



## **CITY PLANNING COMMISSION**

March 24, 2004/ Calendar No. 36

C 030229 ZSM

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**IN THE MATTER OF** an application submitted by the Trustees of Columbia University in the City of New York and the Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow the modification of the height and setback regulations of Section 33-432 to facilitate the development of a 12-story scientific research and development facility on a zoning lot occupying an entire block bounded by West 165<sup>th</sup> Street, Broadway, West 166<sup>th</sup> Street and St. Nicholas Avenue (Block 2124, Lot 43), in a C6-2 District, Borough of Manhattan, Community District 12.

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The application for the special permit was filed by the Trustees of Columbia University and the New York City Economic Development Corporation on November 26, 2002, to facilitate the development of Audubon IV, a new commercial biotech research facility within the Audubon Research Park in Washington Heights. Subsequent to certification, the project was modified and a revised application was submitted on February 10, 2004, to relocate the project's four loading berths from West 165<sup>th</sup> Street to St. Nicholas Avenue.

### **RELATED ACTIONS**

In addition to the special permit, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**N 030228 ZRY:** Zoning Text Amendment to amend Section 74-48 of the Zoning Resolution to allow modifications to height and setback regulations for scientific research and development facilities in C6 Districts.

**C 030230 PPM:** Disposition of City-owned Property.

### **BACKGROUND**

Columbia University proposes to develop a new, 12-story commercial research laboratory facility, the Audubon IV Research Building, within the Audubon Research Park. The proposed development site is located on the west side of St. Nicholas Avenue between West 165<sup>th</sup> and West 166<sup>th</sup> streets, in Washington Heights, Manhattan Community District 12.

The proposed Audubon IV Research Building is part of a long-term economic development and planning initiative undertaken between Columbia, New York Presbyterian Hospital and the city, to establish a commercial biotechnology research center in upper Manhattan. It is the final phase of a four-phased development originally envisioned in 1983. When finished, Audubon IV would provide space for start-up and expanding scientific research and development companies. The construction of Audubon IV would essentially complete the build program for the Audubon Research Park.

#### *Prior Approvals*

On June 27, 1990, the Commission approved four (4) applications for the Audubon Research Park. The actions included a rezoning from C4-4 and R8/C1-4 to C6-2 ( C 890662 ZMM); a special permit and related zoning text change to facilitate scientific research and development facilities in C6 districts ( C 890664 ZSM and N 900523 ZRY, respectively) and the disposition of city-owned property ( C 890663 PPM). The special permit and disposition actions limited development to 95,000 square feet of floor area. The applications were subsequently approved by the Board of Estimate on August 16, 1990.

#### *Proposed Audubon IV Research Building*

The proposed Audubon IV Research building would be located on the southeast corner of Block 2124, bounded by West 165<sup>th</sup> and West 166<sup>th</sup> streets, St. Nicholas Avenue and Broadway. The project site comprises 19,249 square feet and is currently used as an accessory parking lot. The site abuts the Mary Woodward Lasker Research Building (Audubon I), with which it will be architecturally integrated and programmatically linked. Audubon I was completed in 1995. Moreover, Audubon I and the project site occupy the site of the Audubon Ballroom, a portion of which has been saved and currently houses the Malcolm X and Dr. Betty Shabazz Education and Research Center.

The Audubon IV site is located in a C6-2 zoning district. C6-2 districts allow residential uses up to 6.02 FAR, commercial uses up to 6.0 FAR and community facility uses up to 6.5 FAR. If

developed as-of-right, the site would allow a 13-story, 196-foot tall building, with a required setback at 85 feet (approximately six to eight stories).

The surrounding neighborhood has a mix of institutional, residential and commercial uses. The New York Presbyterian Hospital campus is located one block west of the proposed project site. The campus includes the main hospital complex, Columbia University's College of Physicians and Surgeons, and Schools of Nursing and Public Health. Facing the project site on West 166<sup>th</sup> Street is the Irving Cancer Research Center, also included in the Audubon Research Park. To be completed in Spring 2004, the Irving Cancer Center rises to 196 feet without a setback. The Center's street wall is placed behind the street line, thus allowing the building to rise to its 196-foot height as-of-right without a setback.

Audubon IV would contain approximately 168,000 square feet of floor area. The building would rise to 181 feet, or twelve stories without setback, to generate floor plates of approximately 17,600 square feet. However, the street wall would be articulated, to reduce the overall impression of the building's mass. The applicant also intends to combine the first six stories on Audubon I and IV, to create even larger floor plates (25,000 + sf) to accommodate second stage biotech companies.

The building would have a mix of retail uses on the ground floor, an 80-car accessory parking garage to be placed below-grade and four loading berths. The parking garage would be accessed from West 165<sup>th</sup> Street and the loading berths would be accessed from St. Nicholas Avenue. When completed, Audubon IV would employ approximately 511 employees.

### **Requested Actions**

*Special Permit ( C 030229 ZSM) and Zoning Text Amendment (N 030228 ZRY)*

The applicants seek the grant of a special permit pursuant to Section 74-48 (C 030229 ZSM), to allow a scientific research and development facility to be built on the project site, which is zoned C6-2. Pursuant to Section 74-48, in C6 zoning districts, the City Planning Commission may permit a scientific research and development facility containing laboratories for medical, biotechnical, chemical or genetic research, including space for production, storage and distribution of scientific products generated through research. Additionally, such facility must conform to the performance standards applicable to M1 districts.

The application for the special permit ( C 030229 ZSM) also requests modification of the height and setback regulations of Section 33-432 (Maximum Height of Walls and Required Setbacks). A concurrent zoning text amendment (N 030228 ZRY) has also been requested to amend Section 74-48 (Scientific Research and Development Facility) to allow the Commission to grant height and setback modifications as part of the special permit. The amended zoning text would continue to be applicable only in C6 Districts on zoning lots that have an area of at least 40,000 square feet or occupy an entire block.

In C6-2 districts, the street wall may rise to a height of 85 feet before setback. Under current zoning regulations, there are no provisions to modify height and setback regulations to facilitate the development of scientific research facilities in C6 districts. For Audubon IV, the requested height and setback waivers would enable portions of the building to penetrate the sky exposure plane above a height of 85 feet, principally along the project's West 165<sup>th</sup> and St. Nicholas Avenue frontages. As stated previously, Audubon IV's street wall would rise without setback to a height of 181 feet above curb level. The proposed zoning text amendment would give the applicant more design flexibility than currently allowed under existing zoning regulations and enable the proposed project to create consistent, regular floor plates, as the building rises. Without the requested modification to height and setback regulations, the provision of required setbacks would result in irregular and smaller floors, which the applicant asserts, would not satisfy the needs of potential tenants.

Pursuant to Section 74-48, the applicants must meet specific findings that ensure that the proposed scientific and research facility would not affect neighborhood character, be located to draw a minimum of vehicular traffic to and through local streets and that the proposed modification to height and setback regulations would not obstruct the access of light and air to adjoining properties or public streets.

*Disposition of City-Owned Property ( C 030230 PPM)*

The proposed disposition action (C 030230 PPM) would remove the floor area restriction on the Audubon IV project site. Under the previously granted disposition approval ( C 890663 PPM), future development on Block 2124 was limited to 95,000 square feet of floor area. The proposed action would remove floor area restrictions on the subject property.

**ENVIRONMENTAL REVIEW**

This application (C 030229 ZSM), in conjunction with the applications for the related actions (C 030230 PPM and N 030228 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977.

The designated CEQR number is 02DME010M. The lead agency is the Office of the Deputy Mayor for Economic Development and Rebuilding.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on December 18, 2002.

**UNIFORM LAND USE REVIEW**

This application (C 030229 ZSM), in conjunction with the application for related action (C 030230 PPM ), was certified as complete by the Department of City Planning on November 3, 2003, and was duly referred to Community Board 12 and to the Borough President in

accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP), along with the related zoning text change application ( N 030228 ZRY), which was referred for review and comment.

### **Community Board Public Hearing**

Community Board 12 held a public hearing on this application ( C 030229 ZSM) and the related applications (C 030230 PPM and N 030228 ZRY) on January 8, 2004 and on that date, by a vote of 16 in favor, 5 opposed and 2 abstentions, adopted a resolution recommending approval of the application with the following conditions.

. . . Community Board 12 Manhattan recommends approval of the Special Permit Application, the Zoning Text Application and the Floor Area Restriction Application expressly contingent upon Columbia executing an agreement satisfactory to Community Board 12-Manhattan to address various issues relating to jobs, economic development, environment, construction, housing, community improvements, design and ongoing review of the Proposed Project.

### **Borough President Recommendation**

This application (C 030229 ZSM), in conjunction with the related actions ( C 030230 PPM and N 030228 ZRY), was considered by the Borough President, who issued a recommendation on February 11, 2004, approving the applications.

### **City Planning Commission Public Hearing**

On February 11, 2004, (Calendar No. 5), the City Planning Commission scheduled February 25, 2004, for a public hearing on this application (C 030229 ZSM) in conjunction with the related applications ( C 030230 PPM and N 030228 ZRY). The hearing was duly held on February 25, 2004 (Calendar No. 7), in conjunction with the public hearings on the applications for the related actions. There were five speakers in favor and no speakers in opposition.

Those speaking in favor included representatives of Columbia University, the New York City Economic Development Corporation (EDC), the project architect, project attorney, and a representative from Community Board 12.

The representative from EDC apprised the Commission of the prior history and approvals concerning the Audubon Research Park. He further emphasized the need for New York City to remain competitive in the highly competitive biotech research industry. The Columbia University representative underscored the need to build and activate Audubon IV. It was also noted that the proximity of the proposed research facility to the main New York Presbyterian Hospital campus was critical to integrating new drugs and medicines obtained through biotech research into advanced patient care. He further indicated that the proposed build program for Audubon IV provides the flexibility necessary to facilitate future growth and expansion within the Audubon Research Park, which in turn enhances the applicant's future biotech research efforts.

The architect presented the project in more detail, describing Audubon IV's programmatic requirements, proposed massing and site plans. The architect further explained that the proposed FAR and building height of the new research facility would be compatible to the height achieved with an as-of-right development.

The project attorney also described the planning rationale for the proposed project within the larger context of the Audubon Research Park. Although unprogrammed at the time of the original approval, the applicants foresaw the need to develop the Audubon IV site for future scientific or research use. Consequently, the 1990 approvals contemplated additional biotech development on the site and noted that if such a building were proposed, it would be subject to future land use and environmental reviews.

Also speaking was a representative from Community Board 12 who apprised the Commission of longstanding issues between the Board and Columbia University regarding the provision of affordable housing and expanded education and employment opportunities (i.e, construction and biotech-related) for area residents. He also underscored the Board's desire for Columbia to address these issues within the scope of the proposed Audubon IV project.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of this special permit, in conjunction with the related actions, is appropriate. The requested actions would facilitate the development of Audubon IV, a new commercial biotech research facility to be built within the Audubon Research Park in Washington Heights.

The Commission notes that Audubon IV is part of an ambitious long-term development initiative to establish a world-class, economically competitive biotechnology research center in upper Manhattan. When finished, Audubon IV would provide space for start-up and expanding biotech research and development companies. Over the long term, Audubon IV would enable Columbia University to attract and retain successful biotech firms in the Audubon Research Park. Moreover, Audubon IV would provide expanded and enhanced opportunities for Columbia and neighboring New York Presbyterian Hospital to effectively collaborate on future biomedical research efforts.

The proposed Audubon IV research building would be placed on the southeast corner of Block 2124, bounded by West 165<sup>th</sup> and West 166<sup>th</sup> streets, St. Nicholas Avenue and Broadway. The project site comprises 19,249 square feet and is currently used as an accessory parking lot. The site abuts the Mary Woodward Lasker Research Building (Audubon I), which was completed in 1995. The Commission notes that Audubon I comprises a portion of the former Audubon Ballroom, a venue of significant historical and cultural value.

### *Special Permit ( C 030229 ZSM) and Zoning Text Amendment (N 030228 ZRY)*

The Commission believes that the grant of the requested special permit, pursuant to Section 74-48 of the Zoning Resolution (Scientific Research and Development Facility) and the related zoning text amendment are appropriate. The Audubon IV site is located in a C6-2 zoning district. C6-2 districts allow residential uses up to 6.02 FAR, commercial uses up to 6.0 FAR and community facility uses up 6.5 FAR. The requested special permit would allow the site to be developed into a scientific research and development facility.

Audubon IV would contain approximately 168,000 square feet of floor area. The building would rise to 181 feet, or twelve stories without setback, to generate floor plates of approximately 17,600 square feet. The applicant also intends to combine the first six stories on Audubon I and IV, to create even larger floor plates (25,000 + sf) to accommodate second stage biotech companies.

The building would have local retail uses on the ground floor, an 80-car accessory parking garage to be placed below-grade and four loading berths. The parking garage would be accessed from West 165<sup>th</sup> Street, which is a two-way street located between Broadway and St. Nicholas Avenue. Accordingly, Audubon IV is located on a site that would not draw a large volume of vehicular traffic through local streets, and vehicle trips generated by the proposed project would use major streets and roadways to access the building. The loading berths would be located off-street and enclosed storage spaces for all raw materials, finished products, refuse and debris would be kept in interior storage areas adjacent to the loading dock and service elevator.

The proposed project would not affect the essential character of the area. The Commission notes that Audubon IV is located in an area of Washington Heights that has a significant community facility presence, which includes New York Presbyterian Hospital, which comprises a campus generally bounded by West 165<sup>th</sup> and West 168<sup>th</sup> streets, Broadway and Fort Washington Avenue, and the Audubon Research Park, which comprises an area bounded by West 165<sup>th</sup> and West 168<sup>th</sup> streets, Broadway and St. Nicholas Avenue. The area also has Columbia's College of Physicians and Surgeons, and its Schools of Nursing and Public Health. Similarly, community facility uses related to these institutions, such as staff residences are found along Fort Washington Avenue, which is located within a one-block radius of the Audubon IV site. Although the area also has medium-density residential development to the south and east of Audubon IV, the predominant built context of the neighborhood is typified by large medical and scientific research buildings. The Commission therefore believes that the proposed project is compatible with the existing built context and would not significantly alter the surrounding land use.

### *Zoning Text Amendment*

The Commission believes that the proposed zoning text amendment to facilitate the requested modification to the height and setback regulations is appropriate. The Audubon IV site, if developed as-of-right, would allow a 13-story, 196-foot tall building, with a required setback at 85 feet (six stories). According to the applicant, the required setback above 85 feet would reduce upper floor plates to approximately 13,500 square feet, which is significantly smaller than the optimally desired, rectangular-shaped floor plate of 20,000 - 30,000 square feet. For Audubon IV, the requested modification to height and setback regulations would enable portions of the building to penetrate the sky exposure plane above a height of 85 feet, principally along the project's West 165<sup>th</sup> and St. Nicholas Avenue frontages. Audubon IV's street wall would rise without setback to a height of twelve stories or 181 feet above curb level. The proposed zoning text amendment would give the applicant more design flexibility than currently allowed under existing zoning regulations and enable the proposed project to create consistent, regular floor plates, as the building rises. Consequently, the requested modifications to height and setback regulations would enable the applicant to develop a larger floor plate than permitted by the underlying zoning. The Commission notes that the proposed building would be one floor lower than an as-of-right building (i.e., 12 stories as opposed to 13 stories), making the shadows cast by the proposed building indistinguishable from those cast by the as-of-right building. Moreover, the project would be built at the convergence of two wide streets, St. Nicholas Avenue and West 165<sup>th</sup> Street. Accordingly, the Commission believes that the proposed modification to height and setback regulations would not cause the proposed building to unduly obstruct the access of light and air to adjoining properties or public streets.

The Commission notes that the proposed massing is necessary to generate the floor plates and ceiling heights required to operate a modern research facility in an efficient and economical manner. Large floor plates are important in laboratory buildings with smaller tenants, where flexibility and modular spaces are needed to accommodate changes in research programs over time. Additionally, large floor plates best accommodate mechanical systems, such as elevator cores and exhaust system ducts, which require uninterrupted travel through the building to the roof. Accordingly, the Commission believes the proposed massing and requested modification

to height and setback regulations are appropriate to enable the Audubon IV to better address programmatic and operational needs over time.

*Disposition of City-Owned Property ( C 030230 PPM)*

The Commission believes that the proposed disposition action is appropriate. The proposed disposition action (C 030230 PPM) would remove the floor area restriction on the Audubon IV project site. Under the previous disposition approval granted by the City Planning Commission and the Board of Estimate in 1990, ( C 890663 PPM, Calendar No. 47), future development on Block 2124 was limited to 95,000 square feet of floor area. Accordingly, the applicant completed Audubon I and has leased the Audubon IV site from the city for accessory parking. However, the 1990 approvals contemplated additional biotech development on the site and noted that if such a building were proposed, it would be subject to future review under ULURP. The proposed action would modify the prior disposition approval, to remove floor area restrictions on the block, thus enabling the applicant to advance the desired build program for the Audubon IV site.

Since certification, the applicants submitted a revised ULURP application on February 10, 2004 to relocate the loading berths from West 165<sup>th</sup> Street to St. Nicholas Avenue. The modified proposal is in response to community board concerns regarding the placement of loading berths opposite residential uses on West 165<sup>th</sup> Street.

The Commission notes the concerns of the Community Board and the Borough President concerning other issues related to this project such as jobs, affordable housing, community input in its design and community participation as the project proceeds toward completion. While these issues are not within the purview of the actions before the Commission, the Commission strongly encourages Columbia to keep the Community Board, Borough President and community residents apprised of, and to the extent practicable, involved in the Audubon IV project as it proceeds.

**FINDINGS**

The City Planning Commission hereby makes the following findings required by Section 74-48 (Special Permit for Scientific Research and Development Facilities) and to allow the

modification of the height and setback regulations of Section 33-432 (Maximum Height of Walls and Required Setbacks, that the proposed development:

- (a) will not unduly affect the essential character or impair the future use and development of the surrounding areas;
- (b) will be located so as to draw a minimum of vehicular traffic to and through local *streets*; and
- (c) provides fully enclosed storage space for all raw materials, finished products, by-products and waste materials including debris, refuse and garbage.
- (d) that the modification of such height and setback regulations will not unduly obstruct the access of light and air to adjoining properties or public streets.

## **RESOLUTION**

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

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-48 of the Zoning Resolution to allow a scientific research and development facility and to allow the modification of the height and setback regulations of Section 33-432 to facilitate the development of a 12-story scientific research and development facility on a zoning lot occupying an entire block bounded by West 165<sup>th</sup> Street, Broadway, West 166<sup>th</sup> Street and St. Nicholas Avenue (Block 2124, Lot 43), in a C6-2 District, Borough of Manhattan, Community District 12, is approved, subject to the following terms and conditions:

1. The development that is subject of this application (C 030229 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by Davis, Brody, Bond, LLP, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-2	Zoning Calculations	October 24, 2003
U-4	Area Maps	January 9, 2004
U-5	Site Plan/Sky Exposure Plane Diagrams (ZR 33-432)	January 9, 2004
U-6	First Floor Plan	January 9, 2004

2. Such development shall conform to all applicable laws and regulations relating to its construction, operation, and maintenance.
  
3. All leases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee or occupant. The development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown the plans listed above which have been filed with this application. All zoning computations subject to verification and approval by the New York City Department of Buildings.
  
4. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions agreements, terms or conditions of the special permit hereby granted, the City Planning Commission may, upon due notice, without consent of the any other party, revoke any portion of all of said such special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency or government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission of the City

Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

5. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 030229 ZSM), duly adopted by the City Planning Commission of March 24, 2004, (Calendar No. 36), is filed with the Office of the Speaker, City Council, and Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, **Chair**  
KENNETH J. KNUCKLES, Esq., **Vice Chairman**  
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,  
ANGELA R. CAVALUZZI, R.A., RICHARD W. EADDY,  
ALEXANDER GARVIN, JANE D. GOL,  
CHRISTOPHER KUI, JOHN MEROLO,  
DOLLY WILLIAMS, **Commissioners**

KAREN A. PHILLIPS, **Commissioner voting no**