of Congress

The Park / Urban Edge

The ever-evolving condition of how the city meets the edge of Central Park has been one of the park's most memorable and defining features. Above left, "Central Park New York City looking south from the observatory" by Unknown, c. 1859. Above right, "New York" by George Schlegel, c. 1873. Below left, "Scene in Central Park" by Leon Kroll, 1922. Below right, "Skating in Central Park" by Saul Kovner, 1934.

These and other skyscrapers became national icons. The buildings served thousands of workers and often included well-designed subway connections, commercial and retail uses for tenants and the public. Historically, these structures shared the thrill of their extraordinary heights with the broader public by maintaining upper floor observation decks in commercial buildings (Woolworth Building, the original Madison Square Garden, Chrysler Building, Rockefeller Center), restaurants (90 West St. Building, Rainbow Room, Top of the Sixes, Gulf & Western, Panhellenic Hotel) private clubs (Downtown Athletic Club, Cloud Club), and panoramas from public plazas (Chase Manhattan Plaza, Rockefeller Center). Following tradition, the World Trade Center broke the world height record in 1970 and offered both an observation deck and the Windows to the World restaurant on its top floors.

Today: Billionaire's Row

Over the last 30 years the skyscraper has evolved from a symbol of the city's commercial power. Today's tall towers are no longer concentrated in industry-specific locations but simply on sites that offer unrestricted views. As the Skyscraper museum has documented in an on-going exhibition, these thin buildings represent a new type of skyscraper in a city where tall and slender buildings have a long history.

Residential skyscrapers have become increasingly widespread and access to unrestricted views is now a highly desired commodity for the world's richest patrons. Technological advances have also allowed buildings of greater heights on smaller lots, making it easier for tall buildings to locate anywhere regulations permit. These unprecedented buildings result from negotiations made between property owners who have creatively worked around zoning constraints by purchasing development rights from neighboring properties.

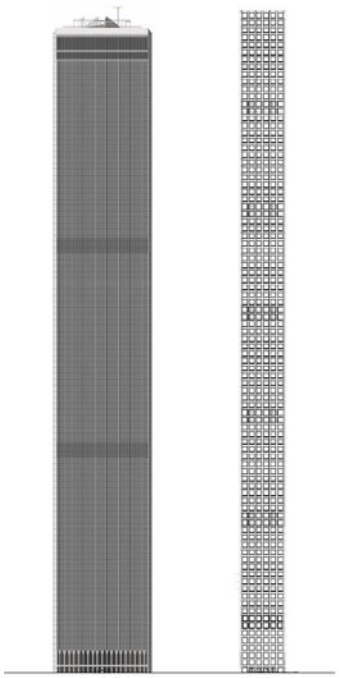


Image Source: The Skyscraper Museum

Changing Skyscraper Typologies

This image from the Skyscraper Museum's "Sky High and The Logic of Luxury" exhibition compares the "slenderness" — an engineering term — of the World Trade Center North Tower and 432 Park Ave. The former 1 WTC had a height of 1,368 ft. with a big square floor plate of 209 ft. on each side, making the ratio of its base to height less than 1:7. The base of 432 Park Ave. is 93 ft. square, with the building rising to 1,398 ft., making its slenderness ratio 1:15.[13]

Why So Tall?

Luxury housing development is booming in Manhattan. According to CityRealty the number of condominium buildings in Manhattan with apartments selling for more than $15 million has risen 48% since 2009.[14] Developers are catering to the global elite and ultra-rich who will pay premium prices for apartments with lavish interiors, private wine cellars and, above all, spectacular views.

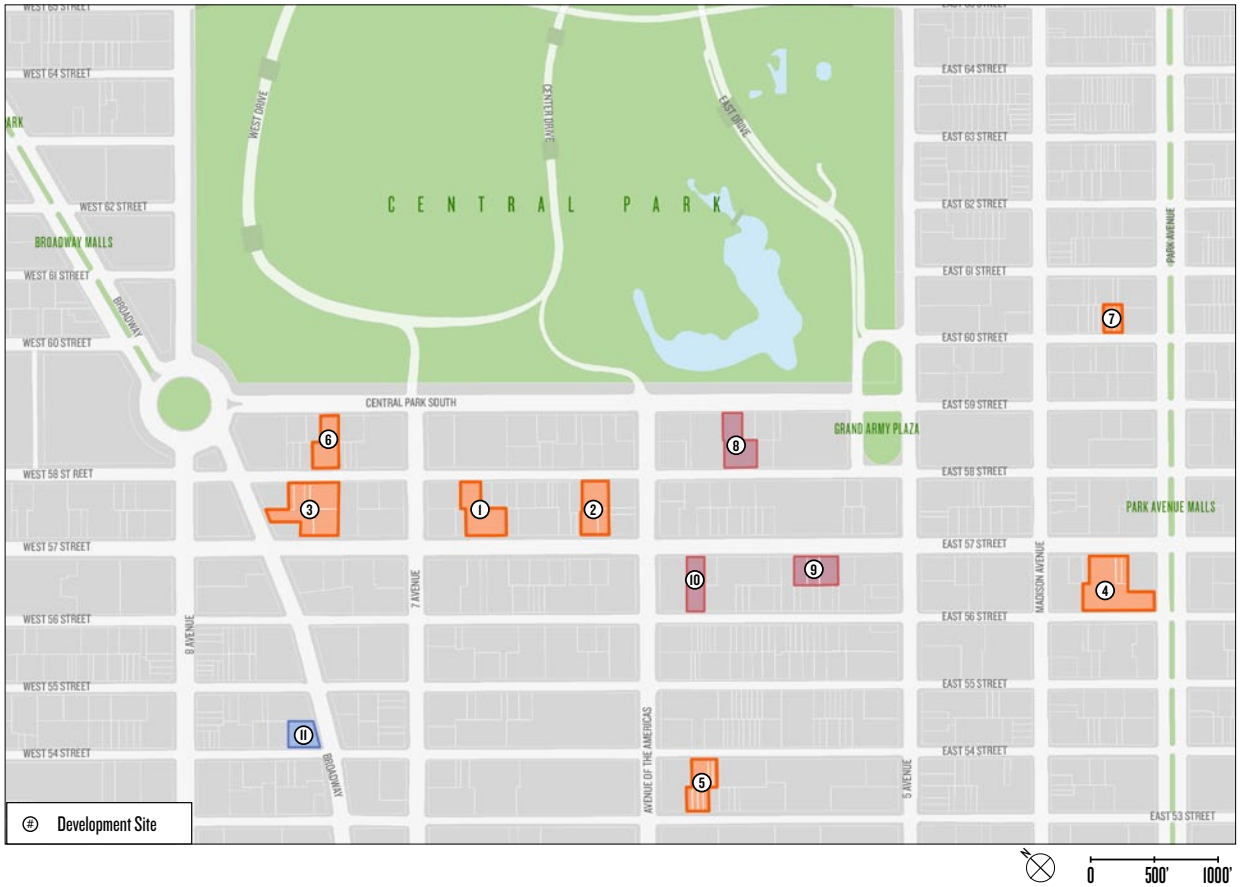
Located just two blocks south of Central Park, the stretch of 57th St. between Park and Eighth avenues has some of New York City's best views. The street's width and location in an area zoned to accommodate higher density also permits the construction of super-tall towers.

To be able to build these tall luxury towers, savvy developers have spent a great deal of time and money assembling zoning lots in order to take advantage of multiple sources of what are known as "air rights." Primarily through zoning lot mergers — private agreements between adjacent property owners — developers have accumulated enough additional air rights to build extraordinarily tall towers on relatively small sites as-of-right. With the addition of these buildings, many of these blocks will have exhausted their development potential — but undoubtedly there are other developers working across the City to assemble development rights to create new skyscrapers.

Midtown's Race for Views

At One57, the price per square ft. goes up the heigher the floor. On the 30th floor, a unit sold for $2,500 per square ft.; on the 90th floor, $10,500 per square ft.[15]

Selected Projects



A Cluster of Projects

The projects highlighted in this report are located in Midtown near the southern edge of Central Park.

Projects Now Underway

1. **157 West 57th St.**
   Extell Development Company
2. **111 West 57th St.**
   JDS Development Group
3. **217 West 57th St.**
   Extell Development Company
4. **432 Park Ave.**
   Macklowe Properties
5. **53 West 53rd St.**
   Hines
6. **220 Central Park South**
   Vornado Realty Trust
7. **43 East 60th St.**
   Zeckendorf Brothers

Potential Projects

8. **36 Central Park South**
   Witkoff Group
9. **16-18 West 57th St.**
10. **56 West 57th St.**

Completed Projects

11. **1717 Broadway**
    Granite Broadway
    Development Llc

Projects Now Underway

Image Source: Extell

157 West 57th St.

Construction on Extell's 1,004 ft. tall tower, designed by Atelier Christian de Portzamparc, is scheduled for completion in 2014. The tower's duplex penthouse recently sold for a record price of between $90 and $100 million at a cost of about $10,500 per square ft.[16] Construction has been plagued with problems, including the crippling of the building's construction crane during Superstorm Sandy, which caused street closures and building evacuations.

Image Source: SHoP/JDS

111 West 57th St.

JDS has begun preliminary construction on a 1,350 ft. residential tower on a lot adjacent to the landmarked Steinway Building. The new tower is expected to have only 3 high-speed elevators, and each floor will be its own luxury 5,000 square ft. apartment.[17] The building is notable for its slim profile, sitting on a lot that is only 59 ft. at its widest, and is being marketed as the most slender tall building in the world.[18] The Landmarks Preservation Commission approved the design in October 2013.

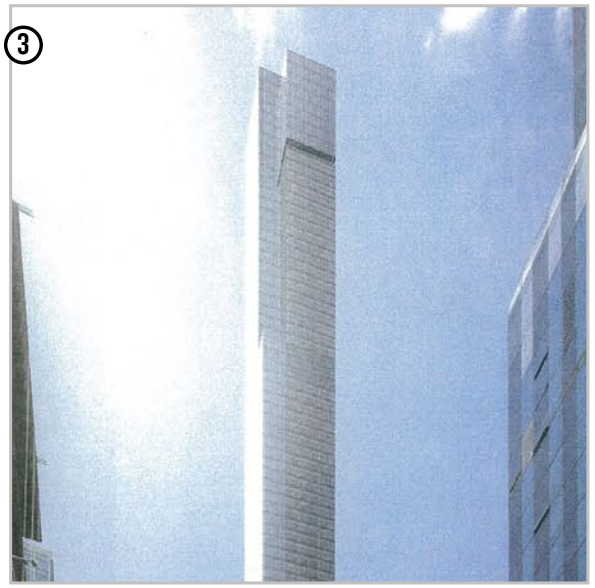


Image Source: Extell

217 West 57th St.

Extell has begun construction on a hotel and residential tower that will be between 1,400 and 1,550 ft. tall, with a Nordstrom retail store in the building's base.[19] The design is notable for its proposed cantilever over the adjacent four-story landmarked American Fine Arts Society Building. The cantilever will allow a more open floor plan for Nordstrom and improved views of Central Park from the residential tower.[20] The design was approved by the Landmarks Preservation Commission in October 2013.

Image Source: Macklowe Properties

4 432 Park Ave.

Developer Harry Macklowe hired Rafael Viñoly to design the 1,396 ft. tall tower that, when complete, will be the tallest residential building in the Western Hemisphere — until the completion of 217 West 57th St.[21] The building is currently under construction at the corner of 432 Park and East 56th St. Constructing the building required the demolition of the Drake Hotel, built in 1926. As of October 2013, 432 Park Ave. had sold $1 billion worth of units.[22]

Image Source: Pontiac Land Group

5 53 West 53rd St.

This building by Hines, Goldman Sachs and the Pontiac Land Group of Singapore will be a 72-story, 750,000-square-ft. residential condominium tower, designed by Jean Nouvel and constructed adjacent to the Museum of Modern Art. Hines and Goldman Sachs acquired the site for $125 million from the museum in 2007. The tower, which was not built as-of-right, was originally proposed to rise to 1,250 ft. tall but as part of the review process in 2009, the height was reduced to 1,050 ft.[23]

6 220 Central Park South

Vornado Realty Trust selected Robert A.M. Stern to design a 920 ft. tall tower on this now vacant lot. In October 2013, Vornado and Extell announced they settled a dispute in which Extell had blocked Vornado from building on the site. The resolution came after Vornado agreed to pay $194 million to buy a small Extell-owned parcel on the block as well as other air rights.[24] Vornado and Extell (217 West 57th St.) also agreed to shift their planned towers so both could have park views.[25]

7 43 East 60th St.

This 780 ft. tall, 52-story tower is being developed by William L. and Arthur W. Zeckendorf, who have selected Robert A.M. Stern as the architect. They spent over $40 million purchasing 70,000 square ft. of air rights at a record $600 per square ft. from Christ Church, at the northwest corner of Park Ave. and East 60th St.[26] The tower features a cantilever over the neighboring Grolier Club.

Case Study: 217 West 57th St.

Image Source: Extell

Coming Soon: America's Tallest Residential Building

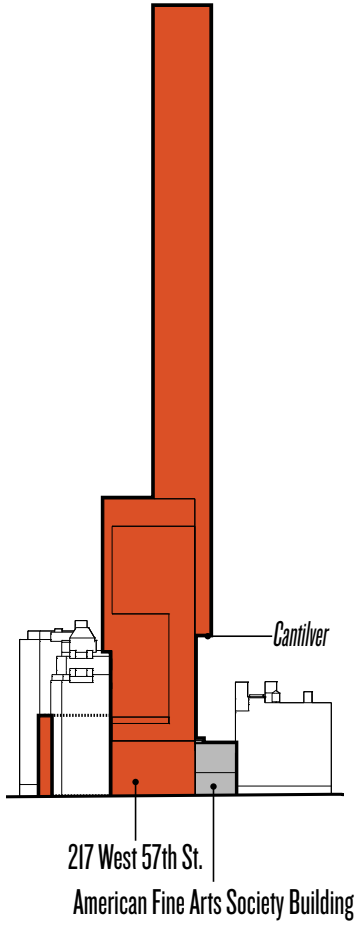
217 West 57th is a remarkable development for a number of reasons. It is being built as-of-right, without public review, even though it will be between 1,400 and 1,500 ft., depending on the building's final height. Once complete, it will become the tallest residential building in the country. How does this kind of building get built?

Development Site

Through a zoning lot merger, the developer of 217 West 57th St.—Extell Development Co. — amassed several adjacent lots and plans to build a mixed-use building with hotel and residential uses over a retail base.

Zoning Lot Merger

The new building site includes lots 14, 19, 43, 47 and 50, and the building will cantilever over lot 23. However, because the lots are adjacent, Extell is allowed to join lots 23, 27, 36, and 37 with the lots where the new building will be constructed into a single new zoning lot.[27] By merging their site with others and buying neighboring unused development rights the developer is able to build a significantly larger building. At 1.14 million square ft., the new building will be about 32% larger than would be allowed as-of-right without the additional air rights.[28]



Contrasting Scales and Sizes

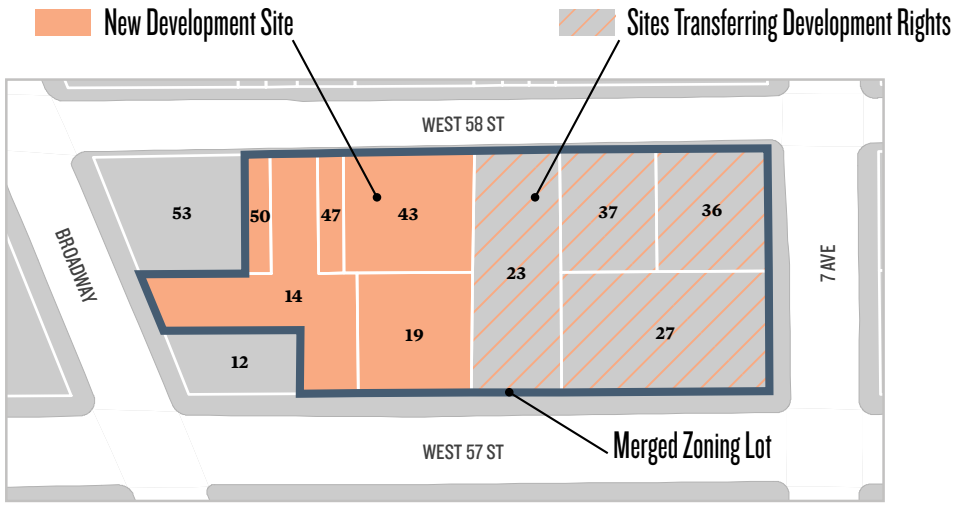
One of 217 West 57th's notable features is the 28' cantilevered portion of the building, which begins jutting out 200' above the American Fine Arts Society Building's roof.

Block 1029 (right)

217 West 57th is located on block 1029 in Manhattan. The block is subdivided into individual parcels or lots. Lots 14, 19, 23, 27, 36, 37, 43, 47, and 50 make up the zoning lot. Lots 12 and 53 are not part of the development.

Floor Area Allocation (below)

The table below summarizes the sources of the development rights as of July 22, 2013. Bonus Floor Area Development Rights are excluded.[29]



Address	Lot Number	Lot Area (sq. ft.)	Total Development Rights Generated by Lot Area	Retained Development Rights	Excess Development Rights	Allocation of Development Rights After Transfer	Pro Rata (%) Allocation of Development Rights After Transfer
217 West 57th St. (Extell Parcel)	14, 19, 43, 47, 50	40,705	512,670	337,670	N/A	600,710	52.68%
217 West 57th St. (Nordstroms)	-	N/A	N/A	175,000	N/A	175,000	15.35%
215 West 57th St. (American Fine Arts Society Building)	23	15,062	188,275	52,179	136,096	52,179	4.58%
202 West 58th St. (St. Thomas Church)	37	7,531	75,310	63,326	11,984	63,326	5.55%
200 West 58th St.	36	10,042	100,420	86,130	14,290	86,130	7.55%
205 West 57th St.	27	17,573	263,595	162,925	100,670	162,925	14.29%
Total	-	90,913	1,140,270	N/A	263,040	1,140,270	100%

What's the Issue?

Over the years many of New York's most iconic buildings have gone up as-of-right, some to great acclaim, others to a fair amount of criticism and disdain. But because advances in building technology allow extraordinarily tall buildings to be built on very small sites and the demand for luxury apartments make these buildings desirable investments, it is now important to consider how and where we — New Yorkers — want our skyline to continue to develop and grow.

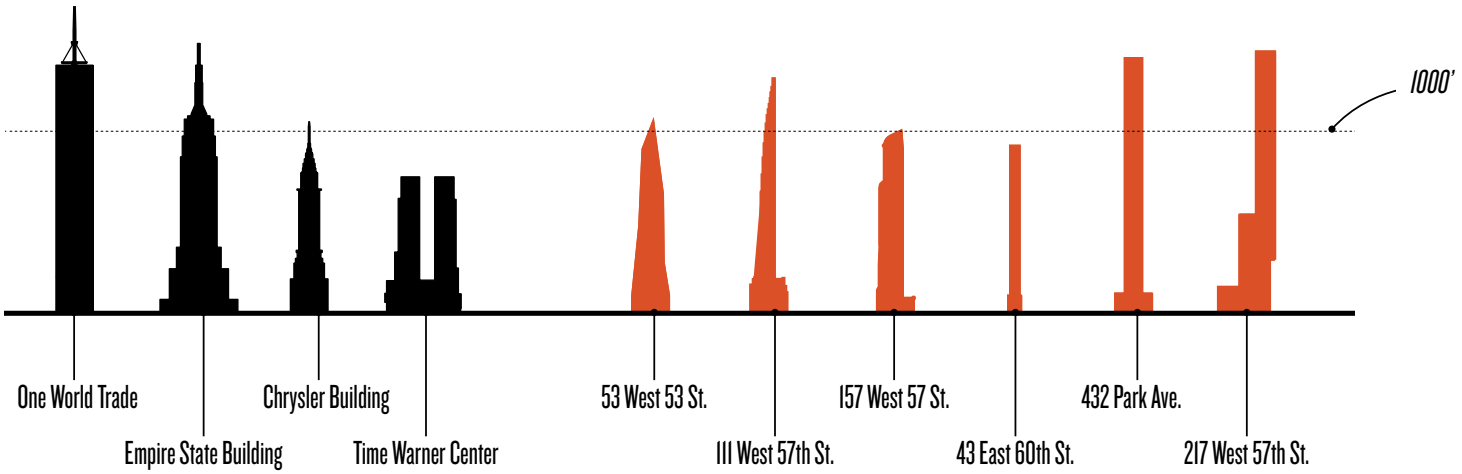
The size and scale of the as-of-right buildings going up on and around 57th St. deserve particular attention, not only because of their collective impact on the skyline, but also because of their proximity to Central Park. Individually, the slim towers may not have a significant effect; however their collective impact has not yet been fully considered and needs to be.

As the shadow studies MAS has undertaken make clear, these new luxury towers will create shadows along the southern end of Central Park throughout the day and will block views of the sky from a number of locations within in the park.

The increasing number of developments using zoning lot mergers to build increasingly taller towers highlights several issues:

Building Heights

The buildings being built in the 57th St. area are among the tallest in New York — and in the country. Both 432 Park Ave. and 217 West 57th St., for example, will be taller than One World Trade, excluding that building's spire.



Shadow Impacts on Public Amenities

This photo shows Hecksher Playground in Central Park under the shadow of 157 West 57th St.

Outdated Zoning Regulations

New York City continues to use a zoning resolution devised over fifty years ago. These outdated regulations are not able to keep up with changing building technologies or the real estate market. For instance, advances in construction techniques allow for far taller, narrower buildings than previously possible when the existing zoning regulations were written. In addition, developers have created clever strategies to work around the controls intended to regulate the size of buildings. One technique involves the construction of empty floors – space which doesn't count against the floor area limits of a particular site. This allows the building to rise higher than would ordinarily have been possible and is a technique that existing rules could not have anticipated.

No Public Review

Zoning lot mergers allow buildings to be built without going through any meaningful public review. Without this oversight, the neighborhood impact of new development is not evaluated. Developers are not required to perform any type of analysis to determine if there will be adverse impacts to neighboring green spaces, historic resources, vehicular and pedestrian traffic conditions or similarly important issues.

In addition, the lack of transparency surrounding zoning lot mergers evades public input until after construction commences. That means that there is no opportunity for discourse or public input in the process, and nothing to ensure the buildings will respond appropriately to the neighborhoods which they could drastically change.

Image Source: Silverstein Properties

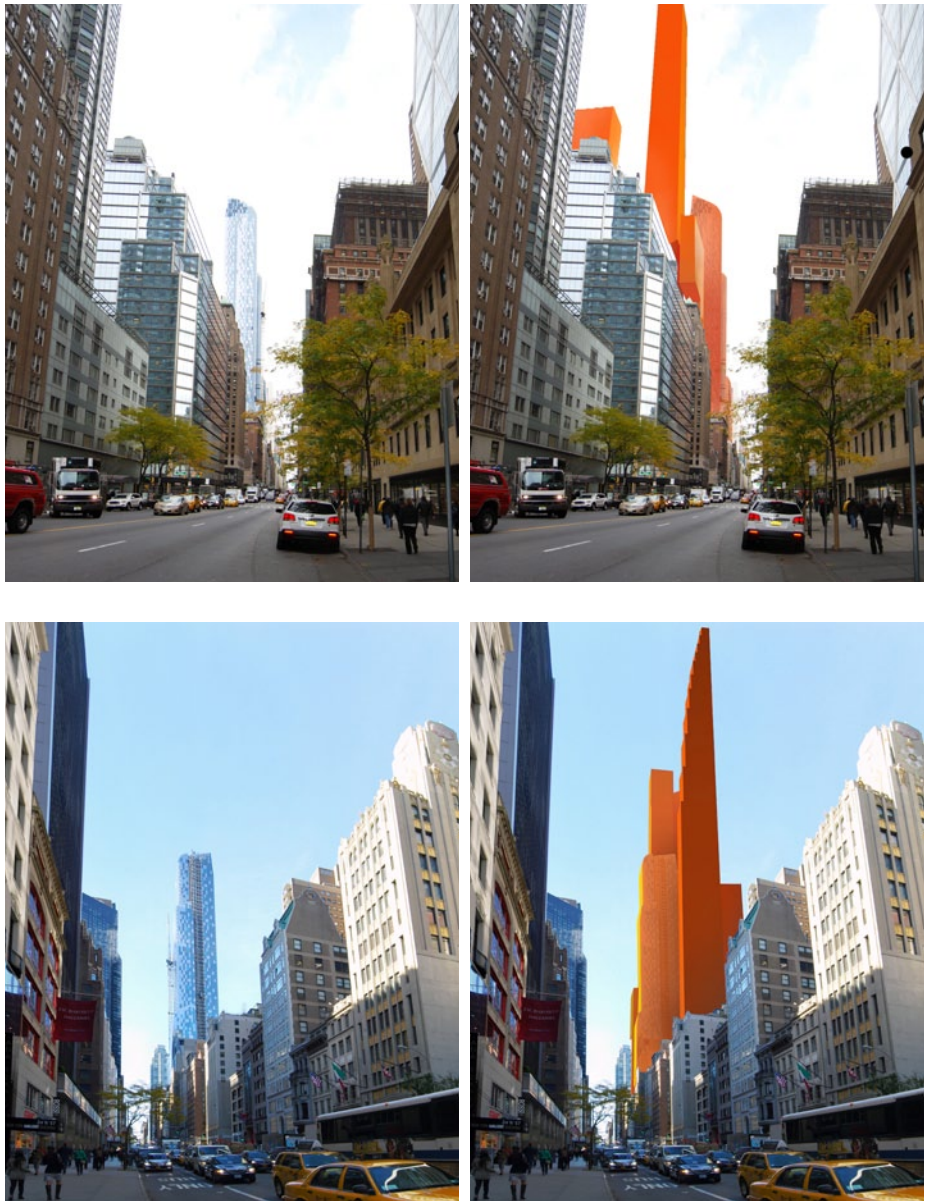
Exceptionally Tall Development Elsewhere in NYC

The World Trade Center site (above) and Hudson Yards are examples of projects with exceptionally tall buildings that allowed for extensive public input in the design process.

Unintended Consequences

Without regulatory requirements and a comprehensive review of construction impacts, view corridors, shadows, and other effects, the community is left to live with the unknown consequences of development.

Often during the City's public review process, issues regarding view corridors or height come up as areas of concern and efforts to mitigate adverse impacts may be negotiated with the developer. For instance, when 53 West 53rd St. was evaluated by the City Planning Commission, it was decided that "...the applicant has not made a convincing argument that the design of the tower's top ... merits being in the zone of the Empire State Building's iconic spire, making the building the second tallest building in New York City." The Commission then mandated that the design be reduced 200 ft., resulting in a tower of 1,050, instead of the 1,250 ft. originally proposed.[30] However, without public review, extraordinarily tall buildings will go up unchecked with potentially adverse results.



Impacted View Corridors

Top: 57th St. corridor looking east. Bottom: 57th St. corridor looking west.

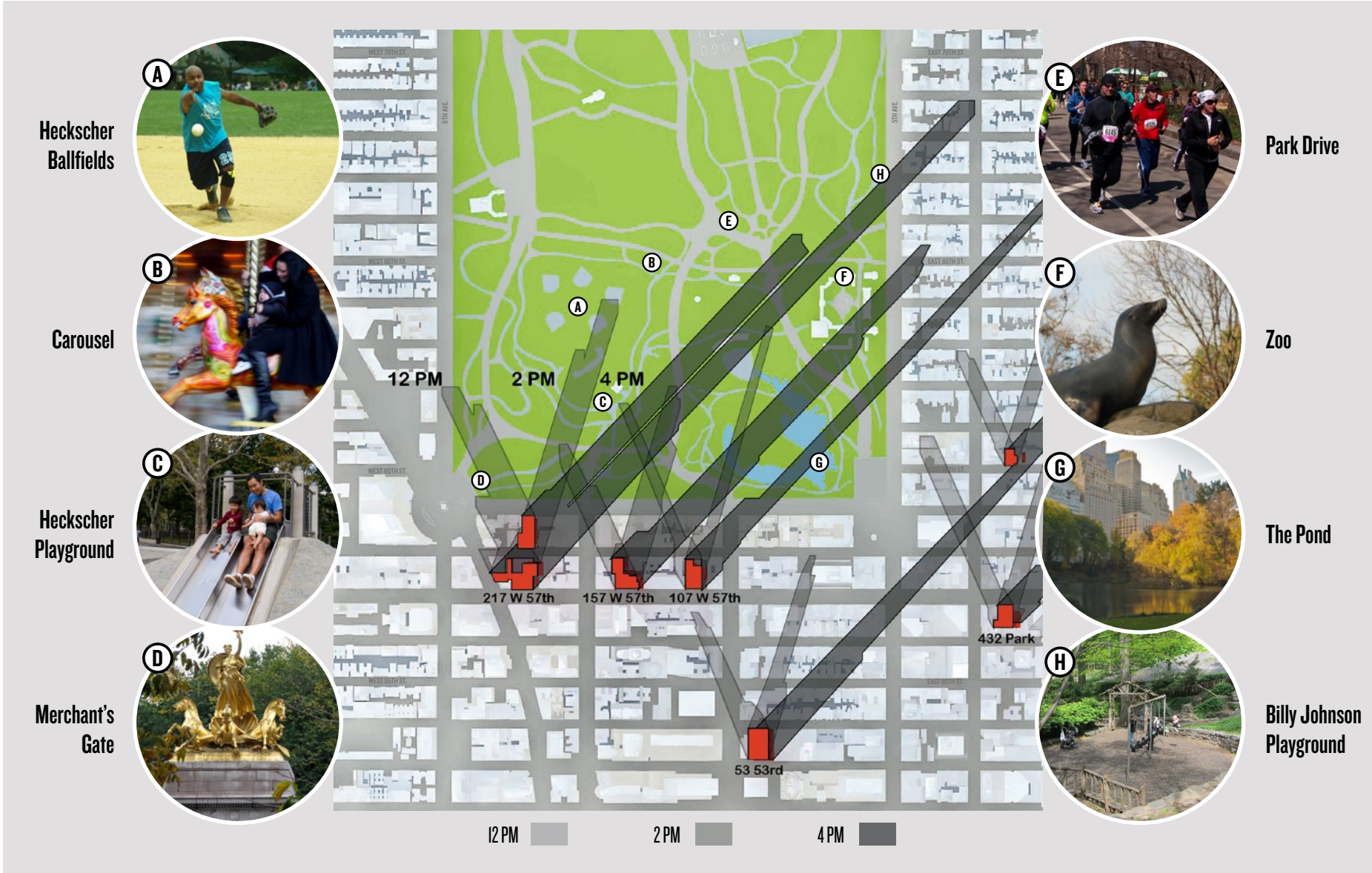
South Central Park's New Skyline

The new skyline, with the proposed development.

Shadow Studies

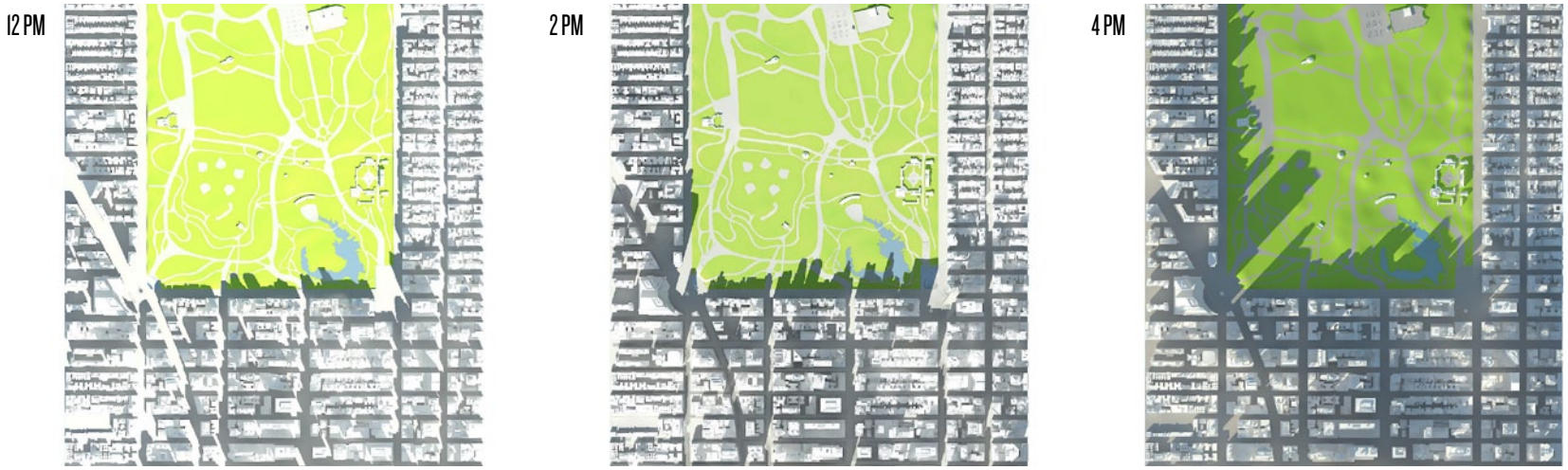
For the shadow studies shown in this report, the proposed buildings were modeled based on the most recent public information available. As of the date of this report, plans for 220 Central Park South have not yet been released publically. For that project, renderings show the building's reported height and extrapolates the massing based on the lot size and zoning.

The shadows from the proposed developments are modeled at two different times of the year. The simulations from December 21st show the longest shadows. The shadows from September 21st give a sense of the average fall day; springtime shadows would be similar. Not shown are shadows from the summer, when the sun is most directly overhead and shadows are the shortest.



Selected Central Park Amenities and Shadows from New Developments (September 21st)

This map shows shadows from the active development projects from three different times of the day on September 21st: 12 pm (leftmost shadows), 2 pm, and 4 pm (rightmost shadows). The map also identifies major amenities in Central Park. Shadows from existing buildings are not shown.

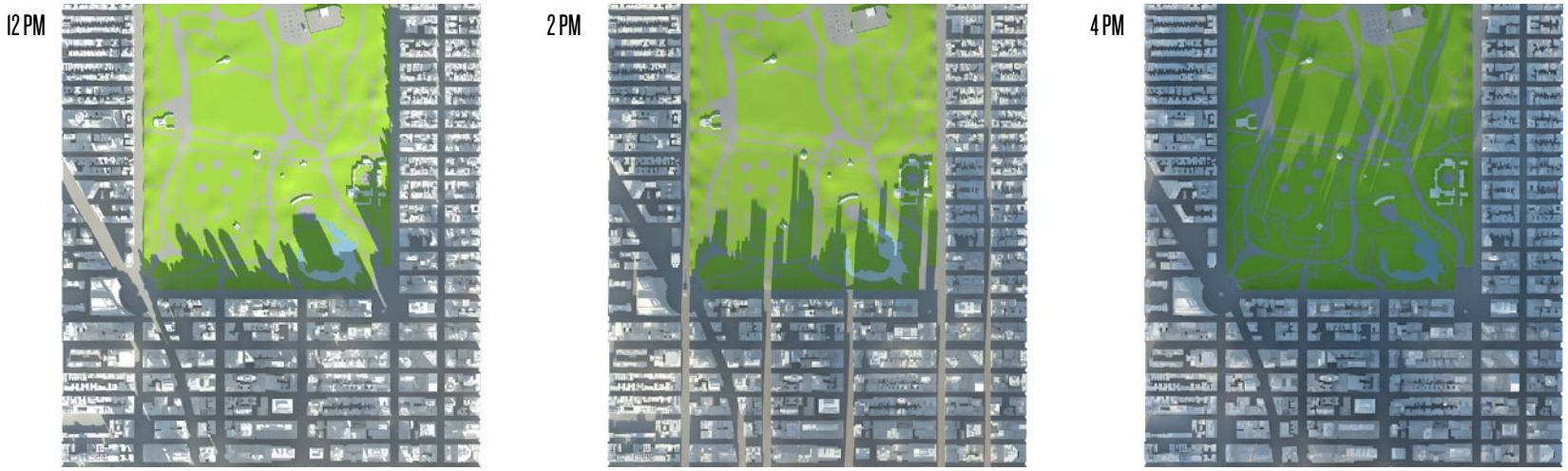


*September 21st Shadows Across Central Park **Prior** to Development*

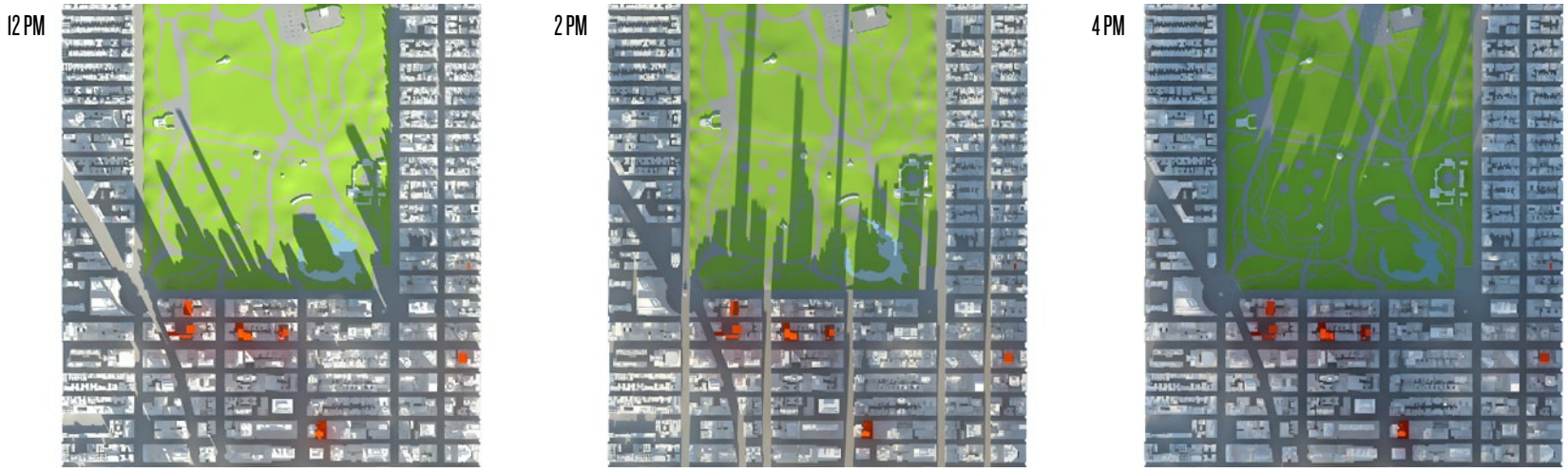
*September 21st Shadows Across Central Park **After** Development*

Shadows Across the Park, Before and After Development (September 21st)

Autumn shadows across Central Park reduce access to daylight in the southeast corner of the park.



*December 21st Shadows Across Central Park **Prior** to Development*



*December 21st Shadows Across Central Park **After** Development*

Shadows Across the Park, Before and After Development (December 21st)

Long winter shadows further reduce access to daylight across the park.

Potential Solutions

The solution is not to landmark or preserve the jagged silhouette of buildings along the southern edge of Central Park, but to find a way to ensure that the park is protected and the best possible buildings are built. A re-thinking of our regulations and a re-balancing of priorities is needed in order to protect the experience of the park for millions of visitors over the views of a handful.

Central Park, and the city's other open spaces, are critical to the economic health of New York City and to the well-being of its residents. The value of protecting these open spaces over the long term far exceeds the value a handful of new buildings will bring to the city. The Special West Chelsea District was created to support the development of the High Line and is an example of an urban design framework where the size and shape of buildings are designed in response to an open space. A re-appraisal of our zoning today around our key open spaces is needed to ensure that we carefully consider the impacts of New York's growth.

Based on the shadow studies MAS has produced, it is clear that the existing regulations do not sufficiently protect Central Park nor do they provide a predictable framework for guiding development.

The existing regulations are producing buildings that have caught the public off guard and have surprised regulators. Many other cities such as Boston and San Francisco have developed zoning rules which more carefully consider the impact of development on open space. New York City could follow suit.

A variety of different approaches require further study and investigation but it is clear that the status quo is eroding the quality of one of the world's most treasured open spaces. Although the problem today centers around Central Park, the challenge should be understood as a citywide question of how to permit growth while protecting the qualities that make New York unique.

Starting a Conversation

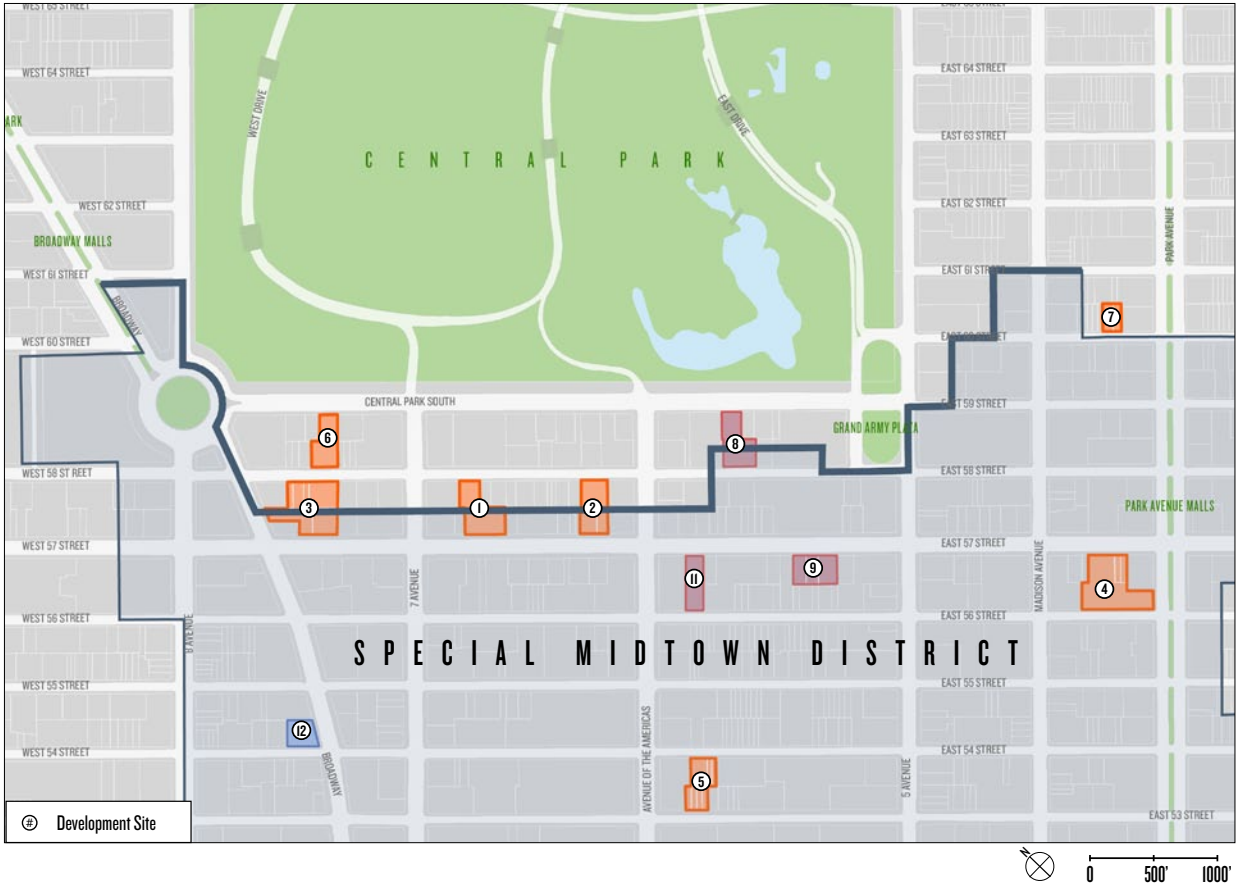
We hope this study initiates a broad conversation, involving developers, City officials, and community stakeholders, that will generate creative and collaborative solutions to New York's development issues.

The Departments of Buildings and City Planning should also establish a process to ensure that if any new super-tall building permits are filed, these applications can be evaluated more carefully and quickly. This will help inform decision making about needed zoning changes.

The City should also explore any legal measures which would allow it more time to study these issues in greater depth.

A New Height, Setback and Density Framework

It's time to re-examine the underlying zoning, height, and setback rules — rules that govern the shape of buildings — and the amount of density permitted in order to protect any further deterioration of Central Park or other critical open spaces. In the current zoning framework, the north side of 57th St. to the midblock between 57th and 58th St. is where the Special Midtown District ends. This means that the highest density (tallest) buildings are permitted along 57th St., with 58th St. and 59th Sts. allowing slightly less density. The logic of allowing very high densities along 57th St. is that, like other wide streets, 57th St. can accommodate very large buildings and still allow light and air to reach sidewalks and adjacent buildings. This is the underlying logic for much of the zoning in Manhattan – additional density on the wide streets and avenues – with less density along narrower streets where big buildings would dramatically reduce access to daylight.



The Special Midtown District and Central Park

The Special Midtown District (shown more completely on page 36) made a small attempt to carve out some breathing room between the development in Midtown and Central Park. Shown above, the District's northern most boundary near the park (bolded) lies halfway between 57th and 58th Sts. between 6th Ave. and Broadway.

Unfortunately this framework that permits very high densities on 57th St. does not do enough to protect Central Park. A height and setback framework which seeks to minimize any impact on the park needs to be more carefully examined. Instead of a simple height limit, a performance-based approach should be used to evaluate how much a particular building or collection of buildings will impact the park.

Public Review

Applications for new buildings which will cast a shadow on the park should be submitted to the affected community boards and require the City Planning Commission to conduct a hearing with input from the Parks Department. The Commission should be given the power to disapprove the issuance of a permit if it finds that the proposed project will have any significant impact on the use of the park because of the shading or shadowing that it will cause. There should also be an opportunity to consider mitigation measures which might help offset the loss of sunlight and improve the park.

Similarly, some level of design review for a building which seeks to break through the forest of buildings and enter the skyline should be considered. This height trigger should be carefully calibrated to respond to the neighborhood context.

In addition, if a developer is assembling more than 20% above what the development footprint allows, this could also trigger a form of public review. For instance, if a particular site can accommodate a building of 100,000 square ft. based on the zoning for that site and the developer purchases more than 20,000 square ft. of air rights (more than 20%) from surrounding sites, then that building could trigger public review to evaluate the appropriateness of additional density.

Improving Transparency

Many of these developments have been assembled over the years through the purchase of development rights from adjacent buildings. As has been pointed out by the Furman Center's report, *Buying Sky: The Market for Transferable Development Rights in New York City*, the challenge for the public and for regulators is that these transactions are very difficult to track. Zoning lot mergers and the purchase of air rights should be filed with the Department of Finance, in addition to the Department of City Planning and Department of Buildings, and be referred to the relevant community board and elected officials. This will allow the public, elected officials and regulators the opportunity to track development and to make more timely policy decisions in response to development trends.

Conclusion

Central Park will not be the only great public asset to attract this kind of new development. Spectacular views exist throughout the city. New York's waterfronts, parks and other significant spaces are all sure to appeal to developers looking for the next hot spot. Planning ahead and identifying the areas of the city where we want to see this type of growth is crucial to ensuring our assets are protected and our skyline enhanced.

Central Park
The view today from Sheep Meadow in Central Park.

Appendix A: How Do TDR's Work?

The New York City Zoning Resolution allows buildings built below allowable FAR limits, either because of a New York City landmark designation or other reasons, to transfer additional development rights to another development site. These additional development rights are known as "transferable development rights" (TDRs) or "air rights." Once sold, the seller loses the ability to further develop their own property.

There are three mechanisms that allow buildings to transfer their additional development rights to receiving sites:

Zoning Lot Mergers

Adjacent lots in the same zoning districts can be assembled and treated as a single zoning lot. This allows underbuilt properties to transfer unused development rights to other properties in the grouping.

- TDRs may only be transferred through contiguous lots, which limits mergers to a single block.
- Often, developers pay other landowners to enter into a zoning lot merger as a way to transfer development rights through contiguous lots to their development site.
- Because transfers can happen as-of-right without public review or city approvals, this method is often preferred by developers.[31]

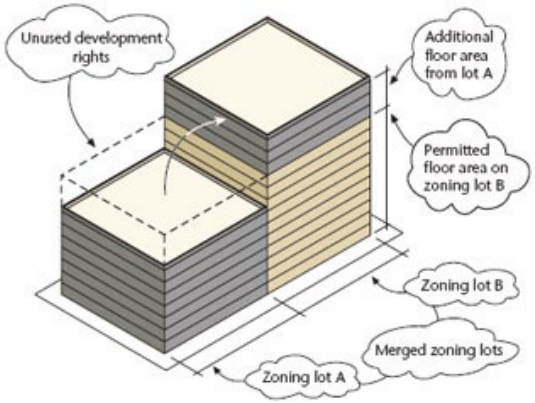


Image Source: New York City Department of City Planning

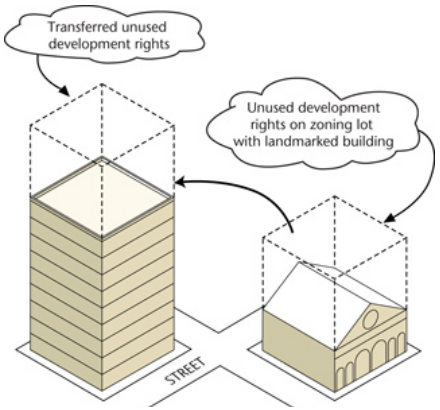


Image Source: New York City Department of City Planning

Landmark Transfers

Because a New York City landmarks designation limits new development on historic sites, transfers were created to allow the owners of designated properties to capitalize on unused development rights. This also helps compensate building owners for the cost of preserving historic structures.

- New York City landmarks may transfer their additional development rights to adjacent lots and across the street or intersection.
- The landmark owner must agree to maintain the landmark and secure a special permit from the City Planning Commission, which in turn requires public review.[32]

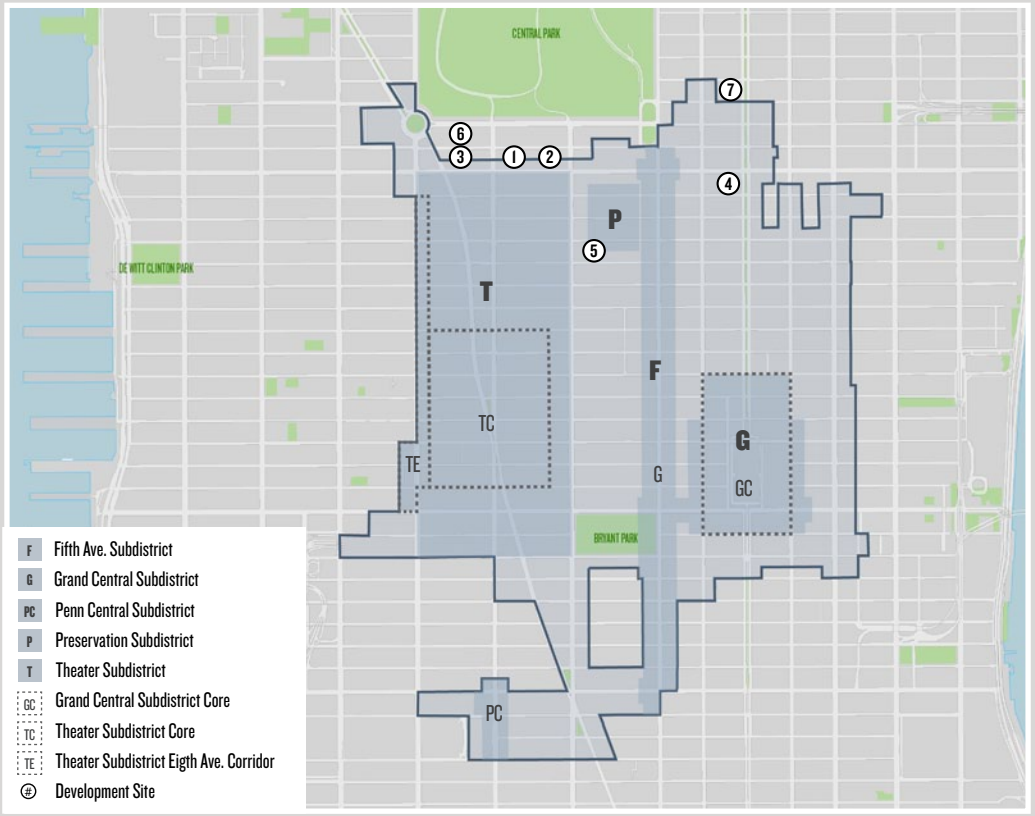
Landmark Transfers

Carnegie Hall Tower is an example of a building that utilized the transfer of development rights from a landmark — in this case, the adjacent Carnegie Hall.

Special Purpose District Transfers

Specific neighborhoods in the zoning resolution have their own additional land use rules that allow development rights to float within a prescribed area. These development rights are often referred to as "floating rights." Examples of these types of districts include:

- The Special Midtown District is specific to Broadway theaters who may transfer unused development rights to almost any of the lots in the Theater Sub-district.
- The Special West Chelsea District was developed for owners of land underneath and immediately west of the High Line to transfer unused development rights to areas located along or near 10th and 11th Ave.[33]



The Special Midtown District

Most of the active projects highlighted in this report are part of the Special Midtown District, a Special Purpose District in the city's zoning code. Special Purpose Districts, designated by the Planning Commission, stipulate zoning requirements and incentives to help work toward goals for the area — in this case, the Special Midtown District was created in 1982 with the goal of shifting development from east to west and south Midtown.

One of the most significant features of the District is that certain areas have no restriction on buildings heights, which helps explain how many of these developments are happening as-of-right. Additionally, the District allows for a floor area bonus for public plazas, subway station improvements or theater rehabilitation in certain subdistricts, which can lead to additionally taller buildings.[34]

Appendix B: Active Projects Summary Table

Project #	Address	Project Title	Owner / Developer	Architect	Height (in ft.)	Number of Floors	Use	Status	Permitting	Building Permit Status
1	**157 West 57 St.**	One57	Extell	Atelier Christian de Portzamparc	1004' [35]	75 [36]	retail, hotel, residential	To be completed in 9-12 months	As-of-right	Issued
2	**111 West 57 St.**	Steinway Hall	JDS Development	SHoP	1350' [37]	70 [38]	mix commercial, residential	LPC approved on October 15, 2013	As-of-right	Not Yet Issued
3	**217/225 West 57 St.**	-	Extell	Adrian Smith + Gordon Gill	Up to 1500' [39]	88 [40]	retail, hotel, condo	LPC approved on October 22, 2013	As-of-right	Not Yet Issued
4	**432 Park Ave.**	-	Macklowe/ CIM Group	Rafael Vinoly	1396' [41]	84 [42]	residential, hotel	To be completed in 2015	As-of-right	Issued
5	**53 West 53 St.**	Tower Verre	Hines/ Goldman Sachs Real Estate/ Pontiac	Jean Nouvel	1050' [43]	72 [44]	residential	Construction to begin mid 2014	Special Permit	Not Yet Issued
6	**220 Central Park South**	-	Roth/ Vornado	Robert A.M. Stern	920' [45]	65 [46]	retail, residential	Initial design stages	As-of-right	Not Yet Issued
7	**43 East 60 St.**	-	Zeckendorf Brothers	Robert A.M. Stern	779' [47]	51	residential	preconstruction	As-of-right	Issued

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