**CITY PLANNING COMMISSION**

May 21, 2014/Calendar No. 11 C 130208 ZMM

IN THE MATTER OF an application submitted by PWV Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 5d:

1. changing from an R7-2 District to an R8A District property bounded by Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Columbus Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, and a line 100 feet easterly Amsterdam Avenue; and

2. changing from an R7-2 District to an R8B District property bounded by a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 175 feet westerly of Columbus Avenue, West 105th Street, and a line passing through two points: the first on a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street distant 325 feet easterly (as measured along street line) from its point of intersection with the easterly street line Amsterdam Avenue, and the second on the northerly street line of West 105th Street distant 415 feet easterly (as measured along street line) from the point of intersection of the easterly street line of Amsterdam Avenue and the northerly street line of West 105th Street;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-328.

The application for an amendment to the Zoning Map was filed by PWV Owner, LLC on March 4, 2013, to rezone an existing R7-2 zoning district to R8A and R8B zoning districts on the block bounded by West 106th Street, West 105th Street, Amsterdam and Columbus avenues in the Borough of Manhattan, Community District 7.

**BACKGROUND**

PWV Owner, LLC has requested a zoning map amendment to change an existing R7-2 zonign district to R8A and R8B zoning districts to facilitate the development of three mixed-use

development containing residential and community facility uses on Block 1860 (Lots 20 and 57) in the Upper West neighborhood of Manhattan, Community District 7.

The proposed rezoning area is bounded by West 106th Street, West 105th Street, Columbus Avenue and Amsterdam Avenue and is comprised of two tax lots on Block 1860 (Lots 20 and 57). The site of the proposed rezoning area is located mid-block and fronts on both West 106th and West 105th streets, currently zoned R7-2 and has a total lot area of approximately 88,731 s.f. The project site has 209.6 feet of frontage along West 105th Street and 625 feet of frontage along West 106th Street. The site is currently improved with the Jewish Home Life Care Nursing Home.

The remainder of the block and much of the surrounding area are characterized by mixed-use containing residential, community facility and commercial uses. The predominant built form along the side streets is four-to-six story residential buildings and along the avenues the built form is taller with 12-to-17-story residential buildings. In the surrounding area, ground floor commercial uses are located on Broadway, Amsterdam and Columbus avenues. There are three large parks in the surrounding area, Central Park to the east, Morningside Park to the north and Riverside Park to the west.

The area is well served by public transportation; the B and C subway lines have stops at Central Park West and West 103rd and 110th streets. There are a number of buses that traverse the area; M3, M4, M5, M7, M10, M11, M60, M104 and M116.

In 2006, the site was included in the Upper West Side Rezoning study. As a result of the study, much of the surrounding R7-2 and R8 districts were contextually rezoned to R8A, R8B, and R9A (C 070427 ZMM; Cal. No. 25, August 8, 2007). However, during the public review, Jewish Home Life Care Nursing Home requested that their site be excluded from the proposed rezoning in order to realize renovation plans they had for their site which they believed would not have been compatible with the proposed zoning districts. The City Planning Commission believed the proposed R8A and R8B districts were appropriate and approved an R8A along West 106th Street and an R8B along West 105th Street.

The City Council modified the Upper West Side Rezoning to exclude the Jewish Home Life Care Nursing Home site and the zoning remained R7-2. Subsequently, the nursing home decided not to proceed with their development plans and instead pursed plans to construct a new Jewish Home Life Care Nursing Home on the north side of West 97th Street between Amsterdam and Columbus avenues. A City Planning Commission certification to facilitate this plan was adopted on March 26, 2012 (N 120043 ZCM).

The proposed rezoning would facilitate the development of three mixed-use buildings containing both residential and community facility uses. The proposed buildings along West 106th Street would conform to an R8A building envelope. There would be two eleven story buildings connected by an 8-story central core and a maximum height of 120 feet. The building along West 105th Street would conform to an R8B envelope and have seven stories and a maximum height of 75 feet. The three buildings, as proposed, will contain a total of approximately 509,600 s.f. of

floor area, 597 market rate dwelling units, approximately 30,000 s.f. of community facility space and 208 accessory parking spaces.

In order to facilitate the proposed project, the applicant is seeking approval of a zoning map amendment to change from the existing R7-2 zoning to an R8A and an R8B zoning districts. R7 districts are medium density zoning districts regulated by height factor requirements. R7 districts have a maximum residential FAR of 3.44 (4.0 under Quality Housing) and maximum community facility FAR of 6.5. The proposed R8A and R8B are both contextual zoning districts that have maximum streetwall heights and, after a setback, maximum building heights. The R8A zoning district allows a maximum residential FAR of 6.02 and a maximum community facility FAR of 6.5. The maximum streetwall height before setting back is 85 feet and the maximum building height is 120 feet. The R8B allows a maximum residential and community facility FAR of 4.0. The R8B requires a maximum streetwall height of 60 feet and a maximum building height of 75 feet.

**ENVIRONMENTAL REVIEW**

This application (C 130208 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 City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 14DCP043M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 16, 2013. The Negative Declaration included an (E) designation for noise, air quality and hazardous materials to avoid the potential for significant adverse impacts, as described below~~:~~

The (E) designation requirements related to noise, air quality, and hazardous materials would apply to the following properties:

**Manhattan Block 1860, Lots 20 and 57**

The (E) designation requirements related to noise is as follows:

> In order to ensure an acceptable interior noise environment of 45 db(A) or lower, future residential uses must provide up to 28 db(A) of window/wall attenuation in the north façade facing West 106th Street. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

The text for the air quality (E) designation is as follows:

> **<u>South Building – Facing West 105th Street</u>**
> **Any new development on the above-referenced property must ensure that the fossil-fuel fired heating, and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at least 163 feet from the lot line facing West 106th Street and at a height of at least 78 feet, to avoid any potential significant adverse air quality impacts**
>
> **<u>North Building 1- Facing West 106th Street</u>**
> **Any new development on the above-referenced property must ensure that the fossil-fuel fired heating, and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at least 481 feet from the lot line facing Columbus Avenue and at a height of at least 123 feet, to avoid any potential significant adverse air quality impacts**
>
> **<u>Block 1923, p/o Lot 49 (Building 3):</u>**
> **Any new development on the above-referenced property must ensure that the fossil-fuel fired heating, and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at least 506 feet from**

**the lot line facing Amsterdam Avenue and at a height of at least 123 feet, to avoid any potential significant adverse air quality impacts**

The (E) designation text related to hazardous materials is as follows:

**TASK 1**

**The applicant must submit to the New York City Office of Environmental Remediation (OER), for review and approval, a Phase 1 of the site along with a soil and groundwater testing protocol, including a description of the methods and a site map with all sampling locations clearly and precisely represented.**

**If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum source of contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

**TASK 2**

**A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.**

**If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.**
**An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. The plan would be submitted to OER for review and approval prior to implementation.**

With the implementation of the above (E) designation on the above block and lot, no significant noise, air quality or hazardous materials impacts would be expected as the result of the proposed action.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

## UNIFORM LAND USE REVIEW

This application (C 130208 ZMM) was certified as complete by the Department of City Planning on December 16, 2013, and was duly referred to Community Board 7 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

### Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 130208 ZMM) on February 4, 2014, and by a vote of 31 to 2 with 2 abstentions, adopted a resolution recommending approval of the application.

### Borough President Recommendation

This application (C 130208 ZMM) was considered by the Manhattan Borough President who issued a recommendation approving the application on March 25, 2014.

### City Planning Commission Public Hearing

On March 19, 2014 (Calendar No. 2), the Commission scheduled April 2, 2014 for a public hearing on this application (C 130208 ZMM). The hearing was duly held on April 2, 2014 (Calendar No.18).

There were three speakers in favor and none in opposition. The speakers in favor included the applicant's counsel, the Borough President's representative and a community board member.

The applicant's counsel described the proposed project and the Memorandum of Understanding (MOU) between Jewish Home Life Care Nursing Home and the community board. He stated that, according to the MOU, if the nursing home decided not to renovate the site, the zoning would be changed to reflect the zoning map amendment approved by the City Planning Commission in 2007. Additionally, the applicant stated ownership of the site would not be transferred until Jewish Home Life Care Nursing Home has closed on their new site. Also, construction of the proposed project would not occur until 2018, or sometime thereafter, once the new nursing home has been built and residents have been relocated.

The Borough President's representative reiterated the Borough President's favorable recommendation. A member of the community board also spoke in favor of the proposed rezoning; however, he stated the community board does not endorse any proposed project related to the requested action.

There were no other speakers and the hearing was closed.

**CONSIDERATION**

The Commission believes the application for a Zoning Map amendment to rezone an existing R7-2 district to R8A and R8B zoning districts is appropriate.

The Commission notes that this application would facilitate the development of three mixed-use buildings, two fronting on West 106th Street and one fronting on West 105th Street, with approximately 597 residential units and approximately 30,000 square feet of community facility space. The Commission notes that the proposed zoning map amendment would result in zoning districts envisioned in the 2007 Commission approved rezoning for the Upper West Side that prescribed predictable streetwalls, building heights and densities. The contextual districts would require buildings to have a continuous streetwall, and after a setback, a maximum building height and comply with the Quality Housing Program. The proposed rezoning would create an R8A zoning district along the entire length of West 106th Street to a depth of 100 feet and create an R8B zoning district along the midblock and the eastern portion of West 105th Street. The R8B district requires a maximum streetwall height of 60 feet and a maximum building height of 75 feet and the R8A district requires a maximum streetwall height of 85 feet and a maximum building height of 120 feet. As a result, the proposed R8A and R8B would preserve and strengthen the existing lower-scale character on the mid-blocks and protect the existing medium density on the wide streets. The different densities and building forms permitted by the two contextual zoning districts proposed would reflect the variation in existing built environments on the subject streets.

The Commission also notes that, as described in Housing New York, the Mayor's recently released plan for affordable housing, the Department of City Planning is currently initiating a study intended to establish a framework for the creation of a mandatory Inclusionary Housing program, which would be applied to land use actions that substantially increase the potential for new housing. Following this study, and consideration of relevant legal and policy issues, the

Department will consider whether follow-up actions may be warranted to apply an Inclusionary Housing requirement to areas such as that of the proposed action, which were rezoned as part of actions already in the ULURP process at the time Housing New York was released.

**RESOLUTION**

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

**RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 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, is further amended by changing the Zoning Map, Section No. 5d:

1. changing from an R7-2 District to an R8A District property bounded by Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Columbus Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, and a line 100 feet easterly Amsterdam Avenue; and

2. changing from an R7-2 District to an R8B District property bounded by a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 175 feet westerly of Columbus Avenue, West 105th Street, and a line passing through two points: the first on a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street distant 325 feet easterly (as measured along street line) from its point of intersection with the easterly street line Amsterdam Avenue, and the second on the northerly street line of West 105th Street distant 415 feet easterly (as measured along street line) from the point of intersection of the easterly street line of Amsterdam Avenue and the northerly street line of West 105th Street;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-328.

The above resolution (C 130208 ZMM), duly adopted by the City Planning Commission on May 21, 2014 (Calendar No. 11), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**CARL WEISBROD, Chairman**
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**
**ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,**
**MICHELLE R. DE LA UZ, MARIA M. DEL TORO, JOSEPH DOUEK,**
**ANNA HAYES LEVIN, ORLANDO MARIN,** Commissioners

NYC PLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

# Community/ Borough Board Recommendation

Pursuant to the Uniform Land Use Review Procedure

| | |
|---|---|
| Application #: **C 130208 ZMM** | Project Name: **West 106th Street Rezoning** |
| CEQR Number: **14DCP084M** | Borough(s): **Manhattan**<br>Community District Number(s): **7** |

*Please use the above application number on all correspondence concerning application*

## SUBMISSION INSTRUCTIONS

1. Complete this form and return to the Department if City Planning by one of the following options:
   - **E-mail (recommended):** Send email to **CalendarOffice@planning.nyc.gov** and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
   - **MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
   - **FAX:** (212) 720-3356 and note " Attention of the Calendar Office"
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by PWV Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 5d:

1. changing from an R7-2 District to an R8A District property bounded by Duke Ellington Boulevard-West 106lh Street, a line 75 feet westerly of Columbus Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106lh Street, and a line 100 feet easterly of Amsterdam Avenue; and

2. changing from an R7-2 District to an R8B District property bounded by a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 175 feet westerly of Columbus Avenue, West 105th Street, and a line passing through two points: the first on a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street distant 325 feet easterly (as measured along said line) from its point of intersection with the easterly street line of Amsterdam Avenue, and the second on the northerly street line of West 105th Street distant 415 feet easterly (as measured along the street line) from the point of intersection of the easterly street line of Amsterdam Avenue and the northerly street line of West 105th Street;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-328.

| **Applicant(s):** | **Applicant's Representative:** |
|---|---|
| PWV Owner LLC<br>c/o The Chetrit Group<br>512 Seventh Avenue<br>New York, NY 10018 | Michael T. Sillerman, Esq.<br>Kramer Levin Naftalis & Frankel LLP<br>1177 Avenue of the Americas<br>New York, NY 10036 |

**Recommendation submitted by:**

Manhattan Community Board 7

| | |
|---|---|
| **Date of public hearing:** January 15, 2014 | **Location:** Goddard Riverside Community Center, 593 Columbus Avenue, NYC 10024 |
| **Was a quorum present?** YES ☑ NO ☐ | *A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.* |
| **Date of Vote:** February 4, 2014 | **Location:** Goddard Riverside Community Center, 593 Columbus Avenue, NYC 10024 |

**RECOMMENDATION:**

☑ Approve ☐ Approve With Modifications/Conditions

☐ Disapprove ☐ Disapprove With Modifications/Conditions

**Please attach any further explanation of the recommendation on additional sheets, as necessary.**

**Voting**

**# In Favor:** 31 **# Against:** 2 **# Abstaining:** 2 **Total members appointed to the board:** 46

| *Name of CB/BB officer Completing this form* | Title | Date |
|---|---|---|
| Penny Ryan x Penelope Ryan | District Manager | 2/19/14 |

# COMMUNITY BOARD 7 Manhattan

**RESOLUTION**

**Date: February 4, 2014**
**Committee of Origin: Land Use**
**Re: West 106th Street Rezoning (Columbus-Amsterdam Avenues.)**
**Full Board Vote: 31 In Favor 2 Against 2 Abstentions 1 Present**
*Committee: 6-0-0-0. Non-Committee Board Members: 8-1-0-0.*

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #C130208ZMM to the Department of City Planning for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street.

In addition to the above resolution it was agreed that CB7 will prepare a companion clarifying letter to state the unusual circumstances about this site.

250 West 87th Street New York, NY 10024-2706
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Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

# COMMUNITY BOARD 7 Manhattan

February 24, 2014

Honorable Carl Weisbrod
Chair
New York City Planning Commission
22 Reade Street, 6th Floor West New York, NY 10007-1216

**Re: Application #C130208ZMM to the Department of City Planning by PWV Owner LLC for a zoning map amendment to rezone lots within an R7-2 district to an R8A along West 106th Street and an R8B district along West 105th Street.**

Dear Chair Weisbrod:

CB7's Land Use Committee recently drafted a resolution to approve the West 106th Street Rezoning (Columbus-Amsterdam Avenues) that had previously been excluded from a much larger re-zoning effort in 2007 on the Upper West Side north of 96th Street to accommodate the Jewish Home & Hospital, now known as Jewish Home Lifecare (JHL).

At the Land Use Meeting held on January 15, 2014 where the ULURP Public Hearing was heard as part of the above application, a considerable number of community members gave an opinion and welcomed with relief that the re-zoning for this particular site will now conform to adjacent 2007 re-zoned areas. JHL was also cited in testimony because of its intention to rebuild their facility within a much smaller lot on West 97th street between Columbus and Amsterdam Avenues. This letter is to amplify community concerns and clarifications regarding any specific project that might be built on the newly re-zoned site, as well as any future residential healthcare facility to be built on West 97th Street between Columbus and Amsterdam Avenues by JHL, the current occupant of the West 105th-106th Street site.

All of the community members that spoke in support of the rezoning application stated explicitly that a vote in favor of adopting the amendment pertains <u>only to the zoning lots in question</u> and does not pertain to any particular project, which may or may not be built on this site or any other site. Speakers representing both neighborhoods -- Duke Ellington Boulevard

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Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

Neighborhood Association (DEBNA) /West 106th Street and Park West Village (PWV) / West 97th Street -- submitted testimony in person or in writing, stated to some degree that the vote in favor of adopting the zoning amendment does not preclude its present occupant, JHL from either remaining at its present location or re-building its facility on West 106th Street, if it chooses to do so. In fact, spokespersons for the 106th Street neighborhood organizations, DEBNA and the Manhattan Valley Preservation Coalition, said they would welcome JHL's remaining on their present West 106th Street campus site and would work with JHL if it chooses to rebuild on that site.

Another significant issue was raised by community members that, in their view, a vote in favor of adopting the re-zoning amendment was not intended to and does not preclude the New York State Department of Health from issuing a "No build / No action" determination in a pending State Environmental Quality Review Assessment (SEQRA) pertaining to a certificate of need application by JHL to build a residential health care facility on West 97thStreet.

We hope and expect that the New York State Department of Health will rigorously assess the potential impact of the proposed JHL site on 97th street, including but not limited to impact on open space, traffic congestion, the elimination of an attractive garden now used by JHL residents at 106th street, and other matters. We look forward to addressing these issues at the appropriate time.

Respectfully submitted,

Elizabeth Caputo
Chair

Cc: Hon. Gale Brewer, Manhattan Borough President;
Councilmember Stephen Levine;
Assembly Member O'Donnell; and
Senator Bill Perkins

OFFICE OF THE PRESIDENT
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Gale A. Brewer, Borough President

March 25, 2014

**Recommendation on**
**ULURP Application No. C 130208 ZMM**
**West 106 Street Rezoning**
**By PWV Owner LLC**

## PROPOSED ACTION

PWV Owner LLC[1] (the "Applicant") seeks a **zoning map amendment** to Zoning Map Section No. 5d to contextually rezone lots 20 and 57, of Block 1860 (the "Site"), located along West 106th and West 105th Street between Amsterdam Avenue and Columbus Avenue from an R7-2 zoning district to an R8A zoning district for Lot 20 and an R8B zoning district for Lot 57.

Background

In 2007, the City Planning Commission (The "Commission") approved the Department of City Planning's (DCP) application for the Upper West Side Rezoning (Application No. C 070427 ZMM), a comprehensive rezoning of the Upper West Side of Manhattan. The rezoning's borders were West 97th Street to the south, West 110th Street to the north, midblock between Central Park West and Manhattan Avenue to the east, and midblock between Riverside Drive and West End Avenue to the east.

DCP's application was in response to the recommendations made by Community Board 7's (CB7) 97-110 Street Rezoning Task Force. After thorough community outreach and an extensive collaborative process with all stakeholders, DCP found that the existing zoning districts of R8 and R7-2 were not consistent with the area's built character of low-scale 4 to 7 story buildings along the midblock and larger 12 to 17 story buildings along the avenues. These districts promoted out-of-scale development. The Upper West Side Rezoning focused on rezoning a number of Avenues and midblocks between West 97th Street and West 110th Street from R8 and R7-2 districts to contextual R9A, R8A, and R8B districts. The Site was within one of the proposed split R8A and R8B rezoning areas. However, it was not included in the final approval since at the time an existing nursing home facility operated by Jewish Home Lifecare (JHL) was planning the redevelopment of a new long-term care facility and residential tower on the site. This proposed development would have been incompatible with the height and setback restrictions in the R8A and R8B zoning districts proposed under the 2007 rezoning.

JHL and CB7 signed a Memorandum of Understanding (MOU) in which JHL agreed not to construct any building on the site other than the new long-term care facility. In the event that JHL did not build the long-term care facility, any new development would be limited to R8A zoning district on the northern portion of the site and R8B zoning district on the southern portion of the site. The MOU would run with the land and be binding on all future owners.

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[1] PWV Owner LLC is owned by Joseph Chetrit of the Chetrit Group

After the Upper West Side Rezoning was completed JHL decided to construct the new long-term care facility on West 97th Street between Columbus Avenue and Amsterdam Avenue. JHL entered into an agreement with the applicant to sell the entirety of the site to the applicant and the applicant would subsequently apply to the commission for the site to be included in the existing R8A and R8B zoning district under the conditions of the MOU. No redevelopment of the site would commence until JHL's new building is completed and JHL's clients are moved to the new location, which is not expected to take place before 2017.

Area Description

The site is located in the Manhattan Valley neighborhood of Community District 7. Its neighborhood character is principally residential and community facility uses with commercial retail primarily located on the ground floor along Broadway, Amsterdam Avenue, and Columbus Avenue. The built residential character is a mix of rowhouses and four to six story apartment buildings on the side streets and 12 to 17 story apartment buildings along the avenues.

Nearby community facilities include PS 145 directly across from the Site at West 105th Street, MS 54, the Booker T. Washington Middle School, a YMCA facility, the Cluster House, a single adult living facility for the formally homeless living with mental illness, Veritas, a residential facility for persons recovering from substance abuse, and a number of religious institutions.

There is an abundance of open space with Central Park two blocks to the East, Riverside Park three blocks to the West, and Morningside Park four blocks to the North. There are two playgrounds in the area, Bloomingdale Playground, two blocks to the South, and Booker T. Washington Playground, two blocks to the North.

Transit in the area consists of the B and C subway lines along Central Park West with stops at West 103rd Street as well as the 1 train line running along Broadway with stops at West 103rd Street. The area is also served by multiple bus lines, in particular the M7, M11, and M116 which travel along West 106th Street.

Site Description

The Site consists of 88,731 square feet on Lots 20 and 57 within Block 1860. It is located in the midblock portion bordered by Amsterdam Avenue to the west, Columbus Avenue to the east, West 105th Street to the north and West 106th Street to the south. The Lot 20 portion is currently owned by JHL, while Lot 57 is owned by a related entity. JHL currently operates a 514-bed nursing home on the Site consisting of five interconnected buildings ranging in height between two and nine stories.

Project Description

Pursuant to the MOU the Applicant is requesting a contextual rezoning of the Site from an R7-2 zoning district to an R8A zoning district for Lot 20, fronting West 106th Street, and an R8B zoning district, fronting West 105th Street. The applicant proposes a future redevelopment scenario of a three building mixed-use residential and community facility development.

The R7-2 zoning district is a medium density residential district that allows for either a height factor or quality housing building envelope. Height factor regulations encourage taller buildings and smaller lot coverage on large lots with the building height controlled by the sky exposure plane. The proposed R8A and RB8 are contextual zoning districts with mandatory quality housing regulations requiring new development to be consistent with the character of the neighborhood, with defined maximum street wall

heights and maximum height limitations of 120 feet in R8A zoning districts and 75 Feet in R8B zoning districts.

As reported in the Environmental Assessment Statement's (EAS) "future with action" Reasonable Worst-Case Development Scenario (RWCDS), the Site will be three mixed-use residential buildings with community facility space. This would include two 11-story buildings connected by an 8-story central core along West 106th Street and a 7-story building along West 105th Street. The three buildings will contain approximately 628,886 gross square feet (gsf) of floor area, including 597 market rate dwelling units, 31,006 gsf of Community Facility Space, and 208 accessory parking spaces below grade.

**COMMUNITY BOARD RECOMMENDATION**

At a Full Board meeting on February 4, 2013 Community Board 7 voted to **approve** the application with a vote of 32 in favor, 2 opposed, 2 abstentions, and 1 present. In addition to its approval Community Board 7 prepared a companion letter to further explain its decision to approve. The letter summarized the well-attended January 15, 2014 meeting of Community Board 7's Land Use Committee where a number of Neighborhood and Block Associations voiced support for the contextual rezoning of the Site but had significant concerns with the appropriateness of JHL's proposed move to West 97th Street. Community Board 7's companion letter went on to clarify that the Community Board's support of the contextual rezoning of the Site in no way demonstrated support of JHL's West 97 Street proposal and does not preclude JHL from remaining at the West 106th Street location.

**BOROUGH PRESDENT'S COMMENTS**

Now that JHL's redevelop plans have changed, the reason to retain the current R7-2 zoning district no longer exists. The zoning for this portion of Block 1860 should be restored to the R8A and R8B contextual zoning districts similar to the rest of the block and as originally proposed in the 2007 rezoning. The existing R7-2 zoning district potentially allows for height factor development with excessive heights and low street walls, which are inconsistent with the existing character of the neighborhood. The rezoning to R8A and R8B zoning districts allows for appropriate growth, while at the same time protecting the upper West Side low-density midblocks.

Similar to CB7, the office of the Manhattan Borough President is not endorsing a move by JHL from its present location. The concerns raised by Community Board 7's companion letter regarding JHL's proposed new development on West 97th Street are valid and deserve to be responded to by the overseeing agency, the New York State Department of Health. The Office of the Manhattan Borough President has been monitoring the JHL West 97th Street proposal as it goes through the environmental review process and is looking forward to reviewing and commenting on the Draft Environmental Impact Statement when it becomes available to the public.

The application is a zoning map change with no site plan for the Site. The EAS analyzed only two scenarios with residential development and community facilities. The possibilities of JHL remaining at the site or redeveloping the site for its use were not considered. In the absence of JHL remaining at the site, there is no consideration in either the rezoning application or the EAS of affordable housing at the site. The EAS's "Future no action" and "Future with action" RWCDS assumed all future residential units would be market rate units (380 units with a "future no-action" and 597 units with a "future with action"). Both of these scenarios are based on the assumption of a minimum unit size of 850 gsf, which far exceeds the gross square foot minimums set forth in the City of New York's Zoning Resolution § 23-22. The R8A section of the proposed rezoning allows for greater density and a higher maximum building height than the current building or the "Future no action" Quality Housing scenario described

in the EAS. A recalculation of minimum unit size along with the increase in density and height from the R8A zoning district should allow for more units to be developed at this site.

If JHL sells the site for development pursuant to the agreement it has with the Applicant, the redevelopment of the site is anticipated to occur not earlier than 2017. There is sufficient time to develop an affordable housing component as well as the possibility of programs that could provide for affordable housing in sites such as these. There is a city-wide need for affordable housing and the Office of the Manhattan Borough President strongly recommends that this location be reviewed by the Commission and the New York City Department of Housing and Preservation as an appropriate location for the inclusion of affordable housing. The Commission and HPD are further strongly encouraged to work with the applicant to include an affordable housing component in any future residential development on this site.

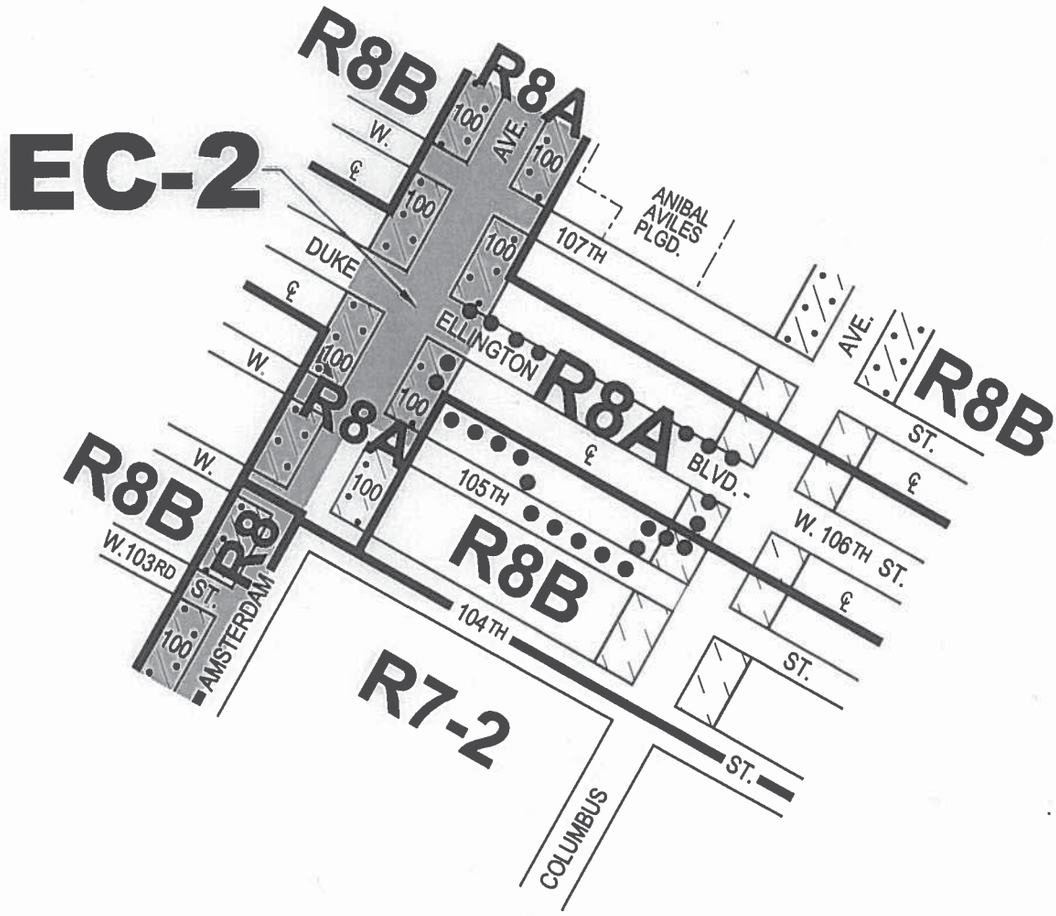
In conclusion, the proposed contextual rezoning will help reunite the Site with the surrounding R8A and R8B zoning districts and the intent of the original 2007 Upper West Side Rezoning. The current R7-2 zoning could allow possible future out-of-scale development under the Height Factor option and given the Community Board's strong opinions on this matter, a rezoning to contextual districts is appropriate. The proposed R8A and R8B District limit the height of any future development and reflect the existing built character of the neighborhood.

**BOROUGH PRESIDENT'S RECOMMENDATION**

The application by PWV Owner LLC for a **zoning map amendment** to Zoning Map Section No. 5d to rezone property along West 106th Street from an R7-2 District to an R8A District and to rezone property along West 105th Street from an R7-2 District to an R8B District is appropriate.

**Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 130208 ZMM.**

Gale A. Brewer
Manhattan Borough President




CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

**ZONING CHANGE**

ON SECTIONAL MAP

**5d**

BOROUGH OF

**MANHATTAN**

New York, Certification Date
*DECEMBER 16, 2013*

J. Miraglia, Director
Technical Review Division

SCALE IN FEET

400 0 400

NOTE:

Indicates Zoning District Boundary.

The area enclosed by the dotted line is proposed to be rezoned by changing an R7-2 District to R8A and R8B Districts.

Indicates a C1-5 District.

Indicates a C2-5 District.

EC-2 Indicates a Special Enhanced Commercial District -2 ( **EC-2**).

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.