



## **CITY PLANNING COMMISSION**

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November 26, 2007/Calendar No. 2

N 070496 ZRM

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**IN THE MATTER OF** an application submitted by Columbia University pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Article X, Chapter 4 (Special Manhattanville Mixed Use District), establishing a special district in Borough of Manhattan, Community District 9, and modifying related regulations.

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The application for an amendment of the Zoning Resolution was filed by Columbia University on May 30, 2007. The requested action, in conjunction with the related zoning map amendment, would facilitate the development of a modern academic mixed-use campus in the Manhattanville section of West Harlem, Manhattan Community District 9, as well as commercial and residential development in other portions of the area.

### **RELATED ACTION**

In addition to the proposed amendment to the Zoning Resolution, which is the subject of this report (N 070496 ZRM), implementation of the proposed project also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

**C 070495 ZMM:** Amendment to the Zoning Map, Section Nos. 5c and 6a, to rezone M1-1, M1-2, M2-3 and M3-1 districts to C6-1, C6-2, and R8A/C1-4 Districts, within the proposed Special Manhattanville Mixed-Use District

### **BACKGROUND**

The applicant, Columbia University is proposing the Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development project as a comprehensive plan for which it has

identified two primary goals: to allow Columbia University to fulfill its role as a leading academic institution by enabling it to expand and modernize its facilities within an Academic Mixed-Use Area; and to facilitate the revitalization, improvement, and redevelopment of a portion of the Manhattanville section of West Harlem by allowing greater density and a wider variety of land uses.

With regard to the first of these goals, Columbia seeks to:

- Allow construction of 5 to 6 million square feet of University program space over the next 25 years;
- Create a plan that permits Columbia to build state-of-the-art educational and research facilities, particularly in the area of academic research;
- Allow for Columbia's expansion in a consolidated area to create an integrated, urban campus environment which would promote interaction among students, faculty and researchers;
- Create an open University campus with a central publicly accessible open space and amenities for both the university-affiliated population and the community at large; and
- Avoid an ad hoc approach to addressing Columbia's space needs through the purchase of property in neighborhoods outside Columbia's existing campuses, both because this would not create a campus environment and could cause conflict with the community .

With regard to the second of these goals, Columbia seeks to:

- Rezone a portion of the Manhattanville area to allow for a wider mix of uses and greater density, including community facility and residential uses;
- Respect the context of surrounding neighborhoods by limiting the floor area ratio (FAR) in the new zoning to a maximum of 6;
- Enliven and activate West 125<sup>th</sup> Street as the gateway to the West Harlem Waterfront Park, now under construction;
- Widen sidewalks and view corridors on east-west streets leading to the waterfront;

- Widen the sidewalk on 12<sup>th</sup> Avenue sufficient to open up views of the Riverside Drive viaduct and provide an open air public market near the waterfront;
- Provide for expansion of commercial uses west of 12<sup>th</sup> Avenue, but with height limits to protect views of and from the Riverside Drive viaduct;
- Promote new residential development in the area east of Broadway between 134<sup>th</sup> and 135<sup>th</sup> Streets;
- Provide publicly accessible open spaces throughout the area, and promote north-south pedestrian movement through the open space system;
- Require publicly accessible ground-floor uses along key streets leading to the waterfront; and
- Prohibit walls and fences that would block pedestrian access to and through the area.

### **Columbia University's Long Term Need for Expansion and Modernization**

Columbia University has been an independent institution of higher education in New York City since its founding in 1754. Its main campus, located in Morningside Heights along Broadway between 114<sup>th</sup> and West 120<sup>th</sup> Streets, contains the University's undergraduate colleges, academic and professional graduate schools, libraries, University administration, and student housing. The Columbia University Medical Center, located in the Washington Heights neighborhood, contains the medical, dental, nursing and public health schools, and several areas of medical research, as well as the affiliated New York Presbyterian Hospital. The University's stadium and sports facilities are located at Baker Field at the northern tip of Manhattan on the Harlem River. The university also operates the Lamont-Doherty Earth Observatory in Palisades, New York, and Nevis Laboratories in Irvington, New York. Columbia has approximately 24,400 students and employs approximately 4,500 full-and part-time faculty. With more than 14,000 employees, Columbia is the seventh largest non-governmental employer in New York City.

Columbia has determined that it faces a critical need for new, modern facilities to maintain its presence in New York City and its position as a leading university. Many of Columbia's existing

facilities are old, and many academic and academic research spaces are inadequate to accommodate new demands in the affected disciplines. In recent years, Columbia has renovated and expanded existing buildings, replaced buildings, filled in remaining spaces on its campuses where development is feasible, and acquired and built on properties near its campuses when they have become available. However, these efforts have not met the space requirements identified by the University, particularly the need to grow in emerging academic and academic research fields. Assuming current trends continue, Columbia estimates it will need 5 to 6 million square feet (sf) of program space over the next 25 years. Without modern facilities, Columbia believes that it will be unable to continue to attract top-ranked faculty and thus top-ranked students to the University.

Columbia is currently seeking space specifically for the Jerome L. Greene Science Center for Columbia's Mind, Brain and Behavior initiative, the School of Business, the School of International and Public Affairs (SIPA), and portions of the School of the Arts. Other academic research programs identified by Columbia as in need of space include biomedical engineering; environmental sciences; nanotechnology; neuroscience; and systems biology. Other academic programs identified by Columbia as currently working in inadequate space include: architecture, planning and preservation; astronomy; astrophysics; biological sciences; ecology, evolution and environmental biology; economics; English; political science; psychology; and new interdisciplinary initiatives of the Columbia University Medical Center (CUMC).

In planning for expansion to accommodate academic research and academic programs, Columbia seeks to develop modern, state-of-the-art facilities. Academic research facilities today require more space, design flexibility, and larger floor plates than their predecessors. In this regard, Columbia has identified simple, rectangular-shaped floor plates of at least 25,000 gross square feet (gsf), to accommodate 8-10 research teams per floor, and with at least 250,000 gsf of program space, as minimum requirements for an academic research building. These minimums may have to be increased for specific types of research (e.g., for the interdisciplinary

neuroscience program planned for the Jerome L. Greene Science Center). Modern academic research buildings must also accommodate large amounts of support space for research functions (e.g., imaging suites and gene sequencing equipment), in a proportion of research support space to lab space which approaches a ratio of 1:1. Modern academic buildings also need relatively large floor plates, and Columbia has identified a minimum floor plate of approximately 15,000 sf as its planning standard for this type of facility.

The space demands of modern facilities described above have increased the rate of Columbia's growth in recent years, with the University adding approximately 2 million sf – an average rate of 200,000 sf per year—over the last 10 years. Columbia projects that this rate of growth will continue for the long-term future, and that approximately half of this program space will be needed for academic research.

In the past decade, Columbia has undertaken new construction and the adaptive reuse of a number of buildings in order to enable the expansion of programs. However, this construction program included only three new buildings with floor areas of more than 150,000 sf, and one large adaptive reuse. None of the sites provided an opportunity to relocate large academic programs such as the School of Business or SIPA, and only two sites on the CUMC campus provided significant additional laboratory space. The university has three sites remaining at the existing Columbia campuses or on University-owned off-campus properties that could approximate the building sizes and layouts needed for modern academic research or major graduate academic buildings; taken together, these sites could accommodate 670,000 sf. The University has determined that ten other smaller sites could accommodate approximately 549,000 sf in total; however, these sites are not appropriate for major facilities and are planned by the University to be developed for housing or small academic institutes or centers. In considering its options to accommodate its long-term space needs, the University previously considered the possible use of vacant land at the southern end of the Riverside South development area, a large-scale mixed-use project being built between West 59<sup>th</sup> Street and West

72<sup>nd</sup> Street west of West End Avenue. Riverside South could have provided approximately half the floor area – up to 2.6 million sf of development on nine acres between West 59<sup>th</sup> and West 62<sup>nd</sup> Streets west of West End Avenue—sought by the University. In addition to its limited size, the University concluded that the substantial distance from Riverside South to the Morningside Heights campus and CUMC made this site less desirable. The University has also evaluated options for use of its facilities outside New York City. Development at these locations would be distant from Manhattan, would not provide proximity to Columbia’s campuses, and would not meet Columbia’s stated goal to stay and expand in New York City. In addition, the outlying campuses provide limited development opportunities and have been used for specialized research facilities that do not require large buildings.

Columbia has determined that expansion in Manhattanville would address its critical need for new facilities for these principal reasons: (1) adequate land to accommodate Columbia’s long-term space needs; (2) enough land to create integrated University facilities, which could stimulate the intellectual achievements of the students and faculties of several graduate schools and programs, as well as provide open space and other amenities as part of an open campus environment; (3) an area large enough to benefit from and make cost-effective a continuous, deep, below grade space that would provide efficient shared facilities, including academic research support facilities, classrooms and auditoriums, centralized loading and distribution systems, centralized mechanical systems (energy centers), and parking that meets anticipated demand; (4) location and proximity to the Morningside Heights campus and the Medical Center; (5) the prospect of improving Columbia’s existing connection to West Harlem by providing greater access to and through the new campus and building new and enhancing existing partnerships with the community; and (6) the opportunity to transform an aging, former manufacturing area into a vibrant, mixed use development. The development of new graduate facilities in Manhattanville would also allow Columbia to reorganize space at the Morningside Heights campus so that programs there can expand into space vacated by moving graduate programs to Manhattanville.

## **The Manhattanville in West Harlem Rezoning and Academic Mixed Use Development Plan**

### *The Academic Mixed Use Area ( Subdistrict A)*

To implement its expansion consistent with the above-described goals and objectives, Columbia proposes to rezone 35 acres in Manhattanville, all currently zoned for manufacturing uses, as a new Special Manhattanville Mixed Use District (MMU). In the center of the proposed special district, Columbia would build a 17-acre Academic Mixed Use Development of approximately 6.8 million gross square feet (gsf). Total program space, comprising new space for academic research, academic (instruction), recreational use, and housing for graduate students, faculty and other employees, would be 4.8 million sf, above and below grade. The above-grade development would be primarily for community facility uses serving the University, but would also include approximately 162,000 sf of street-level retail and other active uses at the ground floor. Below grade space would comprise approximately 2 million sf, with 296,000 sf devoted to academic research support. The Academic Mixed Use Development would also include approximately 1.6 acres of publicly accessible open space.

Development of the 17-acre campus would take place generally over approximately 25 years in two phases, with the first phase to be completed by 2015. The first phase would develop the area bounded by West 125<sup>th</sup>, West 129<sup>th</sup> and West 130<sup>th</sup> streets, as well as the east side of Twelfth Avenue between West 130<sup>th</sup> and West 131<sup>st</sup> streets. The first phase comprises five buildings, including the Jerome L. Greene Science Center for Columbia's Mind, Brain and Behavior initiative; the Columbia School of Business; a third building to be used by the School of the Arts and the School of Business; an additional academic building that would contain academic support for other programs, including a large auditorium, meeting room space, and other academic space; and a building that would contain the School of International and Public Affairs on the lower stories and University housing above. This phase would also include an approximately 12,000 square foot publicly accessible space, the Small Square, at the intersection of West 125<sup>th</sup> and 129<sup>th</sup> Streets, a Midblock Open Area between the Small Square and 130<sup>th</sup>

Street, and the Grove, a 400-square-foot publicly accessible space at the western tip of the “bowtie” formed by the intersection of 125<sup>th</sup> and 129<sup>th</sup> Streets. The central below-grade truck loading and parking facilities would also be completed by 2015.

After 2015, construction would continue into a second phase for development of the remaining portion of the Academic Mixed-Use Area (Subdistrict A of the Special Manhattanville Mixed-Use Zoning District). A large (40,000 sf) midblock open space located on block between 131<sup>st</sup> and 132<sup>nd</sup> Streets (the “Large Square”) would be completed early in the second phase. The second phase would include the development of 12 additional parcels including the renovation of the existing Nash Building located on the east side of Broadway between West 132<sup>nd</sup> and West 133<sup>rd</sup> streets. The uses to be developed on the 12 additional parcels would include seven academic research buildings, three academic buildings, one university housing building and one recreation building. The early part of the second phase would include the development of open space in addition to the Large Square, including extension of the north-south midblock spaces to form a passageway from 130<sup>th</sup> Street to the renovated Studebaker building, and an east-west open space on the east side of Broadway, between Broadway and Old Broadway, aligned with West 132<sup>nd</sup> Street, which is not mapped east of Broadway. Active ground floor uses would also be developed in university buildings along Broadway, 12<sup>th</sup> Avenue and 125<sup>th</sup> Street.

In addition to the rezoning, implementation of the Academic Mixed-Use Development Plan would entail the adoption of a General Project Plan (GPP) by the Empire State Development Corporation (ESDC). The GPP would provide for implementation of features that may not be mandated through zoning regulations or other mechanisms, such as permitted uses in below-grade spaces, specification of the allowable uses on each proposed development site within the range permitted by zoning, minimum and maximum floor area thresholds for all land use components (academic research, academic, university housing, retail and recreation), and preservation of specified historic resources. The GPP would also authorize the subsequent acquisition of property within the Academic Mixed-Use Area by ESDC through the exercise of

ESDC's power of eminent domain or otherwise under the New York State Urban Development Corporation Act (UDC Act) and the subsequent disposition by ESDC of any such property to Columbia for purposes of project development. To the extent that acquisition of non-Columbia owned or controlled above-grade parcels through eminent domain is necessary and such authority is exercised by ESDC, any such acquisition by ESDC would be in stages based on Columbia's reasonably anticipated needs for the property as the Academic Mixed Use Area is developed. Development of the Academic Mixed Use Area contemplates ESDC acquisition of below grade areas under West 130<sup>th</sup>, West 131<sup>st</sup>, and West 132<sup>nd</sup> Streets and adjacent streets (for tie-backs and other structural supports) to facilitate construction of a continuous central below-grade space. The streets would remain mapped and fully open to the public at grade.

Implementation of the Academic Mixed Use Development Plan would also require relocation of tenants located in seven buildings in Subdistrict A. Six of the residential buildings are located on the Broadway frontage of Block 1999, between West 132<sup>nd</sup> and West 133<sup>rd</sup> Streets, and one is located one block to the south (Block 1998) on the south side of West 132<sup>nd</sup> Street, between Broadway and 12<sup>th</sup> Avenue. In order to be able to offer replacement housing to those relocated from the buildings, two of which are owned by the New York City Department of Housing Preservation and Development in connection with its Tenant Interim Lease (TIL) Program, Columbia has acquired control of three sites outside the area. Housing on the replacement sites would be of the same or better quality than those occupied by tenants in these six buildings, and provided at the same rents. Relocation of the tenants in the TIL buildings would only be pursuant to agreement with the tenants' associations. Columbia has entered into a contract to purchase a seventh residential building, located at 600 West 133<sup>rd</sup> Street. Before start of construction on that site under the Academic Mixed-Use Development Plan, Columbia would be required to provide equal or better housing for the tenants occupying these units as well.

The development plan for the 17 acres within the academic mixed-use area would result in more than 150,000 square feet of active uses, including retail and restaurants, on the ground floor.

These would be focused on the district's major streets, Broadway, West 125<sup>th</sup> Street, and 12<sup>th</sup> Avenue, where there are active use requirements, and the university also envisions a destination restaurant opening onto the western edge of the Large Square.

The primary uses in the area, above and below the ground floor, would be university programs, with seven academic research buildings either directly on or adjacent to Broadway, with two on the east side of the street, four on the west, and one just one parcel further west. Academic buildings would include the "Bowtie Building" at West 125<sup>th</sup> and Broadway, which would have facilities for major meetings and conferences, as well as the renovated, early 20<sup>th</sup>-century Nash Building on the east side of Broadway. On 12<sup>th</sup> Avenue, there would be academic and university housing buildings, including in the first phase both the School of Business at 129<sup>th</sup> Street, and the School of International and Public Affairs on the block to the north. The building housing the School of International and Public Affairs would have university housing above classrooms and other academic uses below.

Building heights would generally rise as the project moves north, from West 125<sup>th</sup> to West 133<sup>rd</sup>, with a 140-foot maximum height at the south end rising to 260 at the north. On the east side of Broadway, an academic research building would rise to 210 feet at West 131<sup>st</sup> Street, while another would be at 240 feet at West 133<sup>rd</sup> Street. Academic research buildings would have an additional allowed mechanical envelope, set back from the roof line, of 60 feet, while academic and residential buildings would have 40- and 20-foot mechanical envelopes, respectively. The midblocks would be lower, while along 12<sup>th</sup> Avenue there would be a similar rise from 180 feet at 130<sup>th</sup> Street to 240 feet at 133<sup>rd</sup> Street. The height and setback regulations of the MMU are designed to both allow for the demanding floor area and scale requirements of academic research and academic uses, and at the same time, by allowing setbacks at grade, and including transparency and use requirements, to keep the ground plane a welcoming environment.

The mandatory widened sidewalks, five feet on most of the east-west sidewalks, and 30-feet on

12<sup>th</sup> Avenue, are also designed to ensure that with the scale of the academic buildings, there is still an increased sense of access and openness, both around the campus area and to the newly revitalized waterfront. These sidewalks also connected to the network of open spaces, including the approximately 12,000-square-foot Small Square opening onto 125<sup>th</sup> Street, which would have a midblock passage with a minimum 45-foot width open the sky on its west side that would lead to West 130<sup>th</sup> Street and the 40,000-square-foot Large Square between West 130<sup>th</sup> and 131<sup>st</sup> Streets. Additional midblock passages would lead up to West 133<sup>rd</sup> Street, as well as break up the super block between West 131<sup>st</sup> and 133<sup>rd</sup> Streets on the east side of Broadway by opening a pedestrian way between the Nash Building and the adjacent site to the south. The proposed zoning text would require that the Large and Small squares have sufficient seating and planting to ensure they are inviting spaces to both the university community and the general public.

All open spaces would be open to the public 24 hours a day, 7 days a week, with the exception of the Large Square and east-west Midblock Open Area adjacent to the Nash Building, which would allow for nighttime closings. No fences or walls are permitted.

#### *Other Subdistricts*

The remaining 18 acres of the proposed special district, for which Columbia has no development plans, would be rezoned to accommodate various uses. In the “Other Area” west of Marginal street, the West Harlem Piers Waterfront Park is expected to be open for public use before 2009, and no other development is anticipated in the adjacent waterfront. In the area between the waterfront park and 12<sup>th</sup> Avenue (Subdistrict B), development of retail and other active uses is anticipated, despite the constraints of the elevated Amtrak line and Route 9A overhead. In Subdistrict B, most sites would have a 60-foot maximum height in order to remain at or below the level of the Riverside Drive viaduct above 12<sup>th</sup> Avenue, and ground-floor transparency and active use requirements would ensure a lively streetscape. A large destination grocery store, Fairway, is expected to remain, and would be compliant with the proposed zoning.

The area on the east side of Twelfth Avenue north of West 133<sup>rd</sup> Street (Subdistrict C) , would be zoned to allow for residential development.. While there are no projected development sites in this subdistrict, if at some time it were to occur, it would be consistent with the residential character of the block.

In the area at the southeast corner of Broadway and 135<sup>th</sup> Street (“Other Area” east of Broadway), design controls would allow for a contextual bulk envelope, with a 60-85-foot street wall and 120-foot maximum height. Retail use would be allowed through a commercial overlay. A residential development is projected on the Broadway frontage, while the through-block parcel fronting on the side street is projected to increase its current community facility use.

### **The Central Below-Grade Service Area**

Columbia has identified the Central Below-Grade Service Area, located beneath the entire portion of Subdistrict A, west of Broadway and north of West 125<sup>th</sup> Street and West 129<sup>th</sup> Street (except for the area beneath the Studebaker Building), as a critical component of the Academic Mixed Use Development Plan. The central below-grade service area would be a multi-level facility consisting of science support for academic research; a central loading area for all trucking associated with the university area; freight and utility distribution corridors; accessory university parking; two energy centers; program space for the School of Business and other programs; a swimming and diving center; a reconstructed MTA Manhattanville Bus Depot with parking for bus depot employees; and space for electrical switch gear, other mechanical space, ramps, maintenance , and storage.

Columbia believes that the central below-grade service area is critical to meeting its need for program space, and would enhance the above-grade urban environment, for the following reasons:

- The science support space for academic research, which would lie beneath the academic research buildings proposed along the west side of Broadway, would be

interconnected. This would avoid redundancy of equipment and service space that would occur if each of these facilities had to be provided above grade in separate, unconnected buildings.

- The centralized loading area would focus all truck access into one major entrance and exit on West 131<sup>st</sup> Street, thus avoiding curb cuts and truck circulation throughout the area at individual buildings. Fewer loading docks and curb cuts would improve the pedestrian environment and avoid interruption of active ground floor uses.
- Providing substantial parking below grade would allow Columbia to meet its own parking demand while reducing the need for curb cuts on the streets. Parking demand could not be met with use of conventional basements, requiring above-grade parking structures.
- The below-grade central energy centers would operate more efficiently and with better environmental performance than smaller boiler systems in individual buildings.
- The below-grade space would allow Columbia to provide space for program that does not require windows, such as the proposed swimming and diving center, and additional classroom and auditorium space for the School of Business and other instructional programs.

Excavation for the Central Below-Grade Service Area would be at a depth ranging from approximately 70 to 80 feet below grade, with slurry walls built extending from the existing grade to a depth ranging from less than 50 feet to approximately 120 feet below grade or more (depending on geological conditions). The construction required in connection with the central below-grade space is described in detail in Chapter 21, “Construction”, of the Final Environmental Impact Statement (FEIS).

### **Area Description**

The Project Area is generally bounded by West 133<sup>rd</sup> and West 135<sup>th</sup> streets to the north, West 125<sup>th</sup> Street and St. Clair Place to the south, Broadway and Old Broadway to the east and the

Hudson River to the west. Infrastructure serving transportation-related uses is prominent in the physical landscape, including several elevated train and vehicle roadways, listed from west to east: Route 9a (Henry Hudson Parkway), Amtrak, Riverside Drive viaduct (above 12<sup>th</sup> Avenue), and the IRT viaduct (above Broadway). Mass transit access includes the No. 1 Subway line, as well as several bus lines that travel along West 125<sup>th</sup> Street and Broadway.

Current uses include surface parking lots, automotive related uses including gas stations, manufacturing, warehousing and moving and storage businesses, on wide at-grade streets (West 125<sup>th</sup> Street, Twelfth Avenue, Broadway) as well as the narrower side streets (St. Clair Place, West 129<sup>th</sup> Street through West 134<sup>th</sup> Street.), as well as some restaurants and retail uses on the major at grade streets (West 125<sup>th</sup> Street, 12<sup>th</sup> Avenue, Broadway). The area's automotive and parking uses include the MTA Manhattanville Bus Depot, built in 1991 on the site of a prior bus depot, on 12<sup>th</sup> Avenue between West 132<sup>nd</sup> and West 133<sup>rd</sup> Streets, Verizon service vehicle garages, and a large City-owned wharf formerly used as a parking lot for Fairway, a large supermarket located on Marginal Street between West 132<sup>nd</sup> and West 133<sup>rd</sup> Streets. The wharf, located on the Hudson River between St. Clair Place (West 129<sup>th</sup> Street) and West 133<sup>rd</sup> Street, is being redeveloped as a park. Other transportation related uses include four gas stations, eight auto repair or maintenance shops, and additional parking lots and garages. The area also has one utility-related use, a Con Ed cooling station located on West 132<sup>nd</sup> Street. Two buildings are used for City offices, one by HPD and one by the New York City Police Department, on Broadway between 132<sup>nd</sup> and 133<sup>rd</sup> Streets.

Of the 17 acres comprising the Project Area, approximately 11 acres or 65% of the land area is owned or controlled by Columbia. Properties not owned or controlled by Columbia include City-owned property such as the MTA Manhattanville Bus Depot, the Con-Ed property and several privately-owned warehouses and gas stations.

There are approximately 2,766 jobs in the Project Area. Major employers include Fairway (450

employees) and the MTA Manhattanville Bus Depot (669 employees).

Residential buildings having a total of 132 dwelling units are located west of Broadway between West 132<sup>nd</sup> and West 133<sup>rd</sup> Streets, with one residential building located on the south side of West 132<sup>nd</sup> Street, also west of Broadway. A few additional units are located in a building located just east of Broadway on West 134<sup>th</sup> Street.

The building stock is largely pre-World War II, and includes the former Claremont Theater. Located at the southeast corner of West 135<sup>th</sup> Street and Broadway, the theater building, which is currently used as a self-storage warehouse, was designated as a City landmark on June 6, 2006.

### **Adjacent Areas**

The surrounding neighborhood has a mix of institutional and residential uses. Urban renewal efforts in the 1950s and 1960s resulted in the development of large scale residential projects north and east of the Project Area, including the Manhattanville Houses, located on a super-block between West 129<sup>th</sup> and West 133<sup>rd</sup> Streets, to the east of the proposed rezoning area. Riverside Park Community (a.k.a, 3333 Broadway), a large former Mitchell-Lama project completed in 1974, adjoins the proposed rezoning area to the north. On the south side of 125<sup>th</sup> Street, outside of the proposed rezoning area, Columbia occupies two post-World War II university housing buildings, and Prentis Hall, the former Sheffield Dairy building.

To the south, in Morningside Heights, the neighborhood has several institutional anchors: Jewish Theological Seminary and the Manhattan School of Music, between West 123<sup>rd</sup> and West 122<sup>nd</sup> Streets, Teachers College, Union Theological Seminary and Columbia University between West 122<sup>nd</sup> and West 120<sup>th</sup> Streets; and Columbia University and Barnard College between West 120<sup>th</sup> and West 111<sup>th</sup> Streets.

## **Existing Zoning**

The project area is entirely zoned with manufacturing districts. Adjacent areas are generally mapped with R7-2 and R8 medium density residential districts on the south, east, and north. There is an M1-1 district at West 135<sup>th</sup> Street and 12<sup>th</sup> Avenue. The existing manufacturing districts range from the higher performance M1-2, to the heavier manufacturing M2-3 and M3-1 designations. Light industries and wholesale service facilities are typically found in M1-2 areas and allowed up to 2.0 FAR. Retail, commercial and office uses are also permitted up to 2.0 FAR. M2-3 and M3-1 districts allow medium and heavy manufacturing uses and most commercial uses.

M2-3 and M3-1 districts do not allow community facility uses, and M1-2 districts limit community facility uses to 4.8 FAR. Within the Project Area, no residential use is allowed under current zoning. Under current zoning, the Fairway supermarket, the area's largest commercial use and a significant anchor to the neighborhood, is a non-conforming use.

The surrounding area is primarily zoned for medium-density residential development. Areas north and south of the Project Area are zoned R8, which allows residential development up to 6.02 FAR. Areas east of the Project Area are primarily zoned R7-2, which allows residential development up to 3.44 FAR. Both districts allow community facility uses up to 6.5 FAR.

C2-4 commercial overlays are found along Broadway, and permit a wide range of local retail and service establishments. C2-4 districts allow retail uses up to 2.0 FAR; however, in mixed-residential/commercial buildings, retail uses are limited to the ground floor.

## **Special Manhattanville Mixed Use District (N 070496 ZRM)**

In order to achieve its overall development objective for Manhattanville and the specific planning and urban design objectives for the area, Columbia has proposed a new special zoning district, the Special Manhattanville Mixed Use District (MMU) that would be mapped within an

area generally bounded by West 125<sup>th</sup> Street, West 135<sup>th</sup> Street, Broadway/Old Broadway and the Hudson River. Columbia has also proposed the related zoning map amendment (C 070495 ZMM). The proposed special district would cover approximately 35 acres, of which approximately 17 acres would comprise the academic mixed use campus.

As certified and referred, the proposed Special Manhattanville Mixed Use District and related rezoning would be divided into five areas:

**Academic Mixed Use Area**

- Subdistrict A (Area generally bounded by Broadway, Old Broadway, 12<sup>th</sup> Avenue, West 125<sup>th</sup> and West 133<sup>rd</sup>/West 134<sup>th</sup> streets), would be rezoned from M1-2, M2-3 and M3-1 to C6-1.

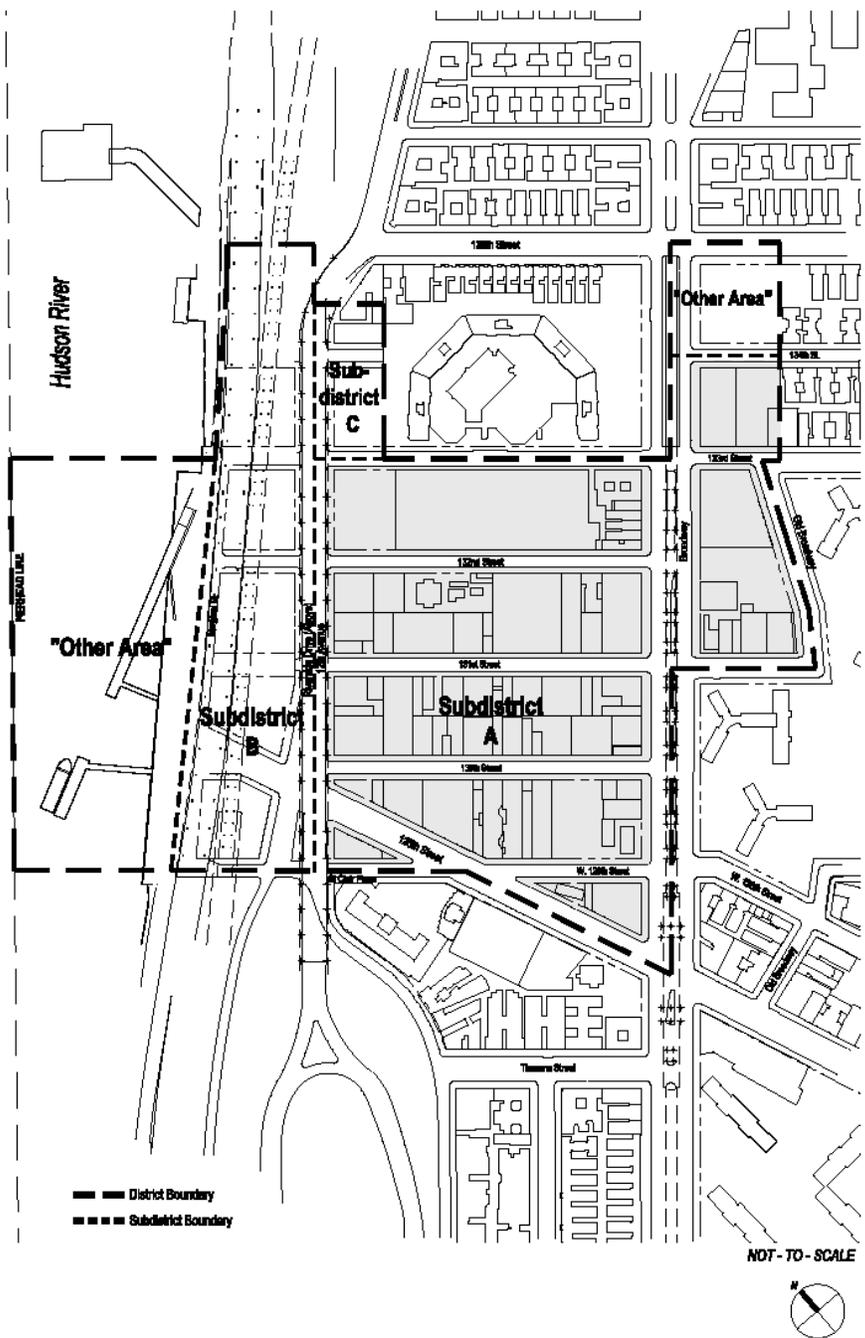
**Outside of/Adjacent to Academic Mixed Use Area**

- Subdistrict B (Mixed Use Area between Marginal Street and 12<sup>th</sup> Avenue), is proposed to be rezoned from M1-1 and M2-3 to C6-1;
- Subdistrict C (Mixed Use Area north on 12<sup>th</sup> Avenue, north of 133<sup>rd</sup> Street), would be rezoned from M1-2 to C6-2;
- Other Area--Broadway (Residential Area on east side of Broadway, between West 134<sup>th</sup> and West Streets), would be rezoned from M1-2 to R8A with a C1-4 overlay;
- Other Area--Waterfront (Area with waterfront park) from M1-2 and M2-3 is proposed to be rezoned M1-1.

**ACADEMIC MIXED USE AREA**

**Subdistrict A**

Subdistrict A constitutes approximately 17 acres, or 48 percent, of the Project Area. In this subdistrict, the proposed special district regulations would change the existing manufacturing



**Map 1. Special Manhattanville Mixed Use District and Subdistricts**

zoning (i.e., M1-2, M2-3 and M3-1), to a medium-density C6-1 district, with additional regulations.

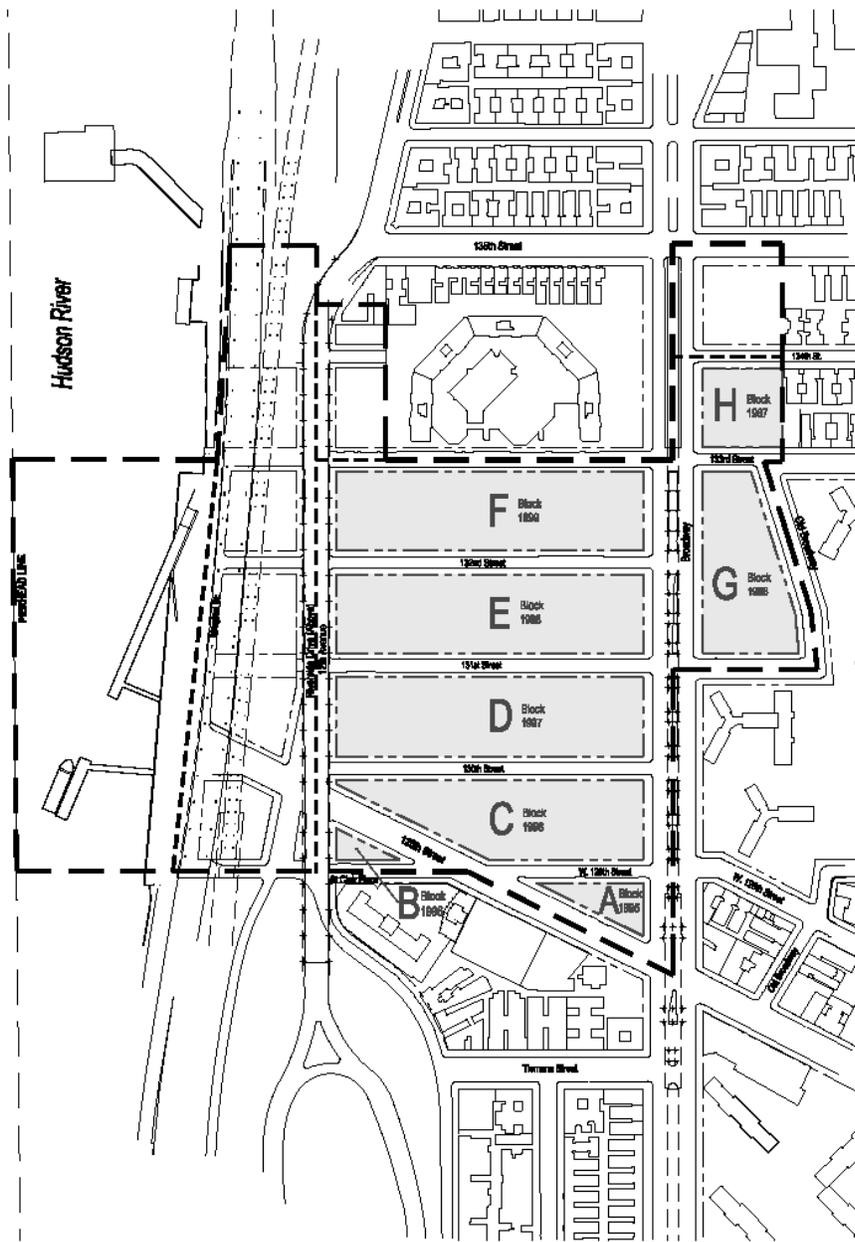
C6-1 districts are medium-density commercial districts that allow residential, commercial and community facility uses. Residential development is allowed up to 3.44 FAR, commercial uses are allowed up to 3.4 FAR and community facility uses are allowed up to 6.5 FAR. In the MMU, Subdistrict A would have special provisions to limit community facility uses to 6.0 FAR.

While Columbia University's development plan does not include manufacturing uses, the proposed rezoning would accommodate new manufacturing uses in the Project Area, up to 2.0 FAR, and allow for expansion of existing manufacturing uses. The proposed MMU would allow manufacturing and commercial uses in Use Groups 16, 17 and 18, which are not generally permitted in C6-1 districts. These provisions would facilitate manufacturing use on an interim basis, during the phased development of the Columbia campus.

The proposed special district regulations would incorporate urban design streetscape enhancements with the intent of creating attractive public spaces for pedestrian movement, passive recreation and a nexus between the project's proposed massing and pedestrian space.

### **Height and Setback**

Subdistrict A would have special height and setback regulations. The Subdistrict would be divided into 8 blocks, designated blocks A, B, C, D, E, F, G and H, each with special street wall requirements, minimum base heights, and maximum building heights. The minimum base heights as well as the maximum building heights would vary, depending on whether the building was located on a wide or narrow street, on 12<sup>th</sup> Avenue or Broadway.



Special Manhattanville Mixed Use District and Subdistricts  
**Map 2. Subdistrict A Block Plan**

The proposed special district regulations specify maximum heights on all building sites within Subdistrict A. These range from 60 feet on the small triangular block at St. Clair Place and 12<sup>th</sup> Avenue, to 260 feet at West 132<sup>nd</sup> and Broadway. In general, the maximum building heights rise from south to north, and are higher on the north-south streets than on the midblocks. For example, along the west side of Broadway, from West 125<sup>th</sup> street heading north, the maximum heights are: 140, 180, 230, 240 and 260 feet. Going east to west, on the block bounded by West 131<sup>st</sup> and West 132<sup>nd</sup> streets, Broadway and Twelfth Avenue, the height limits are 240, 118 (the existing Studebaker building), 170 and 210 feet. On the east side of Broadway, the heights range from 210 feet, at West 131<sup>st</sup> Street, 100 feet (the existing Nash Building) and 240 feet (between West 133<sup>rd</sup> and West 134<sup>th</sup> Streets).

***Maximum Mechanical Space.*** Above the maximum building height, the proposed special district regulations would also allow for mechanical equipment, open or enclosed, within a volume defined as ten feet back from the street line and with heights of 20, 40 and 60 feet, with the higher maximum heights related to use.

Above this envelope, permitted obstructions would include stacks. The development proposal identifies stacks rising above the mechanical volume on two buildings west of Broadway; one at West 129<sup>th</sup> to West 130<sup>th</sup> with Broadway frontage, the other on 12<sup>th</sup> Avenue between West 132<sup>nd</sup> and West 133<sup>rd</sup> streets. Both of these buildings would have energy facilities serving several buildings. In addition, there would be stacks above the mechanical volume on the buildings east of Broadway, which would have individual energy facilities. Appendix B specifies mechanical volume by parcel.

## **Street Walls**

The proposed special district specifies eight street wall regulations with particular attention to the

key three types for Subdistrict A; Broadway and West 125<sup>th</sup> Street (Street Wall Type 1); side streets (Street Wall Type 4); and 12th Avenue (Street Wall Type 3).

In the MMU, street walls are comprised of an upper street wall and a lower street wall. The upper street wall is permitted to be built to the street line, to the maximum building height, with certain restrictions such as a requirement for a 20% recess to a minimum of ten feet in the upper street wall on Broadway. The lower street wall is permitted to "set back" from the upper street wall, further into the lot from the street line, allowing for greater openness at grade. On Broadway and 125<sup>th</sup> Streets, as well as narrow streets, this setback would be from 2 to 10 feet, on 12th Avenue it would be up to 10 feet. This lower street wall would, in addition to being defined horizontally, also have vertical dimensions, from a minimum height of 15 feet to a maximum height of 55 feet (depending on street wall type). There would also be transparency requirements, requiring that below a height of 14 feet, there should be glazing for 70% of the frontage with at least 50% of its area transparent. Above 14 feet, at least 50% of the lower street wall would have to be glazed.

### **Mandatory Widened Sidewalks and Open Space**

New open areas would be required in connection with the development of certain sites and streets in the Academic Mixed Use Area.

There would be mandatory sidewalk widenings of five feet on most east-west streets except on the south side of West 131<sup>st</sup> Street and the north side of West 132<sup>nd</sup> Street, where the street line of the existing Studebaker Building will continue to define the sidewalk boundary. On 12<sup>th</sup> Avenue on the east side of the Riverside Drive viaduct, both to provide increased light and air and to generate additional pedestrian and retail activity, there would be mandatory widened sidewalk of 30 feet in addition to the existing 22 foot wide sidewalks. This 30-foot widened sidewalk would comprise two elements. A clear 15-foot-wide walking path would be required

adjacent to the new buildings. Between the walking path and the city sidewalk, there would be a 15-foot wide zone that could accommodate street furniture such as benches and, planters, and allow for kiosks, green markets and similar activities.

In addition, the proposed special district specifies Midblock Open Areas, on the Broadway to 12<sup>th</sup> Avenue midblocks between West 125<sup>th</sup>/129<sup>th</sup> and West 130<sup>th</sup> Streets, West 131<sup>st</sup> and West 132<sup>nd</sup> Streets, and West 132<sup>nd</sup> and 133<sup>rd</sup> Streets. These Midblock Open Areas would have clear path and planting requirements and would be 50 feet wide at grade and open to the sky for a minimum width of 50 feet, as well. The portion located between 125<sup>th</sup> to 130<sup>th</sup> Streets would also be 50 feet wide at grade but open to the sky for a lesser minimum of 45 feet. In addition, the MMU requires an east-west open area between Broadway and Old Broadway, with a minimum width of 60 feet open to the sky.

Three larger landscaped areas would also be required: the "Large Square," a minimum 40,000-square-foot open area between West 130<sup>th</sup> and West 131<sup>st</sup> Streets; the "Small Square," with a minimum area of 10,000 square feet, east of the mid block on the north side of West 129<sup>th</sup> Street, and the "Grove," a small area at the west end of the triangle between West 125<sup>th</sup>/West 129<sup>th</sup> Streets and Broadway. Provision of these open spaces would be linked to development of each of the blocks in which they are located as a single zoning lot. The MMU provisions would include standards for landscaping, seating areas and other aspects of the open spaces, as well as requirements for maintenance and operation by the owners, and specified hours of operation. All of the open spaces would be open to the public.

### **Permitted Transfer of Floor Area**

In order to allow Columbia to use the floor area generated by the land on which open space would be developed, floor area could be transferred from Blocks C, D or E, to any other block in Subdistrict A, upon notice to the Department of City Planning. As conditions for the transfer, the Chair of the City Planning Commission would have to certify that the design of the open space

on the block from which the floor area was to be transferred is consistent the requirements of the MMU zoning regulations, and a notice of restrictions would be recorded against both the granting and the receiving sites. No building permit would be issued for a building using the transferred floor area unless the Chair has certified to the Department of Buildings that plans submitted to the Department of City Planning are consistent with applicable urban design regulations, and no temporary certificate of occupancy would be issued for such building using the transferred floor area unless the Chair has certified to the Department of Buildings that the open space has been substantially completed and is open to the public. In addition, to provide long-term flexibility for Columbia University to develop the area over time, upon authorization of the City Planning Commission, floor area could be transferred from other granting sites within Subdistrict A, provided that the transfer would maintain compliance with applicable floor area, use and height and setback requirements on the receiving site. To grant this authorization, the Commission would further have to find that the the transfer will result in better site planning, and not unduly increase the bulk in any block to the detriment of properties outside of Subdistrict A. Transfer of floor area to a building which did not comply with the height and setback regulations, would require a special permit from the City Planning Commission.

### **Parking and Below-Grade Spaces**

A maximum of 3400 accessory off-street parking may be located below-grade in Blocks C, D, E, F, G and H.

## **OUTSIDE OF/ADJACENT TO ACADEMIC MIXED-USE AREA**

### **Subdistrict B**

The area located between the west side of 12<sup>th</sup> Avenue and Marginal Street, consisting of approximately 8 acres, or approximately 21 percent of the Project Area, would be Subdistrict B of the MMU. This area would be rezoned from M1-1, M1-2 and M2-3 to C6-1, with additional regulations to promote appropriate land uses and strengthen the visual east-west corridors to the waterfront. Residential development would be prohibited and commercial and community

facility uses would be limited to a maximum FAR of 2.0. Community facility uses (Use Groups 3 and 4) would be further limited to 5,000 square feet per establishment. Certain commercial and manufacturing uses in Use Groups 16, 17 and 18, which are not generally permitted in C6-1 districts, would also be allowed in the special district. Permitted manufacturing uses would include those manufacturing uses currently prevailing in the area, including automotive, warehouses, wholesale and produce and meat markets, along with certain specialty manufacturing uses. A new or enlarged permitted manufacturing use would be allowed to be located in the same building as, or in a building adjacent to, a residential or community facility use provided that the manufacturing use obtained a certification from a licensed architect or engineer that such use would not be hazardous. New manufacturing uses would be permitted at the same 2.0 FAR permitted under the current zoning. Enlargement or extensions of non-conforming uses in Use Groups 16 and 17 would be allowed.

Subdistrict B would also limit building heights to below the height of the Riverside Drive viaduct, with maximum a height of 60 feet. The southernmost parcel, at the south side of West 125th Street and 12<sup>th</sup> Avenue, would have a maximum height of 130 feet, in order to accommodate its long-term potential as a future mixed-use facility including an intermodal station for future connections for bus, rail, and ferry operation. The proposed zoning changes and regulations for Subdistrict B would also allow the existing Fairway more flexibility in its operations and facilitate possible expansion.

### **Subdistrict C**

Subdistrict C, which constitutes approximately two percent of the Project Area, comprises three parcels on the east side of 12<sup>th</sup> Avenue between West 133<sup>rd</sup> Street and north of West 134<sup>th</sup> Street. Its location adjacent to the Riverside Park Community apartments and near the proposed Academic Mixed-Use Area makes it important that any new development that might occur in the future be compatible with adjacent residential and community facility uses.

Subdistrict C would be rezoned from M1-2 to C6-2, which allows residential uses up to 6.02 FAR. Under the proposed special district regulations, Subdistrict C would allow commercial uses up to 6.0 FAR and community facility uses up to 6.0 FAR. It would also contain a height limit of 120 feet above curb level.

### **Other Area--Waterfront**

All of the waterfront west of Marginal Street to the pierhead line would be in the Other Area--Waterfront, to be rezoned from its current M1-2 and M2-3 to M1-1. Of its approximately nine acres, seven are under water. The two acres on land are currently under construction as a city park, authorized by a Mayoral override of existing zoning. The proposed M1-1 zoning would bring the park use into conformance with underlying zoning. There are no plans for this area other than park use.

### **Other Area--Broadway**

The Other Area--Broadway would include several parcels on the east side of Broadway between West 134<sup>th</sup> and West 135<sup>th</sup> Streets. It would be zoned R8A, a contextual zoning district that requires use of the Quality Housing Program and has bulk controls requiring new development to be compatible with the character of the neighborhood.

The R8A district requires a base height of 60 to 85 feet and a maximum height of 120 feet. Along Broadway, buildings must be set back 10 feet above the base height. The maximum FAR would be 6.02 for residential uses and 6.5 for community facility uses.

A C1-4 overlay would be mapped along the east side of Broadway between West 134<sup>th</sup> and West 135<sup>th</sup> Streets, to a depth of 100 feet. The C1-4 overlay permits local retail uses in Use Group 6. Commercial uses have a maximum FAR of 2.0 and if located in a residential building, are limited to the ground floor. MMU regulations would require active ground-floor uses along Broadway.

### **Community Board 9 197-a Plan**

On August 4, 2005, an application for a 197-a Plan was submitted by Manhattan Community Board 9 for Threshold Determination (N 060047 NPM). On October 17, 2005, the Commission determined that the proposed 197-a plan met the threshold standards for compliance with form, content and sound planning policy as set forth in Article 4 of the Rules for Processing 197-a Plans adopted by the City Planning Commission on December 3, 1990. Given the significant differences between Columbia's proposal and the board's 197-a plan, the Commission determined that both plans would be referred for public review at the same time in order to provide for equal treatment in the public review process. Accordingly, the 197-a Plan was referred for concurrent public review on June 18, 2007 and is being considered concurrently with the Columbia applications.

Because of the unique circumstances presented by the Commission's simultaneous review of Community Board 9's Manhattanville area 197-a Plan and Columbia University's 197-c application pursuant to Section 3.021 of the *Rules for the Processing of Plans Pursuant to Charter Section 197-a*, the Commission invited both Community Board 9 and Columbia University to make informational presentations to further elaborate on the details of each plan. On July 9, 2007, at a public review session, Columbia University, led by its President, made a presentation to the Commission on its plan for the Manhattanville area.

On August 6, 2007, also at a public review session, Community Board 9 made an informational presentation to the Commission on its 197-a plan for the district.

### **Other Rezoning Applications**

In addition to Columbia's proposed rezoning for Manhattanville, the Department has received five rezoning applications comprising seven sites in Columbia's project area. These applications request rezonings from M1-2 to C6-2.

On November 14, 2005, Tuck-it-Away Associates, LP filed four separate rezoning applications (C 060223 ZMM, C 060224 ZMM, C 060225 ZMM and C 060226 ZMM). Tuck-it-Away Storage operates self-storage and general warehouse businesses on the subject properties. The properties are located at 651 West 125th Street, 614 West 125th Street, 3300/3320 Broadway and 3261 Broadway. On July 23, 2007, the Department certified these four applications, which are currently under review by the Commission.

On June 30, 2006, a fifth rezoning application was filed by U.P.Z Realty, to rezone two private properties located at 3229 and 3247 Broadway (060570 ZMM). This application is undergoing pre-certification review.

Under the Columbia proposal, six of the seven sites proposed for rezoning by the other applications are included in the Academic Mixed-Use Development. The seventh site, located at the southeast corner of West 135<sup>th</sup> Street and Broadway, is not part of the Academic Mixed-Use Development. Under the Columbia proposal, it would be rezoned for R8A/C1-4 rather than the C6-2 district proposed by the private applicant.

## **ENVIRONMENTAL REVIEW**

This application (N 070496 ZRM), in conjunction with the application for the related action (C 070495 ZMM) 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 lead agency is the City Planning Commission.

It was determined that the proposed actions may have a significant effect on the environment.

A Positive Declaration was issued on October 3, 2005, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on October 3, 2005. A public scoping meeting was held on the DEIS on November 15, 2005. A Final Scope of Work, reflecting the comments made during the scoping, was issued on April 25, 2007.

The applicant prepared a DEIS and a Notice of Completion for the DEIS was issued on June 15, 2007. On October 3, 2007, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. A Final Environmental Impact Statement (FEIS) was completed and a Notice of Completion for the FEIS was issued on November 16, 2007. The FEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Executive Summary of the FEIS attached as Exhibit A hereto. Chapter 29 of the FEIS, "Modifications to the Proposed Actions", described and analyzed the modification to the Proposed Actions to rezone Subdistrict B to an underlying M1-2 district instead of a C6-1 district, adopted herein. On November 26, 2007 a Technical Memorandum was issued which describes and analyzes the other modifications to the Proposed Actions, adopted herein. Both Chapter 29 of the FEIS and the Technical Memorandum conclude that the Proposed Actions with the modifications would not result in any new or different significant adverse environmental impacts not already identified in the FEIS.

## **PUBLIC REVIEW**

On June 18, 2007, this application (N 070496 ZRM) was duly referred to Community Board 9 and the Borough President for information and review in accordance with the procedures for non-ULURP matters. The related action (C 070495 ZMM) was certified as complete by the Department of City Planning on June 18, 2007, and was duly referred to Community Board 9 and the Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

## Community Board Review

Community Board 9 held a public hearing on this application on August 20, 2007, and on that date, by a vote of 32 in favor, 2 opposed and 1 abstaining, adopted a resolution recommending disapproval of this application with conditions. The Community Board's resolution stated:

- **Whereas** Manhattan Community Board 9 (CB9) has developed a comprehensive plan for Community District 9 under Section 197-a of the New York City Charter, including the Manhattanville area that is the subject of Columbia University's (Columbia's) proposed 197-c rezoning action and Academic Mixed-Use Development plan and;
- **Whereas** Columbia's 197-c proposal is not consistent with the goals, objectives and recommendations set forth in CB9M's 197-a Plan and;
- **Whereas** Columbia's 197-c proposal will lead to the displacement of CB9's low, moderate and middle-income African-American and Hispanic residents, resulting in significant and adverse impacts on the community, among other significant and adverse impacts and;
- **Whereas** the viability of Columbia's proposed 7-story continuous sub-grade construction is in serious question due to the risks of storm, seismic events, and other environmental threats;
- **Whereas** the majority of historic properties identified in CB9's 197-a Plan are not afforded historic landmark protection under Columbia's 197-c proposal and;
- **Whereas** the neighborhood's dynamic, richly layered historic, ethnic and cultural character, that would be preserved under the 197-a Plan, would be eliminated under Columbia's 197-c proposal and;
- **Whereas** CB9 is an environmental justice community due to the existing high level of environmental burdens in the area and;
- **Whereas** the questionable use of eminent domain; demolition of viable existing buildings; massive earth removal requiring over 98,000 trucks; displacement of low- and moderate-income residents, particularly people of color; development of two power plants and relocation of the bus terminal below grade in a NYC Office of Emergency Management evacuation zone; high density development at the equivalent of FAR 9 in an area where the context is FAR 6; disregard for flood and seismic conditions and hydrostatic pressure through the bedrock; and non-participatory planning all argue against Columbia's proposed

Academic Mixed-Use Development plan being socially, economically and environmentally sustainable and;

- **Whereas** Columbia has not entered into a respectful, good faith collaboration with the community in developing its proposals and evaluating an alternative development scenario under the 197-a Plan and;
- **Whereas** CB9 welcomes Columbia into the community as part of a sustainable mixed-use, mixed ownership development scenario that includes commercial, light manufacturing, academic and residential uses; is compatible with existing neighborhood character; avoids residential and business displacement; provides a diverse and wide range of employment opportunities for local residents; and promotes the development of affordable housing, as set forth in the 197-a Plan and;
- **Whereas** a Public Hearing was conducted by Community Board 9 on August 15, 2007 to solicit public testimony on the Columbia proposed 197-c rezoning action and Academic Mixed-Use Development Plan and;
- **Whereas** such public testimony opposed by an overwhelming margin Columbia's proposed 197-c rezoning action and Academic Mixed-Use Development Plan in its current form and;
- **Whereas** the ULURP Committee of Community Board 9 voted to oppose (by a vote of 17-1-0) Columbia's proposed 197-c rezoning action and Academic Mixed-Use Development Plan in its current form immediately after the Public Hearing;
- **Now therefore, be it resolved** that Community Board 9 vote to oppose Columbia's proposed rezoning action and Academic Mixed-Use Development Plan unless Columbia agrees to:
  1. Withdraw the proposal for eminent domain, cease to use the threat of eminent domain to intimidate owners to sell, and abandon the process of imposing gag orders on those that have entered into agreements to sell;
  2. Withdraw the proposal to build the 7-story below grade structure and the request to build under city streets and convey the area below grade to the University;
  3. Build only on property owned by the University and obtained through negotiations with the owners without coercion and without the threat of eminent domain;
  4. Guarantee that all housing developed directly by Columbia as a result of the Proposed Actions would meet the inclusionary housing requirements of the 197-a Plan; and that, in all Columbia developed and owned housing, an equal amount of housing for the

University and the community would be created both on-site and off-site; and that no direct displacement would occur in the 17- acre area;

5. Columbia must immediately develop and hereafter permanently implement and carry out an effective housing anti-displacement program; commit not by itself or through any affiliate to purchase or lease or net lease any residential units in CB9M above 125<sup>th</sup> Street; and provide sufficient additional housing in areas outside CB9M to house all of the students and employees expected to use the proposed campus. And further not interfere with the transfer of 132 units from HPD to the residents of those units as previously agreed to by the City;
6. Pursue State and National Registers listing of any of its properties within the proposed Academic Mixed-Use Development Area found “eligible” by New York’s State Historic Preservation Office and not oppose LPC landmark designation of any site herein. Also preserve buildings of historic and cultural character throughout the proposed Special Manhattanville Mixed-Use Zoning District and in CB9 as a whole, as listed in the 197-a Plan;
7. Not build pollution emitting power sources - such as power plants and co-generation facilities - or research facilities above biosafety level 2, or other noxious installations that would contribute to the already high environmental burdens of this community;
8. Engage in sustainable design and construction practices that result in LEED platinum designation by U.S. Green Building Rating System prior to the commencement of construction;
9. Engage in good faith negotiations with CB9 to achieve a mutually beneficial land use compromise that would permit the construction of academic facilities needed by Columbia on properties owned by the University, through technical amendments to the 197-a Plan, in a manner that is consistent with the underlying principles and goals of the 197-a Plan and;
10. Otherwise meet the goals and objectives outlined in the 197-a Plan including, but not limited to, mitigating all direct and indirect adverse impacts with respect to job creation for local residents, economic development, socio-economic conditions, environmental protection and sustainable development, public transit, neighborhood character, public open space and other impact areas, as delineated by CB9 in the 197-a Plan.

## **Borough President Recommendation**

This application (N 070496 ZRM) was considered by the Borough President, who issued a recommendation for conditional approval on September 26, 2007. The Borough President provided comments with the recommendations. The excerpts below highlight the chief comments which are fully described in the attached recommendation.

### **Concerns about the plan**

Despite the overwhelmingly positive impacts that the project will have on the borough and the City as a whole, the project as currently conceived, has impacts and concerns that must be addressed.

Three categories of impacts and concerns have been raised regarding the approval of the project. First, the Draft Environmental Impact Statement (DEIS) for the proposed actions documents certain significant impacts that must be seriously addressed:

- Indirect residential displacement, estimated at 1,318 units by the year 2030, because of the rising real estate pressures the expansion is likely to bring to the area.
- Shadow impacts on open space at Manhattanville Houses and at the playground at I.S. 195.
- Construction impacts on the neighboring residential community, historic resources, and the local environment.
- Traffic and parking impacts attributable to new development, which will require mitigation to avoid significantly impacting traffic congestion in the area.

Second, there are other impacts and issues, beyond those identified in the DEIS, which have been highlighted by Community Board 9 and other members of the community, including:

- Use of eminent domain to acquire properties to facilitate the development of a contiguous mixed-use academic development. While eminent domain has been ruled out for residential properties, it remains a possibility for the several other non-Columbia commercial properties remaining in the area.
- Safety concerns regarding the below-grade construction proposed by Columbia to serve its campus.
- Direct residential displacement of 132 residential units with 219 residents. Although this level of impact is not considered “significant” according to the technical standards in the City Environmental Technical Review regulations, any displacement

- is undoubtedly significant to the tenants – and any potential loss of affordable housing units is deeply significant to the community.
- Direct business displacement of 85 businesses with 880 employees. Balanced against the business activity likely to be encouraged by the proposed action, this impact is likewise not technically considered “significant,” but losing long-standing businesses is a significant community concern.
  - Environmental concerns regarding emissions, green building standards, and public health, in an area that has already borne more than its fair share of environmental burdens.
  - Need for affordable housing in an area undergoing rapid escalation in housing costs.
  - Need for high quality jobs and employment opportunities to be available to local residents. This is necessary to ensure that the economic promise of the expansion project is fulfilled and equitably distributed.

And, finally but not least importantly, there is the overarching concern for ensuring that the expansion plan respect the existing community and, as much as possible, conform to the planning principles the community has articulated for its future development and growth. In this case, Community Board 9 has developed a comprehensive 197-a plan, of which the Borough President recommends approval (under separate cover). In deference to the years of work the community board has dedicated to generating its 197-a plan, Columbia’s plans should be designed as much as possible to co-exist with the community’s goals and aspirations.

### **Meeting Community Concerns**

To begin the process of reconciling Columbia’s plan with the concerns and issues addressed by the community, the Manhattan Borough President’s Office has proposed a number of policy initiatives and recommendations. These recommendations were developed in response to impacts identified in the EIS, an overall concern for sound planning, general community concerns expressed through the public process, and, perhaps more than anything else, a concern for ensuring that the applications better reflect the goals and recommendations of the Community Board’s 197-a plan.

**Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 070495 ZMM and N 070496 ZRM, conditioned on:**

1. The commitment of the Director of the Department of City Planning with regard to a rezoning plan for West Harlem;
2. The applicant’s commitment with regard to the West Harlem Special District zoning proposal;

3. The applicant's commitment with regard to the affordable housing fund;
4. The applicant's commitment with regard to environmental sustainability;
5. The applicant's commitment with regard to neighborhood open space;
6. The applicant's commitment with regard to the accommodation of Community Board 9's 197-a plan;
7. The applicant's commitment with regard to construction mitigation;
8. The applicant's commitment with regard to the accommodation of displaced residents; and
9. The applicant's commitment with regard to avoiding eminent domain.

Various commitments referenced in the Borough President's conditional approval of the application are set forth in letters from Columbia University to the Borough President.

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

On September 19, 2007 (Calendar No. 2), the City Planning Commission scheduled October 3, 2007 for a public hearing on this application (N 070496 ZRM). The hearing was duly held on October 3, 2007 (Calendar No. 24), in conjunction with the public hearing on the application for the related action, (C070495 ZMM).

There were 105 speakers at the public hearing. Of this group, 22 speakers testified in favor of the application and the related zoning map amendment application; 46 speakers opposed the application; 14 speakers conditionally opposed the application; and 11 speakers did not state a specific position on the application.

The applicant gave a presentation of the proposal, noting that Columbia University has a vision for a new academic campus that would provide space for researchers to work on global issues. In support of that endeavor, the university plans to build a new science facility, known as the Jerome L. Greene for Mind, Brain, Behavior Center during Phase 1. Also in Phase 1, the

university plans to relocate the School of Business; the School for International and Public Affairs; programs of the School of the Arts; and some of their Graduate School of Public Health facilities to the project area. The university expects to add new program spaces in later phases of the project. The applicant stated that Columbia University is desperate for space, that the proposed project area is close to the university's other Manhattan campus centers, and asserted that the project area is now a declining manufacturing district and in need of revitalization.

The applicant noted that many of the university's existing facilities are very old and that modern facilities need large floor plates that cannot be accommodated in Columbia's current building portfolio. Opportunities for reconfiguring or reassigning space, based on these constraints, are limited.

The applicant addressed questions raised during the public review process stating that:

- The University believes a 45-foot-wide, open to the sky, north/south passageway is sufficient, but that it was open to working with the Commission to reevaluate that width;
- The University prefers to have university housing located farther west from Broadway (instead of suggested Broadway Sites 8 and 11) away from the Broadway IRT viaduct, and closer to 12<sup>th</sup> Avenue, as a way to enhance pedestrian movement through the east/west streets. The University further stated its view that the 12<sup>th</sup> Avenue area will be a destination area suitable for housing, but that it was open to further discussion on this issue. The applicant stated that Site 17 (east side of Broadway at 134<sup>th</sup> Street) would be a stronger site for housing. The University further noted that it is working with the Department of Housing, Preservation and Development to find sites to relocate tenants in TIL buildings, but reiterated that no TIL tenant would be forced to move against his/her will. The university is working with non-profit owners of two other buildings to find suitable relocation sites. The applicant further stated that the University does not believe that it should provide shared university/community resident housing because this would result in additional students and faculty seeking housing in the local rental market and

that this would be problematic;

- The south side of West 125<sup>th</sup> Street (not part of this rezoning application) is the focal point for the School of the Arts; the applicant is also in discussions with the School Construction Authority about siting the new Math and Science High School that the university is co-sponsoring with the Department of Education on the University-owned site at the southwest corner of 125<sup>th</sup> Street and Broadway, although no commitments have been made yet;
- The University is supportive of the concept of ground floor retail on West 125<sup>th</sup> Street, and will work with the community to determine what kind of retail would be appropriate;
- The University hopes to make the proposed Mind, Brain, Behavior Center available for children and elderly in the area that have neurological problems, and to develop a grades K-12 outreach program onsite;
- The University has had some discussions with the MTA about the proposal to relocate the bus depot below-grade and build new uses at grade, but stressed that these were preliminary discussions only;
- The University is committed to reducing the environmental burden of its operations, by reducing greenhouse gas emissions by 30% by 2017 and using green-building technologies;
- The applicant also gave a detailed explanation about why it considers a central below-grade space as critical to the university's development proposal, describing how the central below-grade space would house shared science support equipment, mechanical operations, loading and freight activities and parking spaces for university staff. The applicant stated that in order to achieve this central below-grade space, the University needed the ability to acquire private property either through negotiated sale with owners or through condemnation, stating that such acquisition (i.e., acquisition of parcels not owned nor controlled by Columbia) was necessary to assemble an economically and physically feasible footprint for its proposed academic campus. The applicant stated that

if the University is not able to acquire the remaining privately-owned sites in the project area, the university would not be able to build the contiguous below-grade space, and the amount of program area needed would be reduced because the support functions would use above-grade space and reduce the number of large floor plates that the University needs; and

- The applicant noted that the University has worked with businesses in the project area to find suitable relocation sites, and is committed to having active interim uses supported in the project area until the University needed those sites.

Others who spoke in favor of the application included area residents, Columbia University staff and faculty, a local clergyperson, local business owners, including owners of Skyline Windows and Alexander Doll Company both located within the proposed Columbia development, architects for the Columbia proposal, and representatives from the Regional Plan Association (RPA), the American Institute of Architects, the Builders Trade Association, the Harlem Business Alliance, construction unions, and a representative of a former New York City mayor.

Many of the speakers in favor of the application stated that the proposed project would enhance Columbia University's ability to better advance its academic mission and would aid in the long term growth and stability of the surrounding community. Other speakers emphasized that the proposed project would provide construction and long-term employment opportunities, and would also provide a substantial economic benefit to the surrounding community and the city.

Local business owners and a local clergyperson spoke in favor of the application noting that Columbia University had assisted them with finding suitable relocation space. The American Institute of Architects voiced support for rezoning this area from a manufacturing district to a commercial district and for the overall aim of the proposal to allow Columbia University to expand and to revitalize the area in a way that will benefit the area's businesses and the community. The AIA encouraged Columbia University to work to develop greater linkages

between the east/west streets and the waterfront park, create a cohesive urban design for the area that would extend beyond the new campus area, and expand the open space amenities north to create a more extensive linked network of green public spaces through Manhattanville.

Another professional architect commented that the proposed scale and heights of the buildings were appropriate, approved of the sidewalk widenings for east/west streets, and liked the north/south passageway feature of the plan.

Those who spoke in opposition to the application included representatives of the West Harlem Environmental Action Coalition (WEACT), the Society for the Architecture of the City, the Coalition to Preserve Community, tenants from NYCHA's Manhattanville Houses and Grant Houses, the Harlem Tenant's Council, the City-wide Housing Development Fund Corporation Council (HDFC), the Pratt Center for Community Development, and the Municipal Art Society; an attorney representing several business owners; the State Senator for the 30<sup>th</sup> District; Columbia University students and recent graduates; members of Community Board 9 and their consultants; local clergy and social service professionals; and residents of the area.

Those speakers who conditionally opposed the application generally stated that they were opposed to the application unless Columbia University modified its plans to reflect Community Board 9's 197-a plan or made other modifications to address concerns. Those conditionally opposed to the application included the Executive Director of WEACT and other WEACT representatives, CB 9 consultants, the Director of the Harlem Tenant's Council, the Director of the HDFC Council, and some local residents.

Many speakers, including the State Senator and the representative of the Municipal Art Society, urged the City and the Commission to respect the community planning process and ensure that CB 9's 197-a Plan's goals be part of their decision-making process in relation to the Columbia University application. Many speakers noted that the 197-a Plan provided a framework for growth in the area and that it could accommodate Columbia University's expansion needs.

Most of the speakers who voiced opposition to Columbia University's proposal also stated that they approved of Community Board 9's 197-a Plan.

Fifteen speakers who voiced opposition to the application stated that they opposed the use of eminent domain. These speakers included business owners in the project area and their attorneys, local residents, community board members, and representatives from WEACT and the Municipal Art Society.

Of the 46 speakers opposed to Columbia's proposal, nearly half expressed concerns about residential displacement; WEACT representatives and others noted that landlord harassment is already taking place as a result of anticipation of Columbia's plans for a new campus in this area. A number of these speakers also advocated for the provision of affordable housing, especially to offset pressures on the supply of affordable housing in the area if the Columbia University expansion plan is approved.

A number of speakers expressed concerns about commercial displacement, noting that the area was home to working artists who needed low-cost space; that local business owners are threatened by eminent domain; and that commercial displacement effects have already occurred as a result of Columbia's plans.

Many speakers who opposed or conditionally opposed the application, including representatives of WEACT and the Coalition to Preserve Community, as well as some local residents, expressed concerns about the possibility that Columbia University would put bio-tech labs into the new facilities, especially Bio-Tech Hazard Level 3 labs. Concerns were expressed about Columbia University's perceived lack of transparency with the community about lab accidents, the introduction of toxic materials associated with bio-tech research into a dense urban environment, and the potential hazards to the community if toxic chemicals were released into the environment if the lab buildings were flooded or damaged by earthquakes.

A number of the speakers who opposed or conditionally opposed the application, including representatives of WEACTION and the Coalition to Preserve Community, as well as some local residents, opposed the “bathtub” (slurry wall construction) contiguous below-grade space proposed by the applicant. Reasons for opposition to the “bathtub” included the need to use eminent domain to achieve the contiguous space and concerns about having a “bathtub” constructed in or near a flood plain and/or on an earthquake fault line thus exposing the community to potential environmental hazards from the energy plants and toxic chemicals if the “bathtub” space was compromised by flooding or earthquakes. Several speakers expressed concerns about the effects of Columbia University construction-related noise and air pollution on the health and well-being of neighborhood residents in an area that already suffers from high asthma rates.

Several speakers opposed to the application expressed concern about the potential destruction of the existing neighborhood fabric, and urged consideration for preserving historic buildings in the project area. A few speakers also expressed concerns that the height of proposed new buildings would be too tall and the scale of the development would be massive.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 06-043.

This action was determined to be consistent with the policies of the New York City Waterfront

Revitalization Program.

## **CONSIDERATION**

The Commission believes that this application for an amendment to the Zoning Resolution (N070496 ZRM), in conjunction with the related application for an amendment to the zoning map (C 070495 ZMM), both as modified, is appropriate.

The Commission has reached this determination in the context of its simultaneous review of the Community Board 9 197-a Plan, a comprehensive proposal for Community Board 9 with a special focus on Manhattanville. That plan, which the Commission has approved, with modifications, is more fully described in Report No. N 060047 NPM. In considering the Columbia proposal and the 197-a Plan, the Commission has been guided by the principle that the two plans should be reviewed in parallel and afforded equal treatment in the public review process. During the process, both applicants have been afforded multiple opportunities to present their views to the Commission, both in person and in writing, in and above the hearing and other requirements of land use and environmental review procedures. This has included extended presentations to the Commission by both applicants, as well as the submission of memoranda responding to questions raised by Commissioners and describing various aspects of the proposals in greater detail. Through this intensive process, the Commission has gained a detailed understanding of the two plans, and of the respective viewpoints of the applicants. The Commission believes that the consideration of the two plans has been full and robust, and that the process has benefited from extensive input from members of the public, as well as from the applicants themselves.

The Commission recognizes the importance of facilitating the growth and expansion of Columbia University. The University is a major educational institution and center of state-of-the-art research in the sciences and the humanities, and makes a valuable contribution to the intellectual, scientific and cultural life of the City. Universities such as Columbia are also vital

to the City and State economies, and are responsible for many advances in scientific and other research that stimulate new technologies and other forms of economic growth. Columbia, with more than 14,000 employees, is also the seventh largest non-governmental employer in New York City. Of these employees, 68 percent live in New York City. Columbia spends approximately \$2.4 billion annually, approximately 70 percent of which is spent in the greater New York metropolitan area. As evidenced by this application, Columbia has a strong commitment to remain in New York City.

The Commission concurs in Columbia's assessment that in order for it to continue to fulfill its role as a leading academic institution that makes a significant contribution to the economic, cultural, and intellectual vitality of the City, it must be able to expand and modernize its facilities. Many of Columbia's existing facilities are old, and it has limited opportunities to expand through adaptive reuse or development of the small number of available sites on and nearby its existing campuses. Well-functioning, modern academic research and academic facilities require more space than their predecessors, in order to support new technologies, equipment and research approaches. While Columbia cannot currently envision every area of study that might define the long-term future of the University, it has identified many disciplines in need of space, particularly in the sciences. Moreover, four major academic research and academic programs have already been identified for the first phase of campus development—the Jerome L. Greene Center for Mind, Brain and Behavior; the School of Business; the School of International and Public Affairs (SIPA); and portions of the School for the Arts.

During the course of the public review process, Community Board 9 significantly revised its plan to facilitate a greater amount of community facility development in that plan's Subdistrict 2, an area corresponding to the area in which Columbia seeks to expand. The Community Board also acknowledged that it was reasonable to anticipate that, with these revisions, development under the revised 197-a Plan would result in an area predominantly devoted to Columbia University uses. Accordingly, the Commission believes that it has been presented not with two radically

different visions of land use in Manhattanville, but instead two different approaches towards how Columbia can, and should grow in Manhattanville. The Commission believes that the issue presented by the Columbia Plan and the CB 9 197-a Plan is, therefore, not whether Columbia should grow and expand, but how that growth and expansion should take place.

Based upon careful examination of the two plans during the public review process, the Commission has determined that the Columbia proposal, with the modifications discussed in the modifications section of this report, better facilitates the growth of the University in a manner consistent with land use and public policy and is in the best interests of the City. The Commission's consideration is set forth below.

*Columbia University Development under the Academic Mixed Use Area Plan for the Special District*

The Special Manhattanville Mixed Use Zoning District (the "Special District") would establish a zoning framework in which Columbia could construct 4.8 million square feet of University program space over the next 25 years, with modern, state-of-the art educational and research facilities, particularly in the area of academic research. This expansion would take place in a consolidated area and create a new urban campus environment that would be distinct from the early 20<sup>th</sup> century campus on Morningside Heights by being integrated with the urban grid, with all streets remaining open to the public, significant amounts of retail and active ground floor uses in University buildings, and a new open space network open to University-affiliated personnel and the general public alike. The density of University development, limited to FAR 6, would be consistent with the context of surrounding neighborhoods. Maximum building height controls would ensure building forms that relate well to the site's topography and surrounding buildings, while an extensive set of height and setback and street wall regulations would maximize light and air as well as provide additional opportunities for pedestrian and retail activity.

While the urban campus facilitated by the Special District would result in significant

redevelopment of the area, it would also retain and integrate important elements of the neighborhood's past. These include the street grid, the IRT viaduct, a New York City Landmark, and the Riverside Drive viaducts, and the early 20<sup>th</sup>-century Studebaker and Warren Nash Service Station buildings. In addition, Columbia plans to preserve and relocate the 1948 West Market Diner interior, now located at 131<sup>st</sup> and 12<sup>th</sup> Avenue.

Existing historic resources would be key to visual and pedestrian orientation in the proposed open space network. Open spaces would include the 400-square-foot Grove at the intersection of 125<sup>th</sup> and 129<sup>th</sup> Streets, the 12,000 square foot Small Square on 125<sup>th</sup> Street, the Large Square between 130<sup>th</sup> and 131<sup>st</sup> Streets, and a series of landscaped Midblock Open Areas connecting 125<sup>th</sup> Street to 133<sup>rd</sup> Street from north to south. The east-west visual and pedestrian connections with mandatory sidewalk widenings would broaden views of the early 20<sup>th</sup>-century Riverside Drive viaduct. Along 12<sup>th</sup> Avenue, a 30-foot-wide mandatory sidewalk widening would open up entirely new views of the viaduct, and create the opportunity for special temporary activities such as craft and food markets that would complement the required active uses such as restaurants and cafes along the base of the University's 12<sup>th</sup> Avenue buildings. The 50-foot-wide north-south mid-block open areas would be oriented towards and provide a visual focus on the Studebaker Building.

Phase 1 of the Academic Mixed Use Development Plan exemplifies the features of the Columbia proposal described above and is critical to its realization. Phase 1 would be anchored by three graduate schools ( the School of Business, the School of International and Public Affairs, and the School for the Arts), as well as the Jerome L. Greene Center for Mind, Brain, and Behavior, a major academic research facility for interdisciplinary neuroscience research. The School of Arts and the Business School would share the "Lantern Building," situated on the north side of the Small Square between the School of Business on the west and the Jerome L. Greene Center on the east. The Lantern Building would have performing and visual arts space accessible to the public, while the Jerome L. Greene Center would have both educational and clinical programs

open to the public on its lower floors. These would be accessible from the Small Square, one component of the approximately 20,000 square feet of landscaped open spaces in Phase 1.

The Phase 1 buildings would include other ground floor uses, including retail and restaurants. This concentration of uses and open space in the first phase would complement the university's plans for the south side of 125<sup>th</sup> Street, where Columbia plans to introduce active ground floor uses to its existing residential building at 560 Riverside Drive, renovate the School of the Arts' Prentis Hall, and construct a new mixed use development that would include a new City High School for Math, Science and Engineering. Taken together, Phase 1 development and the plans for the south side of 125<sup>th</sup> Street would enliven that thoroughfare and create a pedestrian-friendly gateway leading to the new West Harlem waterfront park.

#### *Central Below-Grade Service Area*

The Commission believes that construction of the Central Below-Grade Service Area is one of the most forward-thinking and significant elements of both Phase 1 and the entire plan, and that it is critical to achieving the features of the new urban campus described above. The Central Below-Grade Service Area would facilitate Columbia's ability to meet its program needs and substantially enhance the above-grade urban environment, and therefore be of substantial benefit to both the University and the City. The Commission considers the principal benefits of the Central Below-Grade Service area to be as follows:

- Academic Research Support Space: The Central Below-Grade Service Area is a highly efficient way to provide shared science support for academic research buildings; conventional basements would require use of floor area above grade for science support in redundant facilities for individual buildings. Placing academic research support space above grade would result in large portions of building facades being blank, with grilles or louvers. It would also reduce the amount of space available above grade for program use.

- **Truck Loading:** The below-grade central loading area would focus all truck access into one major entrance and exit on West 131<sup>st</sup> Street, and a below-grade 20-foot-wide two-way corridor would allow freight to be distributed to and from every building. Minimizing curb cuts and truck circulation that would otherwise occur throughout the area at individual buildings would improve pedestrian circulation and avoid interruption of active ground-floor uses.
- **Centralized Parking:** A multi-level parking facility below grade would minimize the number of curb cuts and provide similar benefits to the above-grade environment as noted above with respect to loading. Providing parking in conventional basements under the few buildings where this is possible would not satisfy the parking demand generated by the Columbia development, and would require that cars instead be accommodated in above-grade parking structures, resulting in a loss of above-grade program space for Columbia and a less attractive above-grade environment.
- **Program Space:** The Central Below-Grade Service Area would also house program spaces that can be appropriately located below-grade, thereby reducing the scale of the University presence above grade. These uses include a swimming and diving center, and classroom and auditorium spaces for the School of Business and other programs that can operate in a windowless environment.
- **Energy and Mechanical Systems:** A central energy system (steam and chiller plants), with an interconnected distribution system, would provide a more efficient method of energy production than individual systems for each building. It would also eliminate the need for above grade space for many of these uses.

The Commission believes that the Central Below-Grade Service Area would facilitate creation of the new urban campus in a way that would enhance program functionality and efficiency; minimize service activities on the streets and sidewalks; reduce the scale of Columbia's presence above-grade; maximize the opportunity for buildings to include active ground floor uses; and allow for the creation of a substantial open space network.

In short, the Commission believes that development under the Academic Mixed Use Area Development Plan facilitated by the Special District would result in a new form of urban campus, with university facilities and open space woven into the fabric of the neighborhood within an urban street grid. The density of the development would be appropriate and the building forms would respect the area's surroundings. Active ground floor uses, widened sidewalks and other features of the development would enhance connections between neighborhoods and the waterfront, as well as revitalize 125<sup>th</sup> Street and promote its use as a gateway towards the waterfront.

*Development under the Revised 197-a Plan Alternative*

Columbia University's main goal in Subdistrict A of the Special District is to implement a long-range plan to develop an integrated university area, with publicly accessible open space and other amenities, which would support Columbia's educational goals and program needs, while eliminating the University's reliance on ad hoc acquisitions of property to accommodate expansion of its facilities. In its original form, the goals of the CB 197-a Plan differed substantially from those of Columbia, and would have allowed for only a limited amount of community facility space in Subdistrict 2, the portion of CB 9's proposed Manhattanville Special Mixed-Use District overlapping to the greatest extent with Subdistrict A of the Special District proposed by Columbia. The original version of the 197-a Plan emphasized the preservation and encouragement of new manufacturing use, via a lower-story manufacturing requirement, as well as affordable housing, via a mandatory inclusionary zoning requirement. As set forth in the FEIS, the original version of the 197-a Plan would, depending upon the assumptions utilized, result in only 14 to 35 percent of the total program space ( 4.8 million gsf) under Columbia's Academic Mixed-Use Development plan, with only three possible academic research buildings, and no substantial open space or Central Below Grade Service Area.

At the end of its review period, CB 9 made substantial revisions to the 197-a Plan with the objective, among others, of facilitating greater amounts of community facility use to accommodate Columbia needs. These changes included, most significantly: adjusting the boundary line between Subdistricts 1 and 2 to enlarge the area (Subdistrict 2) within which community facility use would be permitted; increasing the proposed community facility FAR in Subdistrict 2 from 4 to 6; eliminating the requirement for manufacturing use on the lower stories; and allowing for greater flexibility with respect to certain proposed height and setback requirements, principally along the side streets. In discussions with the Department, CB 9 also agreed that, in analyzing the development implications of these revisions, it should be assumed that all properties currently owned by Columbia in the portions of Subdistrict 2 coterminous with Columbia's Subdistrict A would be developed for community facility use.

As discussed at the Commission's Review Session on October 29, 2007, and more fully set forth in the FEIS, development under the revised 197-a Plan would produce between 2.4 to 2.6 million square feet of University program space, depending upon the assumptions utilized, constituting 50 to 53 percent of the program space under Columbia's Academic Mixed Use Development Plan. Space for academic research, the University's key program objective, would be 46-50% of that under the Columbia proposal, depending upon the assumptions utilized. The need to maximize program space under the footprint and floor area limitations of the revised 197-a Plan would also result in fewer and smaller open spaces than under the Columbia proposal; there would likely be no Large Square, Small Square, north-south Midblock Open Areas, and no Central Below-Grade Service area. Without the Central Below-Grade Service area, there would be no major shared academic research support space, central loading facility and centralized parking, centralized mechanical/HVAC systems, and no classroom and other program space below grade. As a result, individual buildings would have their own truck loading docks and those buildings which could accommodate below grade parking in conventional basements would each have a car ramp on the street. Support uses that would be shared among buildings with the Central Below-Grade Service Area would have to be duplicated in each building—each

building would have its own HVAC/boiler, and a mechanical floor above grade, and each academic research building would have academic research support space occupying above-grade floors.

The revised 197-a Plan would also not accommodate the Phase 1 uses under the Columbia proposal; although floor area would be sufficient for the Jerome L. Greene Science Center, floor plates and floor area for the School of Business and the School for the Arts could not be achieved. Space and floor area limitations under the revised 197-a Plan would also significantly limit active ground floor uses in Phase 1, and there would be no room for the Small Square and the Grove.

Given Columbia's present ownership or control of 65 percent of the land area and 75 percent of the lots in Subdistrict A, the development pattern that would result under the revised 197-a Plan would consist predominantly of Columbia uses, with only a small number of non-Columbia commercial and residential uses in the area. However, this development would be less a campus than an uncoordinated collection of University uses. Development under the revised 197-a Plan would be characterized by little open space and other amenities for University-affiliated personnel and the community; reduced amounts of active ground floor use to encourage street life; no improved visual and other connection to the waterfront; and significant amounts of above-grade loading and parking activities. With support space located above grade, building facades would include blank facades with air intakes and louvers, and building heights would in certain cases need to be considerably higher than under the Columbia proposal in order to maximize program use. Moreover, the inability to achieve the mix of uses contemplated by Columbia for Phase 1 would eliminate the ability of that Phase to transform West 125<sup>th</sup> Street as a gateway to the waterfront and the West Harlem Waterfront Park, and to act as an entrance to the new urban campus.

For these reasons, the Commission believes that the revised 197-a Plan, while accommodating

greater amounts of community facility use than in its original version, would not provide an adequate opportunity to facilitate Columbia's long-term growth while integrating it into the urban fabric of Manhattanville. This opportunity is provided by the University' plan, with the modifications described later in this report.

*Issues Relating to Site Assemblage under the Columbia Proposal (Tenant Relocation; Geotechnical Issues; Eminent Domain)*

The Commission recognizes that Columbia's proposal is to develop the entire Academic Mixed Use Area, both below and above grade, and that the principal differences between development patterns under the Columbia proposal and the CB 9 197-a Plan result from the Community Board's opposition to the assemblage of property, in three respects: first, the Community Board opposes the proposed relocation of tenants in residential buildings in Subdistrict A, principally on the 132<sup>nd</sup> / 133<sup>rd</sup> Street block, to new housing at other locations; second, the Board opposes the disposition of below-grade street volumes to Columbia, in order to facilitate creation of the Central Below Grade Service Area, on the basis that this space cannot be constructed and operated in a safe manner and would create environmental hazards, due principally to risks of earthquake and flooding; and , Third, the Board opposes any use of eminent domain, whether for acquisition for public or private property, for conveyance of property to a private party.

These issues are discussed in turn below.

a. Tenant Relocation

With regard to the proposed relocation of tenants in the residential buildings in Subdistrict A, including two TIL buildings under the jurisdiction of HPD, the Commission notes that HPD has required that housing on replacement sites for TIL tenants must be of the same or better quality than those currently occupied by the tenants, at the same rents, and that the not-for-profit owners

of the other buildings have insisted on similar requirements. Moreover, any relocation would be only with the consent of the owners (with respect to the buildings owned and operated by the Charles Innis Housing Development Fund Corporation and the Harlem Congregations for Community Improvement, Inc.) or the tenants associations (with respect to the TIL buildings). The Commission also notes that the potential relocation sites identified by Columbia are in Community District 9 (at 3581 Broadway and 555 West 125<sup>th</sup> Street) and Community District 10 (322-328 St. Nicholas Avenue). The Commission believes that relocation under the conditions described above would reflect due consideration of the needs of the tenants, is pleased that HPD will continue to monitor and participate as necessary in future discussions, and notes that implementation of a relocation plan would be subject to a series of HPD approvals.

#### b. Flooding and Earthquake Risk

With regard to the flood risk issues that have been raised by Community Board 9 with respect to the Central Below-Grade Service Area, the Commission notes that deep below-grade structures extending well below the groundwater table are not uncommon in New York City. As described in memoranda submitted to the Commission by Columbia's project engineering firm and an engineering firm retained by the ESDC to provide professional geotechnical /foundation engineering "peer review" services in connection with the project, the below grade facility would be designed to take into account both groundwater-induced water pressures and the potential for flooding. At this point in time, sufficient studies have been conducted to confirm that design elements can address potential flooding conditions. In addition, probabilistic risk-based analysis will be performed to evaluate risk levels associated with different flood hazard levels, and will include consideration of rising sea levels. The analysis will also address the potential future change to 100-year and 500-year flood levels. Once design elements to address groundwater and flood hazard levels are established through these studies, they will be incorporated into the final foundation designs of the facility, and will be achieved using standard engineering techniques. The final design will also accommodate flooding risk from hurricane events.

With regard to earthquake risk, the Commission notes that the New York City Building Code contains specific seismic design requirements which must be adhered to for the design of any new building structures in New York City. As described in the above-referenced memoranda, seismicity studies have been conducted that confirm that construction will, at a minimum, meet the standards of the Code. In addition, a site-specific probabilistic analysis of the seismicity potential in Subdistrict A will be undertaken for inclusion in the final design documents for the development. The combination of these design requirements and the seismic parameters from site-specific investigations will be incorporated into the final design to ensure that seismic issues are addressed.

The Commission recognizes that Columbia's proposed development of the Central Below-Grade Service Area is a complex undertaking that poses a number of design challenges. The Commission notes, however, the opinion of ESDC's expert consulting engineer that each of the design challenges "... can be effectively 'engineered' to protect the safety of the community and people and utilities services within the proposed below-grade structures." (Memorandum, dated October 29, 2007 from Golder Associates to Mark A. Chertok, Esq.). Further, that "similar design challenges have been encountered and successfully addressed (by MRCE [Columbia's project engineer], among others) on other projects throughout the New York metropolitan region"

#### c. Eminent Domain

The Commission recognizes that the open space network, Central Below-Grade Service Area, and other beneficial features of the Columbia proposal cannot be fully realized absent assemblage of property not currently under Columbia ownership and control. This is particularly evident with respect to achievement of the mix of uses and open space in Phase 1. Although the decision whether to exercise eminent domain in connection with the Columbia proposal is vested

in the ESDC, not the Commission, the Commission has nevertheless considered the issue in connection with its review of this application.

The Commission recognizes that, as a matter of law, eminent domain may be utilized for projects which fulfill a public purpose, including projects under the sponsorship of private entities, such as Columbia University. Columbia University is of significant importance to the City and State as a center of educational excellence and a source of economic growth, and the Academic Mixed Use Development Plan is intended to fulfill these public purposes. If ESDC determines to use eminent domain, it would have to determine that such action would be in the public interest, and not solely for the private benefit of Columbia. The Commission believes strongly that eminent domain should be used judiciously and sparingly, based on a careful review of the public benefits to be achieved and with due attention to notice, hearing and other procedural protections.

The Commission disagrees with Community Board 9's opposition to the conveyance of City property to Columbia, including below-grade volumes below West 130<sup>th</sup>, 131<sup>st</sup>, and 132<sup>nd</sup> streets, which may take place through uncontested condemnation. These conveyances will be made for consideration, and are instrumental to creation of the Central Below-Grade Service Area and redevelopment of the MTA Bus Depot block. The conveyance of the below-grade volumes will not affect public ownership of the streets at grade, which will remain open for use by the public.

In addition, the Commission has considered an 'Expanded Infill Alternative' which considers development under a scenario that assumes Columbia would develop using only public property and property it owns or controls. The results of this analysis, discussed at the Commission's October 31, 2007 Review Session and described more fully in the FEIS, show that while the 'Expanded Infill Alternative would provide more total program space than the revised 197-a Plan Alternative, it would only partially achieve the benefits of the Columbia proposal, for several reasons:

- The 'Expanded Infill Alternative' would produce approximately 3.1 million square feet

of academic program space, or 65 percent of the program space under Columbia's proposal. Space for academic research, the University's key program objective, would be only 60 percent of that under the Columbia proposal (1.6 million square feet compared with 2.6 million square feet).

- The loss of floor area would be acute with respect to Phase 1. There would not be enough space for the Phase 1 uses—the Jerome L. Greene Center, the School of Business, and the School of the Arts. There would also be less room for active ground floor retail, no space at all for the Small Square, and the site of the Grove would not be available.
- The 'Expanded Infill Alternative' would achieve a Central Below-Grade Service Area, but it would be smaller and have limited functionality. Shared academic research support space would serve two buildings only, below-grade parking and loading would be limited, and there would be no below grade classroom and other program space. As in the case of the revised 197-a Plan, but to a somewhat lesser degree, truck loading and parking facilities would become necessary above grade and diminish the pedestrian environment and interrupt the continuity of active ground floor uses. The need to locate support space above grade would restrict the amount of program space that could be achieved in each building, and would affect building facades and other aspects of building design.
- The 'Expanded Infill Alternative' would, overall, create a development with less open space and fewer amenities for university-affiliated personnel and community users than the Columbia proposal. Given the reduced footprint available for program uses, open spaces would likely be fewer and smaller than under the Columbia proposal, and the irregularity of building frontages on the side streets would make widened sidewalks unavailable as a way to improve views of and access to the waterfront. The reduction in active ground floor uses and their lack of contiguity would also decrease the area's attractiveness to pedestrians.

In all, the Commission believes that development under the 'Expanded Infill Alternative' would

produce a campus that would only partly satisfy Columbia's long-term needs, and provide less functionality and fewer amenities to the public. The inability to realize the Phase 1 development would be particularly detrimental to the objective of transforming West 125<sup>th</sup> Street into a gateway to the waterfront and of acting as a major entrance to the new urban campus, and could impair Columbia's ability to attract major schools and programs to the area.

The Commission has heard testimony from private property owners in Subdistrict A, a number of whom have operated businesses in the area for several generations, and understands the depth of their opposition to the potential for exercise of eminent domain. As noted earlier, the Commission believes strongly that eminent domain should be used judiciously and sparingly, based on a careful review of the public benefits to be achieved and with due attention to notice, hearing and other procedural protections. While the Commission has no evidence to suggest that condemnation proceedings result in property owners being unfairly compensated, it nevertheless believes that government acquisition of private property should, if possible, proceed on a voluntary basis. The Commission therefore expresses its hope that Columbia and the remaining private property owners in the area will reach agreement concerning these matters. At the same time, the Commission believes that, should the ESDC determine at a later date to exercise eminent domain, doing so would serve a public purpose insofar as it would allow for realization of the public benefits of the Columbia proposal. The importance of full assemblage is particularly acute for Phase 1, as well as for purposes of allowing for construction of the Central Below-Grade Service Area.

#### *Concerns Regarding Land Use: Biohazard Materials and Academic Research Buildings*

The Commission has reviewed the concerns raised at the Public Hearing by the Community Board regarding the possible use of Biohazard Level-3 (BSL-3) material at academic research buildings. It notes that, as described in the FEIS, Columbia would implement its existing programs such as physical containment, access controls, safety training, laboratory and chemical

safety, industrial hygiene, occupational safety, biological safety, fire safety, chemical tracking, and radiation protection in compliance with local, state, and federal regulations, at any new BSL-3 facility it would operate. The Commission further notes that any new BSL-3 lab would build on already established standard operating procedures and emergency plans at Columbia's one existing BSL-3 lab, and that the volume of materials used would be small and kept secured at all times. It notes that procedures for BSL-3 laboratories are drilled annually, and are overseen by the University's Institutional Biosafety Committee, which is comprised of Ph.D research scientists, public health and medical professionals, University facilities officials, and community representatives. The Commission recognizes that there are several existing BSL-3 facilities in New York City located within or in close proximity to residential neighborhoods and believes that, with the measures described above, the potential operation such a laboratory within an academic research building in the Academic Mixed Use Area would be appropriate.

#### *Concerns Regarding Land Use: Ground Floor Uses*

The Commission and others raised concerns about how to ensure that the active uses described in the plan are, in fact, achieved and assured. The Commission recognizes that the proposed zoning for Broadway, West 125<sup>th</sup> Street, and 12<sup>th</sup> Avenue requires a range of retail and other active uses on the ground floor. It is concerned, however, with how Columbia can assure that these uses will positively contribute to the character of the area by promoting pedestrian activity and serving as a destination for local community members as well as those affiliated with the university. The Commission notes that each of the three streets serve important public functions and it is essential that the ground floor uses attract and help connect the surrounding communities to and through the campus area. In response to these concerns, Columbia has provided additional information to the Commission.

The University noted that on Amsterdam and Broadway, adjacent to its Morningside Heights campus, it has developed an approach to retail leasing that encourages a mix that met community

and university goals, and that it would review and expand this approach in Manhattanville. The Commission welcomes this commitment, and also notes that in the first phase, the university plans an educational outreach facility with programming for local school children and clinical programs for local residents in the lower floors of the Jerome L Greene Center at 130<sup>th</sup> and Broadway. It also intends to provide a large, destination restaurant opening onto the Large Square. At the base of the Business School, Columbia plans for its more than 300 feet of 125<sup>th</sup> Street frontage to include a café, bookshop, retail, and gallery spaces. The "Bowtie Building," at West 125th Street and Broadway, which will include seminar and meeting rooms and an auditorium available to the public, will also include a ground floor restaurant. The "Lantern Building," with its main entrance on the Small Square, will have fine and performing arts spaces accessible to the public. The Commission strongly encourages the University to ensure that there is a ground floor exhibition space in the Lantern Building, directly accessible from the Small Square, which will not only further improve and revitalize 125th Street, but also significantly improve the Square's critical role as the gateway to the north-south passage.

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The Commission urges the university to pay particular heed to community preferences in order to provide a mix of ground floor uses that will attract large segments of the community as well as serve university needs. Columbia should also capitalize on the potential use of the widened sidewalk and ground floor spaces along 12<sup>th</sup> Avenue to build on the presence of the Fairway Market and its role as a local and citywide draw. In leasing its ground floor spaces along 12<sup>th</sup> Avenue, the Commission encourages the University to explore a variety of uses, including smaller scale local oriented uses, as well as uses that would support and be compatible with temporary outdoor uses, such as craft fairs and farmers markets, that could be located on the widened sidewalk's 15-foot-wide "market zone." The Commission is pleased that Columbia has recognized that leasing decisions will not be based on the highest achievable rental rates, but instead on how to realize planning goals.

*Concerns Regarding Architecture and Urban Design:*

The Commission believes that the proposed zoning regulations will help to shape a unified and attractive campus area, and is encouraged that the Columbia has hired world-renowned architects for this project. To fully realize the potential of the new campus, the University must create opportunities for diversity and distinction in the different campus buildings, working within the project's urban design regulations. With its rich mix of program, Phase 1 provides ample opportunity for diversity of architectural expression. The Commission encourages the University to take up this challenge as implementation proceeds. .

*Modifications*

The Commission has considered carefully concerns expressed during the public review process regarding the distribution of land uses and the Columbia University program, as well as the scale and form of certain building envelopes. While the Commission believes that the proposed plan offers the opportunity to integrate the 17-acre Academic Mixed Use area into the urban fabric of Manhattanville, it has determined that certain land use and urban design modifications would enhance this objective and improve the plan.

The Commission has been particularly concerned that the proposed concentration of academic research buildings along Broadway could detract from Manhattanville's more general revitalization. As proposed, six academic research buildings would directly front on Broadway, with one additional academic research building located on a mid-block parcel 220 feet west of Broadway. In all, the university plan calls for four blocks on the west side of Broadway, from 129<sup>th</sup> to 133<sup>rd</sup> Streets, to be used for academic research, while on the east side of Broadway two academic research buildings would be located from 131<sup>st</sup> to 134<sup>th</sup> Streets, with the early 20<sup>th</sup>-century Nash building situated in between. While the proposed zoning would require the Broadway buildings to contain active ground floor uses, the Commission has nevertheless

concluded that locating six academic research buildings on Broadway could diminish the ability to create a vibrant and active corridor. The Commission is also concerned that uniformity of use could also result in a repetitive architectural form.

The Commission is also concerned about the scale and character of the proposed buildings along Broadway, particularly in the northern sections, and their relationship to the surrounding residential context. The Commission notes that the area to the northeast above 133<sup>rd</sup> Street follows a traditional early 20<sup>th</sup>-century residential pattern of five- and six- story residential development. It also notes that Columbia's proposal for the block between 134<sup>th</sup> and 135<sup>th</sup> Street on the east side of Broadway, just outside of the Academic Mixed Use Area proposes an underlying zoning district of R8A, with a street wall of 60 to 85 feet, and a maximum building height limit of 120.

Immediately to the south of the site proposed for an R8A district, the Columbia Plan calls for an academic research building on Site 17 (133<sup>rd</sup> to 134<sup>rd</sup> Streets), with a maximum height of 240 feet. Across Broadway, one block further south between 133<sup>rd</sup> and 132<sup>nd</sup> Streets, the Columbia Plan calls for another academic research building with a maximum height of 260 feet. The Commission believes that reducing the scale and introducing a more diverse range of uses on these blocks would achieve a more balanced transition to the Manhattanville neighborhood. The Commission is therefore modifying the proposal in the following ways:

First, on the site between 133<sup>rd</sup> and 134<sup>th</sup> Streets, the building's program is being changed to university housing rather than academic research. An R8A envelope with a height limit of 120 feet and a street wall height of 60 to 85 feet would replace the 240-foot height limit that had been proposed. This will bring the development site into a better contextual relationship to the neighborhood to the east, and would be consistent with Columbia's own proposal for the block to the north, as well as more compatible with the 100-foot-high Nash Building immediately to the south.

Second, on the site along the west side of Broadway between 132<sup>nd</sup> and 133<sup>rd</sup> Streets, immediately to the south of the Riverside Park Community complex, the proposed building's program is being changed to academic or university housing use, rather than academic research as originally proposed. In addition, the height is being reduced from a maximum height of 240 feet to 180 feet, and this modification would extend 120 feet west of Broadway. While Riverside Park Community is a major, multi-story development, it is set 120 feet back from Broadway, and does not define Broadway's character or scale. With a maximum height of 180 feet and a change in use, this site can serve as an effective transition to the 240-foot maximum height academic research building to the south.

These changes will provide a more balanced transition from the lower campus along Broadway to the uses and scale of existing development to the north. The Commission believes that the modifications will also help ensure a livelier, more varied character along this corridor, on one of the City's most iconic streets.

Overall, these changes would result in an overall increase in the amount of university housing ( 96,302 sf) and academic development (73,490 sf), and a decrease in the amount of academic research space ( 169,792 sf), relative to Columbia's proposal. . The Commission notes that in order to minimize any loss of academic space resulting from these modifications, Columbia will alter its planned use for the site on 12<sup>th</sup> Avenue between 132<sup>nd</sup> and 133<sup>rd</sup> Street from University Housing to a mixed use of Academic and University Housing. The Commission had expressed concern that locating University Housing at levels below the Riverside Drive viaduct, did not appear to be optimal, and believes that buildings with academic uses on the lower floors, and university housing above, will be a better fit for 12<sup>th</sup> Avenue. The Commission also notes that, as a result of its modifications, the total amount of University Housing on the campus would be increased by 173 units; this increase will serve to reduce the University-generated demand for housing for the area, and thus bears on the issue of indirect residential displacement, discussed

below.

*Modifications: Open Space Network*

As discussed above, a range of open spaces at varying scales are proposed as part of the campus plan. These include the mid-block Large Square, the Small Square opening onto 125<sup>th</sup> Street, and the midblock north-south open areas connecting them. In addition, Columbia has agreed to develop the bowtie site at St. Clair Place and 125<sup>th</sup> Street as a public park in accord with the request of the Borough President in his conditional approval of the proposed action and as an environmental mitigation. The Commission recognizes the variety and scale of the open space network, but is modifying the plan to address several major concerns regarding these spaces.

First, and foremost, the Commission believes it is absolutely essential that these spaces are welcoming to any member of the public or community, whether affiliated with the university or not. This objective can be accomplished through the physical design of the spaces and connections to them, and by prescribing specific operating standards. The Commission notes that the connections northward from 125<sup>th</sup> Street are essential to the open space network. In this regard, the Commission heard comments that the passage between the Small Square and 130<sup>th</sup> Street, a critical visual and physical passage, did not offer a sufficiently inviting perspective that would let passersby know that this is a publicly accessible way leading to the Large Square. The Commission has modified the special district zoning text to mandate that there be a minimum width of 50 feet open to the sky, five feet wider than the proposed action, and require it to be landscaped and furnished with pedestrian amenities. This modification will make this passage more welcoming to the public, allowing for a clearer view of the tower of the Studebaker Building at 131<sup>st</sup> Street, which provides a visual focus and physical destination.

The Special Manhattanville Mixed Use District regulations prohibit any gates or fencing within or around the perimeter of the open spaces and these spaces are required to be open and

accessible to the public. While these provisions guarantee public use and access, the Commission strongly encourages Columbia to adopt further design measures to ensure that the spaces are welcoming to all. The Large Square, while almost an acre in size, is deep within the block, and must therefore be carefully designed with this principle in mind. In addition to view corridors, the Commission urges Columbia to develop and implement a signage plan for surrounding streets, including Broadway, 125<sup>th</sup> Street, and 12<sup>th</sup> Avenue, to clearly indicate the presence and public nature of the spaces. These signs at key gateways would provide clear directions and information to the public spaces and campus area, sending a clear message to the public that these amenities are open for their use and enjoyment.

The Commission also believes that the University should provide more planting, more trees and seating than proposed, for the Large Square, as well as a minimum of obstructions. The Commission is therefore modifying the zoning regulations to increase the required number of trees in the Large Square from 30 to 38, and to increase the required seating in the Large Square from 500 to 800 linear feet, thereby guaranteeing seating for a minimum of 320 people; and to remove anomalies such as allowing for rocks to count as seating. In addition, for the mid-block open areas, the Commission is modifying the zoning regulations to increase the area for required planting from 10 percent to 20 percent to better ensure that these spaces balance their role as both pathway and an urban refuge. In addition, street tree planting, which were not required along the Large Square in the original proposal, will now be required bordering the Square.

The Commission, recognizing the extent and length of the plan implementation, believes it is essential that that there should always be at least one east-west street open throughout the construction schedule to ensure that the connections to 12<sup>th</sup> Avenue and the waterfront park are maintained. In this regard, the Commission notes that 125<sup>th</sup> Street will remain open during the entire construction period and that, under the detailed phasing schedule described in the FEIS, only one of the major cross-streets (130<sup>th</sup>, 131<sup>st</sup> and 132<sup>nd</sup>) will be closed at a time, allowing for a continuing visual and pedestrian connection between Broadway and the waterfront area.

*Modifications: Areas outside of the Academic Mixed use Area*

In the areas outside of the academic mixed use core, Columbia proposed a high-performance manufacturing zone, M1-1, which would allow for park use on the westernmost area in the proposed special district, where the City is constructing the West Harlem Piers Park (Other Area-Waterfront). Columbia also proposed a C6-1 commercial district for the area between 12<sup>th</sup> Avenue and Marginal Street, with height limits, no residential use permitted, strict limits on the size of community facility use, and active use requirements for the 12<sup>th</sup> Avenue frontage (Subdistrict B); a mixed use commercial district, C6-2, for the area north of West 133<sup>rd</sup> Street and east of 12<sup>th</sup> Avenue (Subdistrict C); and as discussed earlier, an R8A contextual residential district, with a C1-4 commercial overlay on the Broadway frontage, for the site at the southeast corner of 135<sup>th</sup> and Broadway (Other Area-Broadway).

The Commission notes that while Columbia has no plans to include sites within these areas for the development of its academic mixed-use campus, it included these currently zoned manufacturing districts in its proposed special district to facilitate development compatible with the proposed campus area and consistent with the goals of revitalizing the Manhattanville area.

The Commission strongly supports the rezoning of the waterfront park area, which is currently mapped as a manufacturing district that does not allow for park use, to an M1-1, which does allow for such use. The Commission also strongly supports the R8A zoning for the 134<sup>th</sup> Street to 135<sup>th</sup> Street frontage on the east side of Broadway as appropriate for the transition between the university building's scale and the contextual neighborhood to the north. The Commission notes, however, that development on this site would be subject to the review of the Landmarks Preservation Commission since it is occupied in part by the landmarked Claremont Theater.

In Subdistrict C, which includes the same super block as the Riverside Community complex, the Commission notes that while new development is unlikely in this area, it supports the change in zoning from manufacturing to C6-2. This zoning change will allow for a wider range of commercial, residential, and community facility uses.

In Subdistrict B, which includes the area between 12<sup>th</sup> Avenue and Marginal Street, the Commission believes that a modification of Columbia's proposal is appropriate. While the special district zoning regulations would limit the FAR to 2 rather than 6 proposed for the adjacent campus area, and also unlike the adjacent campus area, would prohibit residential use, it would nonetheless require active ground floor uses as well as ground floor transparency. While recognizing the University's objective of generating activity on both sides of the street, the Commission believes that, consistent with the Community Board 197-a plan, it would be advantageous to allow greater flexibility for commercial and industrial uses by mapping this area as an M1-2 zoning district and eliminating the transparency requirement on the west side of 12<sup>th</sup> Avenue. The Commission believes that the area will benefit by the different and wider range of uses allowed with the M1-2 zoning district, and that without the glazing and transparency requirements it may be possible to achieve a variety of commercial and perhaps food-related uses that would complement Fairway and provide for a mix of businesses of varying size. The Commission is also modifying the Special District regulations to allow for food markets larger than 10,000 square feet to allow for the continued operation of the existing Fairway Market, consistent with Community Board 9's recommendations.

#### *Environmental Review: Significant Adverse Impacts and Related Mitigations*

The Commission believes that the mitigations identified in the FEIS to address significant adverse impacts (on socioeconomic conditions (indirect residential displacement), open space (indirect impacts), historic resources, shadows, traffic and parking, subway stations, bus line

haul, noise, and construction traffic and noise) are appropriate. Specific measures, discussed in detail in the “Mitigation” chapter of the FEIS, have been identified that would minimize or eliminate the significant adverse impacts. The Commission is pleased that Columbia’s commitments to implement these mitigation measures, as well as environmentally-beneficial aspects of the project (e.g., construction period emission reduction measures), are embodied in a Restrictive Declaration. The Commission focuses its discussion herein on the mitigations for indirect residential displacement.

The Commission notes that under the socioeconomic reasonable worst-case development scenario, by 2030, the Proposed Actions could introduce as many as 3,362 new University-affiliated residents (graduate students, faculty, other employees, and their families) within 1,131 units who may seek non-University housing in the primary and secondary study areas. This demand could place upward rent pressure on the 1,318 units in the primary study area that would be vulnerable to rent increase, which in turn could lead to the indirect displacement of approximately 3,293 residents of these at-risk units by 2030. This impact was found to be significant and adverse.

As discussed at the November 13, 2007 Review Session and as set forth in the FEIS, Columbia will address this impact through a variety of measures. Specifically, Columbia will : 1) establish a \$20 million fund to develop or preserve affordable housing within CD 9; 2) enact a range of programs to reduce University-generated housing demand, including the construction of a 159 unit graduate student housing facility at 172<sup>nd</sup> street and Broadway; and 3) provide up to \$4 million funding for anti-eviction/anti-harassment legal services. As noted in the FEIS, these measures would, together, partially mitigate the significant adverse impacts of Proposed Actions. In particular, the fund is expected to result in the creation or preservation of approximately 1,110 affordable units. Together with 31 incremental affordable housing units included in the relocation sites, an estimated 1,141 units would be preserved or created. This represents approximately 86 percent of the total number of at-risk units in the primary study area.

The Commission underscores the importance of the housing funds becoming available in the early stages phased development, and that the funds be leveraged to maximize the number of affordable housing units built or preserved. In this regard, the Commission is pleased that the first \$10 million in the fund will now become available upon issuance of the first building permit for the Project's first phase, and that the second \$10 million will become available with the issuance of the first building permit for the Project's second phase.

The Commission is also pleased that starting in 2009 and continuing through 2030, Columbia will commit to provide funding for anti-eviction/anti-harassment legal assistance for Manhattanville residents. Funding of \$4 million would be provided for staff lawyers at legal assistance provider(s) serving the Manhattanville area, acceptable to HPD.

The Commission recognizes that while indirect displacement could still occur with the mitigations described, the amount of displacement would likely be less, and believes that these measures will be an effective response to the issue of indirect residential displacement.

### *Conclusion*

The Commission notes that the review of Columbia's application has been a long and intensive process. The Commission recognizes Community Board 9 members and all those who contributed to the Community Board plan. The Commission's report approving that plan with modifications makes it consistent with Columbia's application as modified herein by the Commission.

The Commission finds that the Columbia plan as modified will accommodate the University's long term growth while integrating the new campus into the larger Manhattanville area through

new open space, active ground floor uses, a vibrant 125<sup>th</sup> Street leading to the new waterfront park, and a central below grade space that moves most support functions below grade, thereby allowing more active above-grade uses with a minimum of disruptions from parking, loading and curb cuts. The Commission recognizes that Columbia is an institution of major importance to the City and is part of a concentration of university, higher education and related facilities in New York City that attracts intellectual, technical and scientific capital from around the world. The Columbia plan, as modified by the Commission, allows Columbia to address its space shortages and to provide the kinds of research, academic, and teaching facilities that are needed to respond to a changing and dynamic world. With this plan, the City will exercise a critical opportunity to address Columbia's long-term growth in a manner that is in the best interests of the City, and that will provide for new investment, jobs, and open space and other amenities for the Manhattanville neighborhood of West Harlem. The modifications set forth herein will ensure that the University's expansion will respect and reflect neighborhood scale and character and maintain the vibrancy of the critical Broadway corridor in a manner consistent with the overall objectives of the plan.

#### **RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on November 16, 2007, with respect to this application, including Chapter 29 thereof, together with the Technical Memorandum, dated November 26, 2007, the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that:

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable;  
and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to a Restrictive Declaration, dated November 26, 2007, those

mitigative measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS and the Technical Memorandum, constitute the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended as follows:

Matter in Graytone or Underlined is new, to be added;  
Matter in ~~Strikeout~~ is old, to be deleted;  
Matter within # # is defined in Section 12-10;  
\* \* \* indicate where unchanged text appears in the Zoning Resolution

**11-12  
Establishment of Districts**

\* \* \*

Establishment of the Special Madison Avenue Preservation District

\* \* \*

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

\* \* \*

**12-10**  
**Definitions**

\* \* \*

Special Madison Ave Preservation District

\* \* \*

The “Special Manhattanville Mixed Use District” is a Special Purpose District designated with the letters “MMU” in which regulations set forth in Article X, Chapter 4, apply. The #Special Manhattanville Mixed Use District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

\* \* \*

**14-44**  
**Special Zoning Districts Where Certain Sidewalk Cafes are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Manhattan		
Battery Park City District	Yes	Yes
Clinton District	Yes	Yes
Limited Commercial District	No	No*
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes**

<u>Manhattanville Mixed Use District</u>	<u>No***</u>	<u>Yes</u>
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

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 \* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

\*\* #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

\*\*\* #Enclosed sidewalk cafes# are allowed in Subdistrict B

\* \* \*

<b>ALL TEXT IN ARTICLE X, CHAPTER 4, IS NEW</b>
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**Article X: SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
 Special Manhattanville Mixed Use District**

**104-00  
 GENERAL PURPOSES**

The “Special Manhattanville Mixed Use District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) support a variety of community facility, commercial and manufacturing uses;
- (c) provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th

Avenue;

- (e) facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) expand local employment opportunities;
- (i) recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues.

## **104-01**

### **Definitions**

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

#### **Lower street wall**

“Lower street wall” is that portion of the #street wall# of a #building# that extends from grade to the height set forth in Section 104-33, paragraph (a).

#### **Mandatory widened sidewalk**

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. #Mandatory widened sidewalks# are shown on Map 3 (Widened Sidewalk Lines) in Appendix A to this Chapter.

#### **Mandatory widened sidewalk line**

A “mandatory widened sidewalk line” is the line shown on Map 3 in Appendix A to this Chapter.

## **Upper street wall**

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum building height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

### **104-02**

#### **General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Manhattanville Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

### **104-03**

#### **District Plan and Maps**

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Street Wall Types and Locations
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

#### **Base Plane and Building Height Table**

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

**104-04**  
**Subdistricts**

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A – Academic Mixed Use Area

Subdistrict B – Waterfront Area

Subdistrict C – Mixed-Use Development Area

The location of the Subdistricts of the #Special Manhattanville Mixed Use Special District# are specified on Map 1 in Appendix A of this Chapter.

**104-05**  
**Applicability of Article I, Chapter 1**

Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

**104-10**  
**SPECIAL USE REGULATIONS**

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

**104-11**  
**Residential Use Modifications**

The #residential use# regulations of the underlying C6-1 District are modified as follows:

In Subdistrict A, a #residential use# may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) only in accordance with the certification provisions of Section 104-14.

## **104-12 Community Facility Use Modifications**

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified as follows:

- (a) In Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:

College or school student dormitories or fraternity or sorority student houses  
Domiciliary care facilities for adults  
Nursing homes and health-related facilities  
Philanthropic or non-profit institutions with sleeping accommodations  
Monasteries, convents or novitiates  
Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#  
Non-profit or voluntary hospitals and related facilities;

- (b) In Subdistrict B, #uses# listed in Use Groups 3 and 4 permitted in the underlying M1-2 District, pursuant to Sections 42-10 (Uses Permitted As-of-Right) and 74-921 (Use Group 3A and 4A community facilities), shall be limited to 5,000 square feet of #floor area# per establishment.

## **104-13 Commercial and Manufacturing Use Modifications**

In Subdistricts A and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Section 104-132 (Use Groups 16, 17 and 18). In Subdistrict B, the #commercial use# regulations of the underlying M1 District are modified as set forth in Section 104-131 (Use Group 6A).

## **104-131**

### **Use Group 6A**

In Subdistrict B, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

## **104-132**

### **Use Groups 16, 17 and 18**

In Subdistricts A and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS).

Such #uses# may locate in, or share a common wall with, a #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14:

From Use Group 16A:

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales, enclosed only

Carpentry, custom woodworking or custom furniture making shops

Motorcycle or motor scooter rental establishments, enclosed only

Trade schools for adults

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a completely enclosed building

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including accessory motor fuel pumps

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 16D:

Moving or storage offices, with no limitation as to storage or #floor area# per establishment  
Warehouses  
Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:  
Produce or meat markets

From Use Group 17B:  
Advertising displays  
Apparel or other textile products, from textiles or other materials, including hat bodies or similar products  
Ceramic products, including pottery, small glazed tile or similar products  
Food products, except slaughtering of meat or preparation of fish for packing  
Leather products, including shoes, machine belting or similar products  
Luggage  
Musical instruments, including pianos or organs  
Optical equipment, clocks or similar precision instruments  
Perfumes or perfumed soaps, compounding only  
Printing or publishing, with no limitation on #floor area# per establishment  
Scenery construction  
Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage  
Toys  
Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works or similar products

From Use Group 17C:  
Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:  
Manufacturing of beverages, alcoholic or breweries

## **104-14 Certification Requirements**

In Subdistrict A, a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building# or share a common building wall only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

- (a) does not have a New York City or New York State environmental rating of “A,” “B” or “C” under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

## **104-15**

### **Ground Floor Use and Frontage Regulations**

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level measured to a depth of at least 30 feet from the #street wall#, or the depth of the #building#, whichever is less, shall be limited to #uses# listed in Section 104-16 (Use Group MMU). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A) shall comply with the transparency requirements of Section 104-41.

## **104-16**

### **Use Group MMU**

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

From Use Group 3  
Libraries, museums or non-commercial art galleries

From Use Group 4A

Community centers or settlement houses  
Ambulatory diagnostic or treatment health care facilities  
Non-commercial recreation centers

From Use Group 6A

Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment  
Barber shops  
Beauty parlors  
Drug stores  
Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds  
Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time  
Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores  
Hardware stores  
Laundry establishments, hand or automatic self-service  
Liquor stores, package  
Post offices  
Shoe or hat repair shops  
Stationery stores  
Tailor or dressmaking shops, custom  
Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B

Veterinary medicine for small animals, provided all activities are conducted within a completely #enclosed building#

From Use Group 6C

Antique stores  
Art galleries, commercial  
Artists' supply stores  
Automobile supply stores, with no installation or repair services  
Banks  
Bicycle sales  
Book stores  
Candy or ice cream stores  
Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment  
Cigar or tobacco stores

Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment  
Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment  
Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment  
Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or less  
Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less  
Electrolysis studios  
Fishing tackle or equipment, rental or sales  
Florist shops  
Furniture stores, limited to 10,000 square feet of #floor area# per establishment  
Furrier shops, custom  
Gift shops  
Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment  
Jewelry or art metal craft shops  
Leather goods or luggage stores  
Loan offices  
Locksmith shops  
Medical or orthopedic appliance stores  
Millinery shops  
Music stores  
Newsstands, open or enclosed  
Optician or optometrist establishments  
Paint stores  
Pet shops  
Photographic equipment or supply stores  
Photographic studios  
Picture framing shops  
Record stores  
Seed or garden supply stores  
Sewing machine stores, selling household machines only  
Shoe stores  
Sporting or athletic stores  
Stamp or coin stores  
Telegraph offices  
Television, radio, phonograph or household appliance stores, limited to 10,000 square feet of #floor area# per establishment  
Toy stores  
Travel bureaus  
Typewriter stores

Wallpaper stores  
Watch or clock stores or repair shops

From Use Group 7B

Bicycle rental or repair shops  
Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of #floor area# per establishment  
Refreshment stands  
Sign painting shops, limited to 2,500 square feet of #floor area# per establishment  
Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor area# per establishment

Use Group 8A (all uses)

From Use Group 8B

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that #floor area# used for office and display area, and provided that not more than 400 square feet of #floor area# shall be used for cutting of lumber to size  
Television, radio, phonograph or household appliance repair shops  
Upholstering shops dealing directly with consumers

From Use Group 9A

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery  
Clothing or costume rental establishments  
Musical instrument repair shops  
Plumbing, heating or ventilating equipment showrooms, without repair facilities  
Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production  
Public auction rooms  
Studios, art, music, dancing or theatrical  
Typewriter or other small business machine sales, rental or repairs  
Umbrella repair shops

From Use Group 10A

Clothing or clothing accessory stores, limited to 20,000 square feet of floor area per establishment  
Office or business machine stores, sales or rental  
Variety stores, limited to 20,000 square feet of floor area per establishment

From Use Group 12B  
Antique stores  
Art gallery, commercial  
Book stores  
Candy or ice cream stores  
Cigar and tobacco stores  
Delicatessen stores  
Drug stores  
Gift shops  
Jewelry or art metal craft shops  
Music stores  
Newsstands  
Photographic equipment stores  
Record stores  
Stationery stores  
Toy stores

From Use Group 17A  
Produce or meat markets, wholesale

From Use Group 17B  
Ceramic products, including pottery, small glazed tile, or similar products

#Accessory uses# to all the above uses are permitted.

#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.

#### **104-17**

#### **Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)**

The provisions of Section 74-48 (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

#### **104-20**

#### **SPECIAL BULK REGULATIONS**

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 and M1 Districts, as modified in this Chapter, shall apply to any #development#, #enlargement# or change of #use# pursuant to Section 104-26 (Change of Use).

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25. The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section 104-22. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive. The special maximum #building# height regulations for the M1-2 District are set forth in Section 104-31.

Notwithstanding the special #bulk# regulations of this Chapter, any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights ) in Appendix A of this Chapter, shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

#### **104-21**

#### **Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses**

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply:

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall not exceed 80 percent. However, there shall be no maximum #lot coverage# for any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCES BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

#### **104-22**

##### **Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses**

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0. #Lot coverage# requirements for #community facility uses# shall not apply.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

#### **104-23**

##### **Maximum Floor Area Ratio for Commercial Uses**

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section 104-132 (Use Groups 16, 17 and 18) shall be 2.0.

#### **104-24**

##### **Maximum Floor Area Ratio for Manufacturing Uses**

In Subdistricts A and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

#### **104-25**

##### **Maximum Floor Area Ratio for Mixed Buildings**

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on such #zoning lot# shall not exceed the maximum permitted for such #use# as set forth in Sections 104-21 through 104-24, inclusive, provided that the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

#### **104-26**

##### **Change of Use**

###### **(a) Change to Residential**

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such conversions of non-#residential buildings# shall be permitted only if such #buildings# comply with all of the #bulk# regulations for #residential# or

#mixed buildings#.

**(b) Change to Non-Residential**

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying building or other structure# may be changed to:

- (1) a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section 42-20, and subject to Section 104-14 (Certification Requirements), if applicable, or
- (2) a #community facility use# or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A of this Chapter and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Heights) through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS), shall apply to the changes of #use# set forth in paragraph (b) of this Section.

**104-30  
SPECIAL HEIGHT AND SETBACK REQUIREMENTS**

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section 104-30, inclusive, shall apply in C6 Districts. In Subdistrict B, special height regulations for the underlying M1-2 District are set forth in Sections 104-31.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from #base planes#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as

shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines), such line shall be used instead of the #street line# for all purposes of Section 104-30 et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

### **104-31**

#### **Maximum Building Height**

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A and specified in Appendix B. In Subdistricts B, C and the Other Area East of Broadway, the maximum building heights are shown on Map 5 in Appendix A. No #building# shall exceed the maximum building height set forth in such Map or Appendix B.

### **104-32**

#### **Rooftop Regulations**

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

### **104-321**

#### **Mechanical equipment**

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in Appendix B of this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.
- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104- 322. Where portions of the #upper street wall# are located at different distances from the #street line# or

#mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.

- (c) Such mechanical equipment shall not overhang any recess in the #building wall# that is open to the sky.

## **104-322**

### **Permitted Obstructions**

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B to this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-311 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-311. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

Flagpoles or aeriels;

House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;

Parapet walls, not more than four feet high;

Spires or belfries;

Wire, chain link or other transparent fences;

Antennae and structural support thereto;

Railings;

Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet ;

Pipes and supporting structures;

Window washing equipment; and,

Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment.

## **104-33**

## Mandatory Street Walls

Six types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-338. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Heights), in Appendix A to this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet, such #street wall# may in its entirety comply with the rules for an #upper street wall#.

(a) #Lower street wall#

- (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;
- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130<sup>th</sup> Street.

(b) #Upper street wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B,

or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.
- (d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-337, with respect to the locations of the #upper street wall# and the #lower street wall# may apply to the entire #street frontage# of the Parcels.
- (e) For any development located on Parcels C3 and C4, any applicable #street wall# provision may apply to the entire #building#.
- (f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

## **104-331**

### **Type 1 Street Wall Location**

Type 1 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least 2 feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.
- (c) No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section 104-331 may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

## 104-332

### Type 2 Street Wall Location

Type 2 #street walls#, as shown on Map 4, shall comply with the provisions of either paragraphs (a) or (b) of this Section:

- (a) The #street wall# shall be located within two to five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable, and shall rise without setback to a minimum height of 45 feet. A #street wall# fronting on West 125<sup>th</sup> Street shall extend along at least 70 percent of the length of the #street line# of the Parcel; a #street wall# fronting on West 130<sup>th</sup> Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line#. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125<sup>th</sup> Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130<sup>th</sup> Street; or
- (b) Where the #lower street wall# is set back from the #upper street wall#,
  - (1) the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply to #street walls# facing West 130<sup>th</sup> Street,
  - (2) the provisions of Section 104-331 (Type 1 Street Wall Location) shall apply to #street walls# facing West 125<sup>th</sup> Street, and
  - (3) for #street walls# facing 12<sup>th</sup> Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

## 104-333

### Type 3 Street Wall Location

Type 3 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within two feet of the 12<sup>th</sup> Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12<sup>th</sup> Avenue #widened sidewalk line# by a minimum distance of either:
  - (1) 20 feet, if such setback area faces both 12<sup>th</sup> Avenue and a #narrow street#, or

(2) 10 feet if such setback area faces only 12<sup>th</sup> Avenue.

- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to the remaining portion of the #lower street wall# frontage of a Parcel.
- (c) The #street wall# provisions of this Section 104-333, may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

#### **104-334**

##### **Type 4 street wall location**

Type 4 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

#### **104-335**

##### **Type 5 street wall location**

Type 5 #street walls#, as shown on Map 4, shall comply with the provisions of paragraphs (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building# whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or

- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply.

No #street wall# location regulations shall apply to the remaining 50 percent of the #street# frontage of a Parcel.

### **104-336**

#### **Type 6 street wall location**

Type 6 #street walls#, as shown on Map 4, shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to the remaining 30 percent of the #street# frontage of a Parcel.

### **104-34**

#### **Street Wall Recesses**

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section:

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

### **104-40**

#### **SPECIAL URBAN DESIGN REGULATIONS**

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described below, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory Open Areas), in Appendix A of this Chapter.

### **104-41**

#### **Street Wall Transparency Requirements**

Within Subdistrict A, the transparency requirements of paragraph (a) of this Section, subject to

the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter.

- (a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be at least 50 percent glazed and at least 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.
- (b) For #street walls# where the provisions of Section 104-332 (Type 2 Street Wall Location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.

## **104-42 Open Areas**

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Section 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

## **104-421 Mandatory widened sidewalks and adjacent areas**

- (a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks# shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

- (b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. However, no fences shall be permitted, no planters shall be higher than 2 feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.
- (c) Adjacent area at grade between #lower street wall# and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

- (d) Additional regulations shall apply to the following areas and conditions:

- (1) Narrow #streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

- (2) 12<sup>th</sup> Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

- (i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

- (ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as:

Market umbrellas;  
Carts, kiosks or pavilions, open or enclosed;  
Retail structures, open;  
Seating and other street furniture.

#### **104-422**

##### **Midblock Open Areas**

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of 20 percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than 2 feet above the finished level of the nearest adjoining sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the width of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A, building walls fronting on such Open Areas shall be transparent for at least 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

#### **104-423**

##### **East/West Open Area**

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East /West Open Area shall have:

- (a) a minimum width of 60 feet and shall be open to the sky;
- (b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and

- (c) a minimum of 20 percent of its area improved with landscape treatment, including planting and other amenities. No walls or planters shall be higher than 2 feet above the finished level of the adjacent sidewalk.

Air intake grilles, flush to grade, shall be permitted, provided such intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any new #building# adjacent to such area.

## **104-424 The Square**

### **Area of the Square**

If Block D is developed as a single #zoning lot#, an open area known as “the Square,” with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130<sup>th</sup> and 131<sup>st</sup> Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

### **Building Transparency**

The bounding building wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

### **Circulation and Access**

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15

feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

### **Elevation of the Square**

The elevation of the Square shall generally follow the adjacent topography. Within fifteen feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond fifteen feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the nearest sidewalk or natural topography. Paved areas shall not be higher than 2 feet above the level of the nearest sidewalk.

### **Permitted Obstructions**

No walls or planters shall be higher than 2½ feet above the finished level of the nearest adjoining sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

### **Seating**

A minimum of one linear foot of seating shall be provided for each 50 square feet of the Square. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every 2½ linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

- (a) fixed seating may be provided in the form of double-sided benches, which shall be a minimum of 36 inches deep;
- (b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;
- (c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth

of 18 inches measured from the edge to the back; and

- (d) All seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least 1 inch radius.

However, other types of seating, such as the edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement.

### **General Requirements for Trees and Planting**

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

### **Trees**

A minimum of 38 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade. The requirements of this subsection shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

### **Planting**

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

### **Other Required Amenities**

Racks shall be provided for a minimum of 16 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with

disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 25 gallons each. There shall be ten containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

### **Permitted Amenities**

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

### **Public Space Signage**

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

### **Vents Facing the Square**

On any building wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

### **Vents and Stairs in the Square**

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

- (a) The top of the exhaust or intake vent shall be a minimum of 20 feet above the finished level of the adjacent grade;
- (b) No single element shall be more than 200 square feet; and
- (c) The aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

In order to grant such authorization, the Commission shall find that:

- (1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and
- (2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the Square.

#### **104-425**

##### **The Small Square**

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129<sup>th</sup> and West 130<sup>th</sup> Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding building walls on all #buildings# abutting the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

#### **104-426**

##### **The Grove**

If Block A is #developed# as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125<sup>th</sup> and West 129<sup>th</sup> Streets. It shall contain seating at the western portion of the Block and a grove of trees with a minimum of four trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum depth of four feet.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls, or planters are permitted in the Grove.

## **104-43**

### **Open Area Standards**

#### **104-431**

##### **Access and hours of public accessibility**

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in Section 104-42 (Open Areas).

All open areas except the Square and the East West Open Area shall be accessible to the public twenty-four hours per day, seven days a week. The Square and the East West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 8:00 p.m., from November 1 through April 14, and from 7:00 a.m. to 11:00 p.m. from April 15 through October 31. All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East West Open Area and shall be provided to the Chair of the City Planning Commission not less than 24 hours prior to each such closing.

#### **104-432**

##### **Lighting**

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from one hour before sunset to one hour after sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

#### **104-433**

##### **Maintenance and operation**

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules

and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

#### **104-44**

##### **Street Trees on Narrow Streets and Broadway**

On #narrow streets# and Broadway, #street trees# with a minimum caliper of four inches shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Midblock Open Areas and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreation, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscape strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such planting strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

#### **104-50**

##### **PERMITTED TRANSFER OF FLOOR AREA**

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a “granting site” shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 in Appendix A, or the portion of the #block# identified as Block H on Map 2 (Subdistrict A Block Plan) in Appendix A in this Chapter, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a “receiving site” shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

- (a) by Notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);
- (b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or

- (c) by special permit in accordance with the provisions of Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), where the proposed #development# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

## **104-51**

### **General Requirements for Transfer**

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply:

- (a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

- (b) Notices of Restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

- (c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing buildings on such #block#. The transfer of #floor area#, once completed,

shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

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(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and Setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

## 104-52

### Transfer of Floor Area by Notice

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

(a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;

(b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and

(c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to

the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson of the City Planning Commission pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

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### **104-53**

#### **Transfer of Floor Area by Authorization**

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that:

- (a) such transfer will permit better site planning; and
  - (b) such transfer will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.
- 

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

### **104-60**

#### **MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT**

The City Planning Commission may, by special permit,

- (a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS) inclusive, provided the Commission finds that such modifications are necessary to:
  - (1) meet programmatic and mechanical requirements;
  - (2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, streets, #buildings# and properties;
  - (3) provide flexibility of architectural design and encourage more attractive building forms; and
  - (4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.
  
- (b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds:
  - (1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;
  - (2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and
  - (3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the development or enlargement on the character of the surrounding area.

**104-70  
PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS**

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply except as set forth in this Section, inclusive.

**104-71**

**Accessory Off-Street Parking**

**In Subdistrict B**, the regulations regarding required #accessory# off-street parking spaces set forth in Section 44-20, shall not apply.

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

- (a) #accessory# parking spaces at or above grade shall be completely enclosed;
- (b) #accessory# parking garages at or above grade shall not be located:
  - (1) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12<sup>th</sup> Avenue of any #zoning lot;
  - (2) on Parcels E2 or G2; or
  - (3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within ten (10) feet of any such Mandatory Open Area, except that access to and egress from #accessory# parking garages shall be permitted in such areas; and
- (c) Parking spaces provided below grade shall not be subject to the provisions of Section 36-12 (Maximum Size of Accessory Group Parking Facilities).

**104-711**

**Accessory parking below grade**

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning lot lines#.

- (a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:
 

For Blocks C, D and E combined	up to 1,800 spaces in total
For Block F	up to 1,000 spaces in total
For Blocks G and H combined	up to 600 spaces in total
- (b) Such #accessory# group parking facilities are subject to the following requirements:
  - (1) the location of the curb cuts is subject to the provisions of Section 104-73 ;

- (2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are accessory; and
- (3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

## **104-72**

### **Public Parking Garages**

In Subdistrict A, public parking garages shall not be located:

- (a) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12<sup>th</sup> Avenue of any #zoning lot;
- (b) on Parcels E2 or G2; or
- (c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter, or within ten (10) feet of any such Mandatory Open Area.

## **104-73**

### **Permitted Curb Cut Locations**

The following curb cut regulations shall apply to any #development# or #enlargement#:

- (a) Existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#.
- (b) No new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other streets bounding the #block# or #zoning lot#.
- (c) New curb cuts shall not be greater than 30 feet in width.
- (d) There shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except

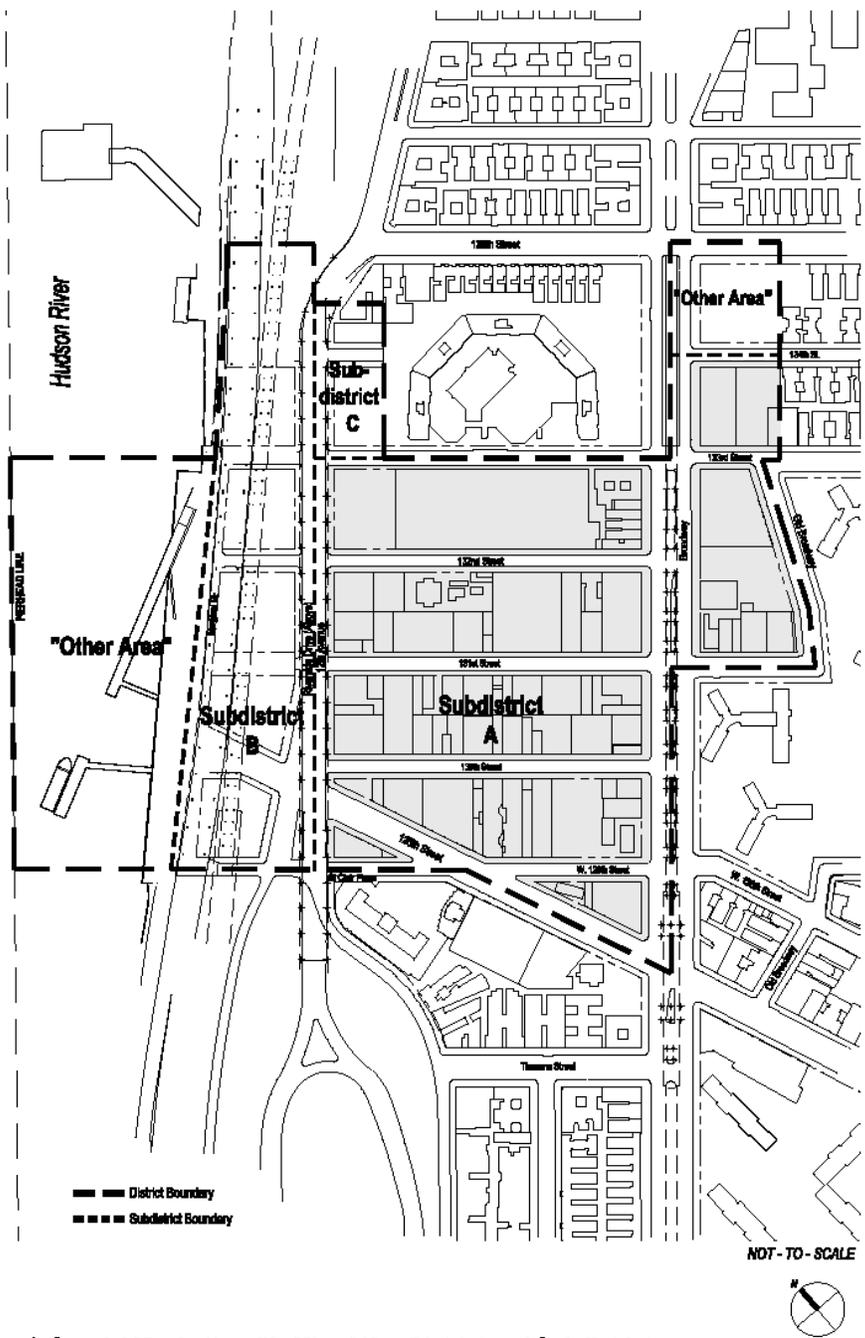
as provided in paragraph (f) of this Section;

- (e) There shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#.
- (f) In order to access the Square, as described in Section 104-425, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

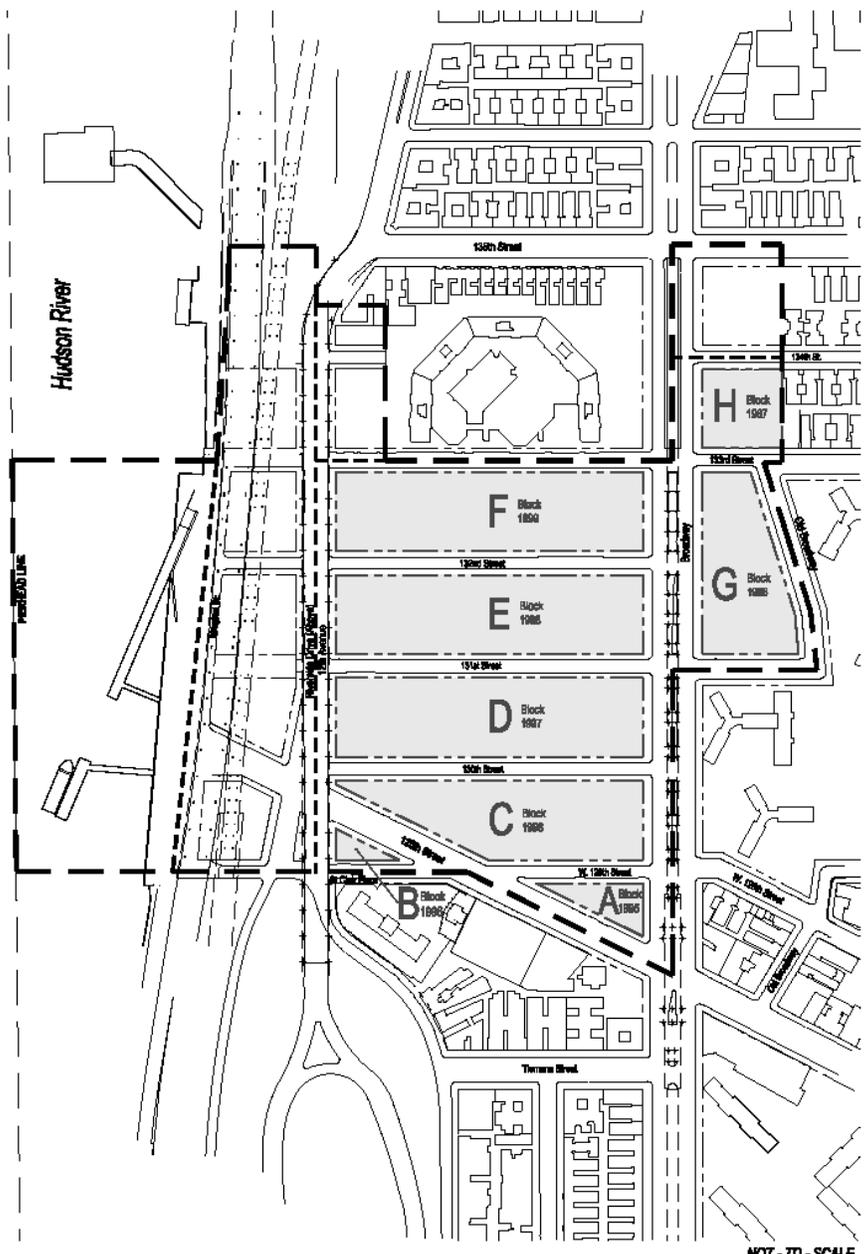
## **Special Manhattanville Mixed Use District**

### **Appendix A District Maps**

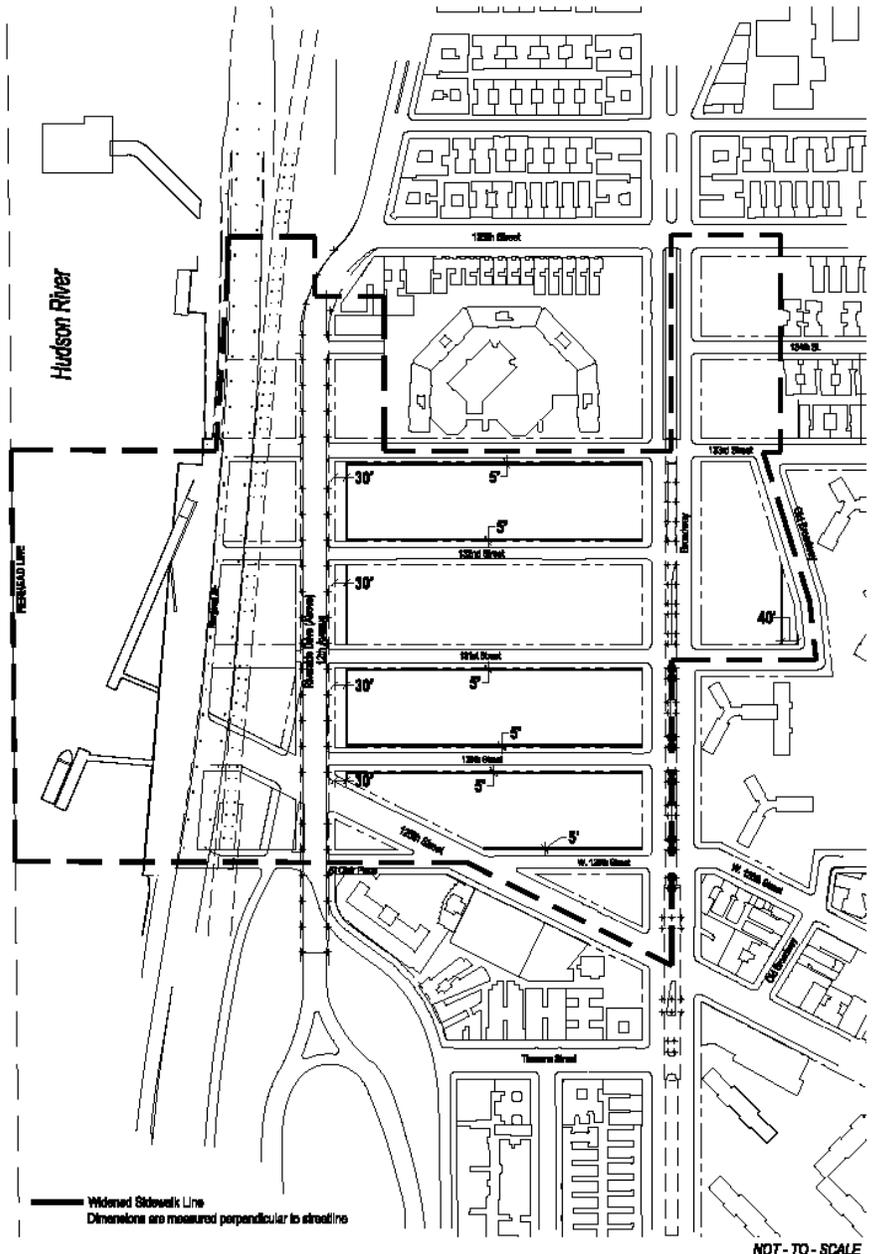
- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Mandatory Street Walls
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas



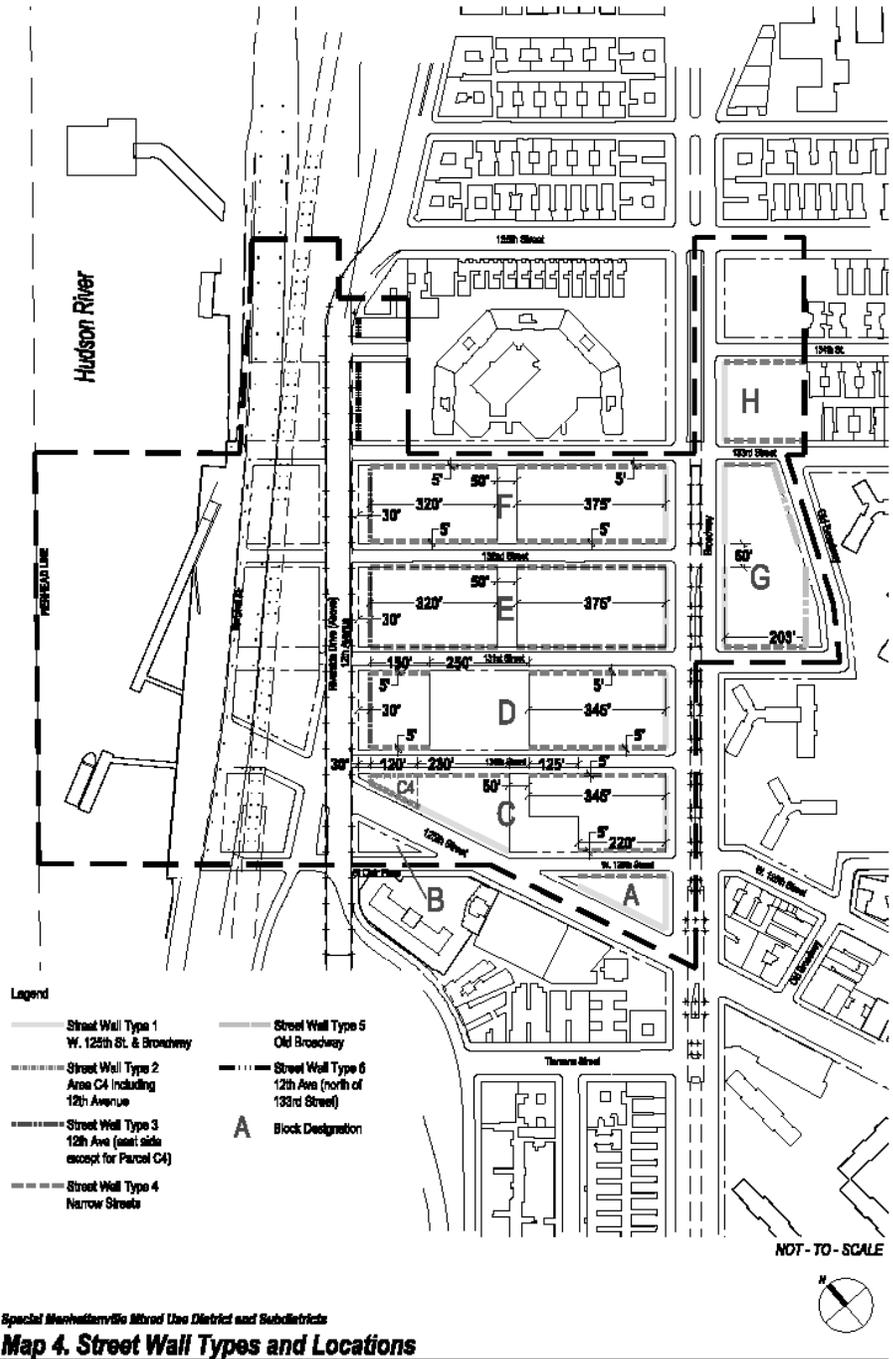
**Map 1. Special Manhattanville Mixed Use District and Subdistricts**

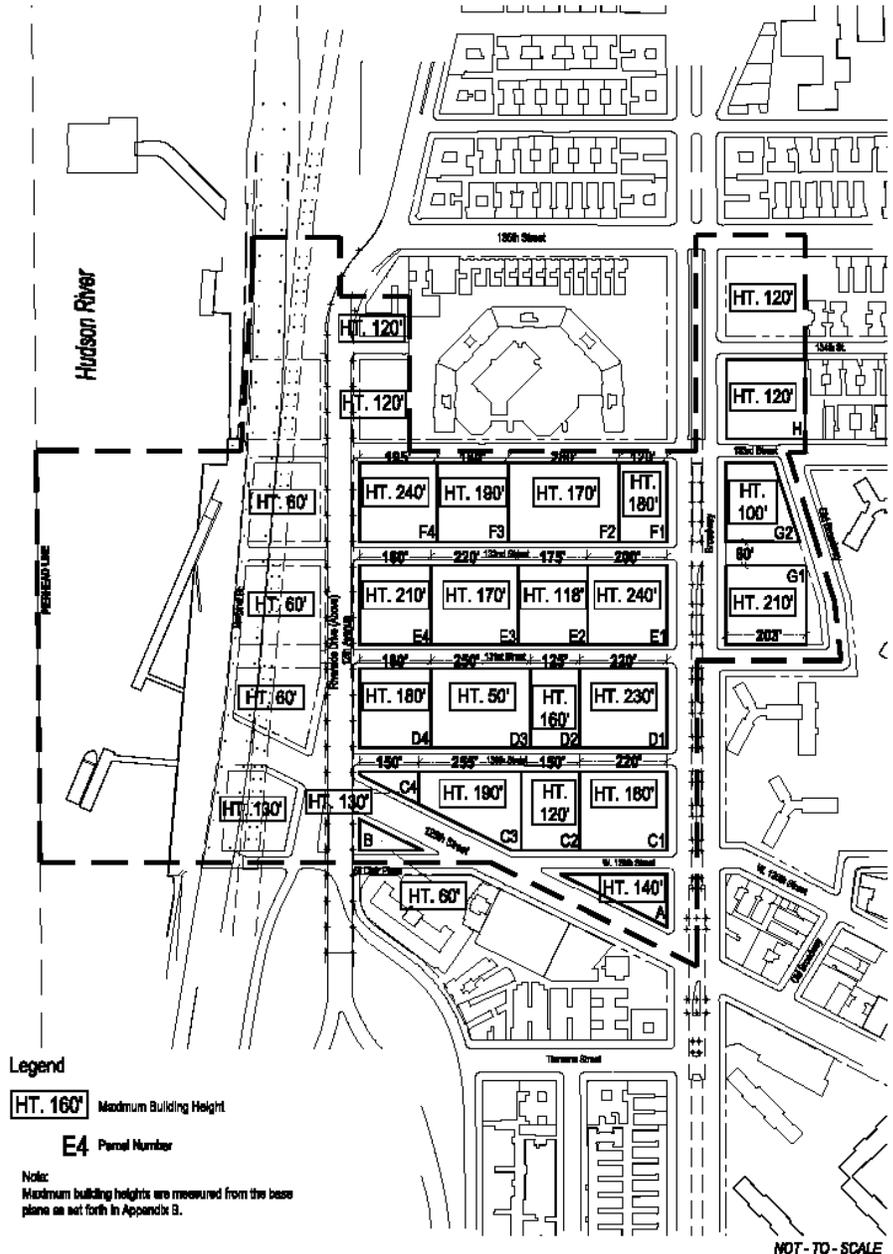


Special Manhattanville Mixed Use District and Subdistricts  
**Map 2. Subdistrict A Block Plan**



Special Manhattanville Mixed Use District and Subdistricts  
**Map 3. Widened Sidewalk Lines**





**Legend**

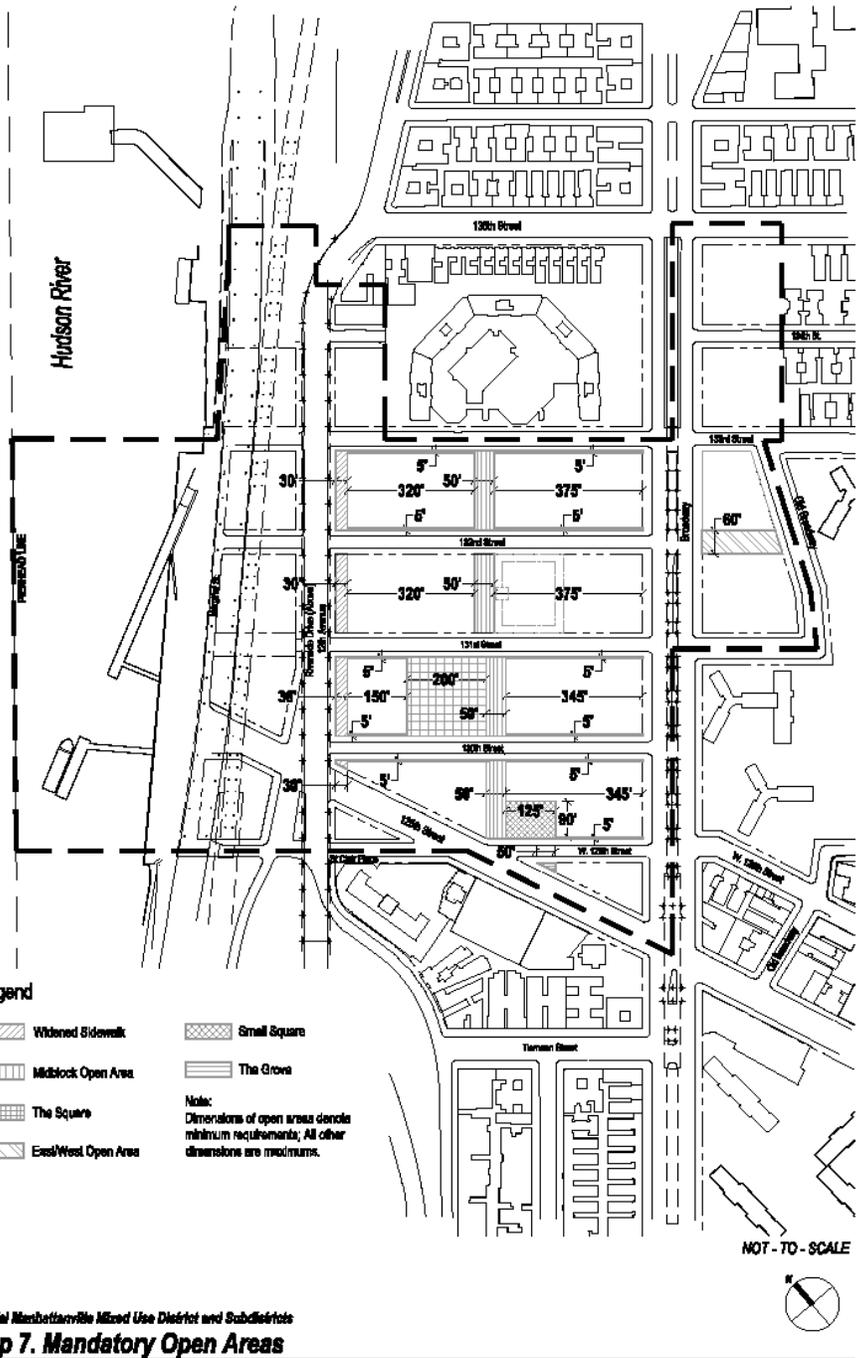
**HT. 160'** Maximum Building Height

**E4** Parcel Number

**Note:**  
Maximum building heights are measured from the base plane as set forth in Appendix B.

**Special Manhattanville Mixed Use District and Subdistricts**  
**Map 5. Parcel Designation and Maximum Building Heights**





**APPENDIX B**  
**Base Plane and Building Height**

<b>Parcel *</b>	<b>Base Plane</b>	<b>Maximum Building Height, Above Base Plane</b>	<b>Maximum Height of Mechanical Equipment</b>
<b>A</b>	<b>21.6'</b>	<b>140'</b>	<b>40'</b>
<b>B</b>	<b>10.37'</b>	<b>60'</b>	<b>20'</b>
<b>C1</b>	<b>20.74'</b>	<b>180'</b>	<b>60'</b>
<b>C2</b>	<b>19.29'</b>	<b>120'</b>	<b>40'</b>
<b>C3</b>	<b>15.19'</b>	<b>190'</b>	<b>40'</b>
<b>C4</b>	<b>9.36'</b>	<b>130'</b>	<b>40'</b>
<b>D1</b>	<b>26.68'</b>	<b>230'</b>	<b>60'</b>
<b>D2</b>	<b>23.25'</b>	<b>160'</b>	<b>60'</b>
<b>D3</b>	<b>15.85'</b>	<b>50'</b>	<b>NA</b>
<b>D4</b>	<b>9.05'</b>	<b>180'</b>	<b>40'</b>
<b>E1</b>	<b>32.42'</b>	<b>240'</b>	<b>60'</b>
<b>E2</b>	<b>23.38'</b>	<b>118'</b>	<b>40'</b>
<b>E3</b>	<b>14.82'</b>	<b>170'</b>	<b>60'</b>
<b>E4</b>	<b>10.11'</b>	<b>210'</b>	<b>60'</b>
<b>F1</b>	<b>46.0'</b>	<b>180'</b>	<b>40'</b>
<b>F2</b>	<b>34.92'</b>	<b>170'</b>	<b>60'</b>
<b>F3</b>	<b>25.63'</b>	<b>190'</b>	<b>60'</b>
<b>F4</b>	<b>11.97'</b>	<b>240'</b>	<b>60'</b>
<b>G1</b>	<b>44.92'</b>	<b>210'</b>	<b>60'</b>
<b>G2</b>	<b>55.62'</b>	<b>100'</b>	<b>40'</b>
<b>H</b>	<b>66.61'</b>	<b>120'</b>	<b>20'</b>

**NOTE:** These numbers reflect measurement in feet above Manhattan Datum, which is 2.75' above Sea Level.

\* Parcels shown on Map 5, Appendix A

The above resolution, duly adopted by the City Planning Commission on November 26, 2007 (Calendar No. 2), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, pursuant to Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice-Chairman**  
**ANGELA M. BATTAGLIA, ANGELA R. CAVALUZZI, R.A.,**  
**ALFRED C. CERULLO, III, BETTY Y. CHEN,**  
**RICHARD W. EADDY, NATHAN LEVENTHAL,**  
**JOHN MEROLO, DOLLY WILLIAMS, Commissioners**

**IRWIN G. CANTOR, P.E., Commissioner, ABSTAINING**  
**KAREN A. PHILLIPS, Commissioner, VOTING NO**

Statements of Commissioner Irwin G. Cantor and Commissioner Karen A. Phillips attached

## Statement of Commissioner Cantor

My colleagues have very well stated the reasons as to why this application, as revised by Columbia, and further by this Commission should be approved, so I need not go there, other than to note that never in the 13 ½ years that I have served on this Commission has there ever been as thoughtful, comprehensive and open discussion, among the Commissioners, the applicants, the Community Planning Board and the Community at large as we have experienced with this application.

This is a direct reflection upon the efforts and commitment of the Chair, and the Department she guides. She should be roundly applauded, not only for her even handed shepherding of these two competing plans through the process but for so gracefully enduring the most personal, vindictive invective I

have ever heard in the halls of this Commission.

The application has - in my judgment - been significantly improved as to master plan and open space requirements, as so well presented by Betty Mackintosh and Ray Gastil. The issue as to the safety of construction, whether it be related to flood or earthquake, has been satisfactorily addressed by not one, but two of the most prestigious and knowledgeable geotechnical engineering firms in the Metropolitan area, if not the entire United States. I might add, that these conclusions are what I would have Expected, given my 56 years in the profession.

I find the CB9 argument that since detailed work has not yet been undertaken by the Consultants, and final designs and costs have not been definitively established, it is therefore impossible to determine the impacts, to be somewhat

disingenuous. The advisors to the Community are well aware that in the Master Plan Phase of ANY project, all of the above noted items are never completed.

I can easily and comfortably endorse this proposal.

However, as I have stated both privately and publicly in the past, my concerns as to the issue of eminent domain remain.

As the Chair had previously noted, I, along with my colleagues, have indeed voted for eminent domain in the past, primarily in instances where Government would take for Government use. I have however, become more and more uncomfortable as Government has begun working ever more closely with the private sector. I am of the belief that Government intervention should only occur in the most extraordinary circumstances.

I am not persuaded that such circumstances exist in this instance.

I believe that Columbia could develop a new Campus after gaining City Owned properties, and after gaining the Con Edison site. I acknowledge there would be pain. Compromises would have to be made. But Columbia has one of the best and most prominent International Architectural firms as the Master Planner. Surely a workable plan can be developed, or Columbia might find it of economic value to return to the bargaining table for discreet parcels.

Instead, we have this major private institution, bountifully endowed, and paying no taxes on property it uses for institutional purposes, entering into an agreement with the Empire State Development Corporation to ensure an eminent domain option if it cannot enter in to an arms length agreement

with private property owners ON TERMS COLUMBIA

FEELS ARE FAIR.

Madam Chair, while I recognize that a vote for approval of this application is not in of itself a license to Columbia or the State ESDC to exercise eminent domain, I suggest that it implicitly acknowledges that possibility in the future.

I submit that this process is indeed itself manifestly unfair.

Perhaps if the Eminent Domain were to be exercised as Imminent Domain, I might find it more palatable. At least then Columbia would be responsible for the carry on the properties, and for maintaining them until they were ready to demolish for the new construction. But no. To quote the CPC resolution "any such acquisition by ESDC would be in stages based upon

COLUMBIA'S reasonably developed needs for the property".

In the interim - unless the holdouts succumb - they are in limbo. Redevelopment is virtually impossible. Which lender would finance such an effort with the cloud over the parcels?

Property improvement is questionable, since there is no clear "taking date".

We pride ourselves on our Free Enterprise Spirit, yet when the State steps in on behalf of one party, and in what I consider a manifestly punitive way, IT JUST IS NOT RIGHT. And I might add, beneath what I think Columbia represents.

One can easily argue that Columbia is not just ONE party. It is a more than 250 year old institution in New York. Its historic and ongoing importance and contributions to the life of our City and Country is legendary. It currently employs over

14,000 people. The ability to expand its Campus and its mission in the Twenty First Century, the Construction jobs, and the hundreds of additional long term Community based jobs it will create, all are powerful reasons for a "YES" vote.

I had suggested bifurcation of the vote into two. One as to the application itself. A second as to the issue of Eminent Domain. I would then have enthusiastically voted for the Plan and against the Eminent Domain option.

Columbia - for obvious strategic reasons - has not agreed to this request.

Therefore, despite my great personal respect for the Chair, and her

efforts on this application, I just cannot vote in favor of this amended application as it stands. Neither do I wish to be recorded as a negative vote for what I believe to be a basically sound application with all the intellectual, social and economic positives it will bring to our City because of my concerns regarding the issue of eminent domain

This is an unhappy vote by me for I am very torn but, I feel my concerns can best be recorded by an abstention.

This process is not over. The City Council, and ,yes, the Community itself will have more to say. I believe that despite today's vote there will be modifications to the proposal. If I did not believe this, I would vote no today. However, having voiced my concerns, I will abstain.

I also vote yes on the Community Planning Board 9 197A plan amended.

## DISSENTING STATEMENT OF COMMISSIONER PHILLIPS

### 197A PLAN FOR CB9

There has been a tremendous amount of time, effort, thought, meetings, discussions, negotiations on these two important proposals for change in an area that has been virtually unchanged for nearly 100 years. The neighborhoods surrounding Manhattanville - West Harlem, Morningside, Hamilton Heights, and Washington Heights - have all have experienced astonishing changes in the past 15 years, that included redevelopment of the housing stock, a huge influx of immigrants from the Dominican Republic and West Africa, increase in property values, strengthening of the major education and religious institutions, and a national trend toward young people returning to urban centers.

For the past decade, residents of the neighborhoods have participated with Manhattan Community Board 9 in creating a 197A plan as specified in the 1989 Charter Revision to chart their vision of their community's future. It has always been my preference to have 197A plans firmly in place before substantial changes in land use are sought by private concerns. However, my thanks to all those volunteers for the countless hours of work and those professionals that guided the process. The Department of City Planning and team that guides the 197A process are to be commended for their extremely tedious work of following the guidelines of the process, interpreting them for the Commission and the community, and now more recently over the past year, coordinating the review process with competing proposals from the private sector.

My comments on the Department's recommendations for modifications to the CB9 plan are as follows:

1. Transportation improvements are critical to the future of this community and the transportation plan must be comprehensive in nature, with NYC DOT working closely with MTA, EDC and CU.
2. The need to strengthen economic development should be the major element that the CB intends. The CPC should use this issue as a guide in evaluating future development. It is much too critical for our response to simply be to use DSBS programs without emphasizing the engagement of other NYC Departments that can address large scale projects.
3. In light of the focus in this plan on the retention of industrial character that reflects on the historical past of this part of Manhattanville and the 197A plan recommendation for maintaining the existing light industrial businesses and their jobs in the neighborhood, DCP should NOT defer consideration of the area in their plan that lies between Amsterdam and Convent Avenues. This industrial zoned area could function as an area to accommodate light industrial businesses displaced by from Manhattanville by the Columbia plan.
4. The City Planning modifications concerning the focus of CB9 on maintaining industrial uses in the area that CU's plan are credible. Space for manufacturing, by nature, has low rental rates. Therefore the realities of the real estate market in this area, and the fact that most of the area is owned by CU, means that Industrial districts are not financially feasible here. Many of the academic research uses by CU are synonymous with light industrial businesses and can co-exist with the types of companies that could afford to remain in the vicinity.
5. DCP has modified the 197A plan to support reduction of the Bathtub. In weighing the benefits of underground services versus the disruption of CU's activity with increased pedestrian and vehicular traffic, I concur that it should be implemented but limited wherever possible. Also, although I am concerned over the issues raised by the community with respect to the bathtub, attention to additional engineering and design are possible and should ensure safety.

### COLUMBIA UNIVERSITY 197C PLAN

## Columbia University's Master Plan

The ULURP process does not allow for a conditional approval of proposed land use changes by the CPC. DCP staff has been very helpful in working with me in addressing this complex item.

I applaud the efforts of the Manhattan BP in protecting the surrounding community by reducing secondary displacement.

I also applaud the extensive planning efforts of the CU in preparing their vision for growth, and greatly respect the professionals that they have brought aboard to guide this public review and community process. The resources of this important institution have resulted in the hiring of world class firms to create this plan, and I appreciate the fact that they have more recently retained firms who are more familiar with this community and have pledged to diversify the architectural character of their structures within the plan.

It is clear to me that CU needs space to expand in the future and that this comprehensive approach is very important to prevent the type of uncontrolled growth that we have seen by other institutions in Manhattan. This plan has tremendous merit. There is one basic difference that I have with the CU case for this plan:

Although the University's expansion is good for the City of New York and could provide an economic engine for the communities in Upper Manhattan through jobs and business growth, the immediate neighborhoods of West Harlem, Central Harlem, Morningside, Hamilton Heights, and Washington Heights should not take a blow that leads to economic, cultural and social damage that will impact the existing residents forever. I am not naive in believing that there can be no change, nor do I feel that this plan has to signal gloom and doom for the community.

My concern is that changes, modifications or agreements that are negotiated with CU by DCP, the City Council and the community include elements that can better insure that, in the end, there is a decrease in the direct and indirect impacts on the residents of the community, that address reasonable concerns, and create economic benefits in the long run. These benefits should be focused on a sustainable economy - and not solely on subsidies or one shot contributions. Please know that I am a real estate developer, but it can be proven that community change can be made that is economically sustainable in this capitalist system. It must be done thoughtfully.

It is unfortunate that in the CPC review of the Department's modifications, where there is usually open discussion of other recommendations for changes to the CU plan were greatly truncated by unnecessary and unproductive outbursts. These acts of personal positioning and rudeness meant that Commissioner's questions and ideas were not discussed for possible input to the modifications of the plan that we must vote on today.

Here are my suggestions or recommendations that should be strongly considered and/ or negotiated. Some are more general, and others deal with specific issues that CPC is responsible for.

### HOUSING

1. Increase the Affordable Housing Fund - Create detailed qualifications that link private developers to non profit community based partners who would share the profits and ownership of projects going forward.
2. Create housing that combines University units with affordable units for community - Many institutions are having private developers create housing that they lease or buy. CU can create a model that includes a portion (perhaps a condo of affordable units). We in the community know that there are CU students in buildings all over Harlem, but this way there would be controls for community residents.

3. Concentrate CU residential buildings adjacent to existing residential areas, primarily on the eastern side of the site. CU has stated that they want to be incorporated into the community and this helps achieves that goal.

4. Use CU owned land south of 125th Street (the site of the McDonalds that is not in the plan) to begin a mixed use development of retail, community facility on 2nd floor and housing. Perhaps use this as a combined student and community (with at least 20% community residential). This could be a taller structure to match the other Columbia housing on the block and the public housing to the west, and include a new access to the 125th Street elevated train station maintained by the building' owner.

5. The current modifications proposed by DCP would change the use at the corner of Broadway and 133rd St to a mixture of housing and academic use for Phase II development with a reduction in heights of structures. I agree that it should be housing,

but I urge CU to keep the existing housing that is currently located in this area and allow residents to stay in their homes in that neighborhood. Any currently empty units should be used to house those from the 132nd Street TIL building to relocate to. There could be some agreement that could revisit the issue in 10 or 15 years when other alternatives can be made available to the residents.

6. Residential zoning for the area adjacent to the elevated train tunnel in the north east portion of the site should remain R-8, as recommended in the hearing on the private proposed changes by Ms Ramati for Tuck it Away.

#### OWNERSHIP/RELOCATION

1. As I just stated, I recommend that the housing structures on Broadway between 132 and 133rd Streets be seen by CU as a 'cut-out' so that no one is relocated.

2. The land now owned by Tuck-it-Away and others within the area west of B'way should be acquired in a negotiated swap with CU of 3 parcels of land they own on the east side of B'way on 143rd Street and perhaps the Nash building. Therefore, there would be not 'taking' of private property. The owner said that he was willing to do so in our hearing on his, and because he is so concerned with the community now, there should be reasonable terms from him and provisions that he provides for the community for increasing the value of his storage buildings.

3. With regard to the change in the island where the Cotton Club is located to open space, I think it helps to attract people to the use of the waterfront park. However, this business is related to the history and culture of jazz music in Harlem, so there should be negotiations to retain the jazz club use as a part of the 125th Street retail corridor, perhaps in the area of Prentiss Hall that is the location for CU's well know Jazz Studies Department.

4. The CB9 proposal identified light manufacturing businesses operating in various buildings on the site. CU should consider working with the LDC to identify feasible businesses that could co-exist with the other uses and have them relocated in adjacent parts of the community or on a portion of strip south of 125th St.

5. The former dairy has a historical link to Manhattaville and to Prentiss Hall and its retention should receive further consideration as a landmark. The recent interest by the owner in being part of the community should be a part of this reprieve and make a portion of the building available to permanently house a display of the history of Manhattanville. The north side of this structure along 130th Street could also be an entrance to the open space into the block. The Jerome Greene Center can still be in the first phase in the block with the repositioned open space closer to the community .

## MISCELLANEOUS

1. I am thankful for the new public school that CU agreed to provide , but I think it should be located on site east of B'way north of 131st Street for better pedestrian and bus access while being closer to the community housing.
2. I recommend that CU consider taller structures on the northern end of their development site that will accommodate any loss of square footage in accommodating the changes I suggest. This will also assist in bringing the 3333 Broadway structures into a more reasonable urban form, and hopefully help reduce the impact on the community in other places.
3. Two buildings owned by Columbia should be landmarked ( Studebaker and Prentiss) , as should the former dairy on B'way currently owned by Ms. Whitman.
4. Retail businesses along B' way, 125<sup>th</sup> and 12<sup>th</sup> Ave should include space designated for community and/or locally-owned small businesses. I recommend that CU identify several community organizations that focus on business development and lease space to them for sub leasing to small businesses. Working with the business school.( as has happened in the past), these groups can build out the retail space for the businesses, set up technology for inventory and financial control and continue to monitor and support the businesses in their growth.

Therefore I vote YES on the 197A plan as modified by City Planning Department; however I urge the City Council to further modify it to reflect some of the changes that are outlined after consultation with the Community Board and reasonable and credible community stakeholders.

I must, after considerable thought, vote NO, unless some of the other changes I have outlined are made, on the Columbia University proposals. I hope that the City Council will consider these, and I will request that the Public Advocate, Ms.Gotbaum, who appointed me to CPC, assist the community and LDC in fostering reasonable and feasible changes.

Madam Chair, please append these remarks as a DISSENTING vote in the records of the City Planning Commission action on the CU proposals. Thank you for your patience.

**Exhibit A**

**Proposed Manhattanville in West Harlem Rezoning  
and  
Academic Mixed-Use District**

**Final Environmental Impact Statement (FEIS)  
Executive Summary**