

Community Board 7

Resolution re:

Disposition of City-owned Property to West Side Foundation for Senior and Supportive Housing, Inc., Rezoning of a Portion of West 108th Street, and Zoning Map Amendment and Designation of the Acquired WSFSSH Property as an Urban Development Action Area and an Amendment to Appendix F of the Zoning Resolution to Designate the Project as a Mandatory Affordable Housing Area.

The New York City Housing Preservation Department ("HPD") proposes to dispose of city-owned property, currently used as parking garages. West Side Federation for Senior and Supportive Housing ("WSFSSH") will become the recipient of the property upon construction. In connection with the proposed transfer, HPD has applied for a change in the zoning map from R8B to R8A for the area covered by the property on West 108th Street between Amsterdam and Columbus Avenue, and to designate the property an Urban Development Action Area.

The property consists of western and eastern portions, separated by Anibel Aviles Park. The property consists of 103-107 West 108th Street, presently containing a three story garage (the "Eastern Site"); 137-143 West 108th Street, presently containing a five story garage and 151-159 West 108th Street, presently containing a four story garage and 145-149 West 108th Street, which is a 6 story building owned by WSFSSH (collectively the "Western Site"). Total garage capacity is 675 cars.

The proposed Western Site would contain an 11 story building with an FAR of 5.3 (below the maximum of 7.2 FAR allowable under R8A zoning with Mandatory Inclusionary Housing), or 160,463 feet of floor area. The building would rise to a base height of 75 feet four inches to 95 feet ten inches, the base being no more than 15 feet from the street line. At the top of the base, there would be a 15 foot set back of the building which rises to a total of 115 feet six inches (11 stories). The rear yard would be 30-41 feet in depth.

The Western Site would contain 195 units of affordable housing with supportive services for seniors and families. The units will be limited to families or individuals earning from 30% to 60% of the Area Median Income (AMI). The Western site will also contain a 110 bed transitional homeless shelter for older adults (an increase from 92 beds presently at the WSFSSH facility at the site); a 5,040 square foot community facility designed to house a not-for-profit medical clinic, meeting spaces and a dining area, as well as garage space for the Central Park Medical Unit's ambulances.

During construction, WSFSSH would temporarily relocate the formerly homeless individuals living at the site to a building located at 340 West 85th Street.

The building proposed for the Eastern Site would contain 81 units of senior housing and a superintendent's apartment. It

would have an FAR of 5.3 (40,115 feet of floor area). Its base height would be 82 feet 26 inches topped by a set back and a total building height of 110 feet. The rear yard would be 39 feet 11 inches.

Construction of the Eastern Site building is proposed to commence in January 2023, nearly five years after commencement of construction of the building on the Western Site.

At present, the Western and Eastern Sites are zoned R8B with a maximum floor area ratio of 4.0 and a height limit of 75 feet.

WSFSSH, a well-established social service agency created in 1976, serves frail elderly individuals, older persons living with serious mental illness, homeless individuals, persons living with physical handicaps, grandparents raising their grandchildren, and families. WSFSSH houses more than 1,800 people at 26 sites on the Upper West Side, in Harlem, Chelsea and the Bronx.

WSFSSH was selected through a Request for Qualification process by the City to become a prequalified developer for City-owned development sites. In 2014, the NYC Department of Housing Preservation & Development ("HPD") selected WSFSSH as a Qualified Sponsor for the three City-owned parcels on West 108th Street, two of which are directly adjacent to 149 West 108th which is owned by WSFSSH. WSFSSH was awarded a contract by the NYC Department of Homeless Services ("DHS") to

take title of the subject property, to construct the buildings and provide the services outlined above.

There is a compelling need in the City of New York and on the Upper West Side for affordable housing and particularly for affordable housing for seniors. There is also a need for supportive housing for formerly homeless individuals. These needs will grow over the next several years in part because the City will cease to provide "cluster units" by 2021 and commercial hotel units by 2023, resulting in a citywide reduction of 45% of the total number of buildings used to shelter homeless individuals and families. According to HPD, approximately 360 locations will be vacated.

WSFSSH and HPD presented the plans outlined above at a series of public meetings including a public hearing conducted by CB7 in connection with the City's Uniform Land Use Review Procedure on October 30, 2017. More than 75 individuals testified in favor of and in opposition to the proposed project.

The most frequently voiced objection related to the loss of parking units. The testimony included claims of need for cars for access to work that is not well-served by public transit, or to care for frail or vulnerable relatives.

Some individuals expressed concern about the environmental impact of the proposed construction on the school (M.S. 54, the Booker T. Washington Middle School), directly across

the street from the project. In particular, this testimony concerned the impact on the school of noise, dust and the potential for release of hazardous materials during construction.

Other individuals expressed concern about the height and bulk of the proposed buildings. In addition, a number of speakers also addressed the "Fair Share" doctrine, citing the claimed disproportionate number of supportive housing units, shelters and similar facilities in the Manhattan Valley area and its immediately surrounding neighborhoods.

Community Board 7 has considered the objections, and the testimony in favor of the proposed project, and finds as follows:

1. There is a significant need in the City and in the Community Board 7 area for the provision of housing for the formerly homeless and elderly, as well as affordable housing for families. While the loss of parking will inconvenience patrons of the garages, the need for affordable housing outweighs the need for parking garages.

2. CB7 has considered the impact of the proposed construction on the school, including without limitation the noise generated during construction as well as the need for careful remediation of various hazardous materials confirmed to be present at the Western and Eastern Sites in the Draft Environmental Impact Statement. CB7 has met with elected officials and engineers

representing the engineering firm for the Project, and has participated in meetings between WSFSSH and the school's PTA and Administration. CB7 is relying on the representation made in the Draft Environmental Impact Statement (e.g. at pages ES-17 and 12-5) that WSFSSH "has committed to work with [the school] to coordinate the timing of more intensive construction activities so that they do not interfere with critical testing or school dates." Provided that such a commitment is be adequately documented so that it creates reasonable and easily identifiable protocols, as well as a clear sequence of contacts to address any concerns as they arise, CB7 is satisfied that environmental concerns will be adequately addressed during construction. As is typical of construction projects, particularly near schools, CB7 will work with an advisory group comprised of representatives of WSFSSH, the contractor, residential and business neighbors, and City and school representatives to address any complaints and concerns which may arise during construction.

3. With respect to the size of the project, the existence of two parks on the affected block as well as the proposed use, together with the introduction of rear yards behind the Western and Eastern Sites larger than currently available with the existing condition, justifies an increase in permissible floor area and height. CB7 emphasizes that approval of the zoning map change is limited to the area covered by the application as finally

approved, and the Board's approval is based on the unique physical conditions and proposed use of the property. It is not to be considered as precedent for up-zoning elsewhere in Manhattan Valley or Morningside Heights.

There is presently no document binding the City or WSHFSSH to the elements of the plan outlined above. It is expected that a Land Disposition Agreement will be executed after the ULURP period has ended. WSHFSSH and HPD have represented that the Land Disposition Agreement will bind WSHFSSH to construct a building on the Western site in accordance with HPD's application; will include a commitment to transfer both the Western and Eastern Sites to WSHFSSH; and will include a provision that the restrictions contained in the application will run with the land and bind any future owner or party in control of these Sites. HPD has also represented that a regulatory agreement respecting the use of the Sites, requiring them to be used for affordable and supportive housing as detailed by WSHFSSH in the DEIS and other submissions, will be entered into by WSHFSSH and the appropriate City representatives for the longest term permissible under law, currently 60 years. Community Board Seven's approval is conditioned upon the execution, recording and binding effectiveness of the appropriate documents in accordance with these representations.

The current design for the proposed buildings differs materially from a design proposal circulated in earlier phases of the project. The current design proposal has eliminated many design features of the earlier proposal, including breaks in the building line, outdoor seating, and an inviting streetscape. Under the current design, the entire street-front of the proposed Western building is dominated by large windows. These windows will not enhance the streetscape but will deaden it. In particular, most of the windows will provide a view of a medical clinic waiting room. This is not a desirable feature, whether viewed from the inside or the outside. Community Board 7 notes that, given the non-residential nature of the block and the presence of two parks, the developer should have greater freedom to design an imaginative and esthetically appealing building, without sacrificing function. Community Board Seven urges the developer and the City to revisit the earlier design and incorporate the desirable features of that design which have been eliminated.

WSHFSSH has represented that it will form a community advisory group to coordinate construction issues with representatives of the Booker T. Washington School across the street from the site and of residential and business neighbors near the Project Sites. Community Board 7 urges the developer to take all reasonable steps to avoid disruption of school activities,

including refraining from using equipment generating significant noise and/ or vibrations during school hours; and urges WSFSSH not to apply for, and the City not to grant after hours variances for construction before or after the permitted work day and especially on weekends except when critically necessary to abate a true emergency or address a dangerous condition.

Community Board Seven is cognizant of the dislocation caused to monthly parkers in the garages, and urges WSHFSSH and the City to provide assistance and information to enable the parkers-- particularly those for whom a car is essential for work, and/ or by reason of disability-- to find alternative sites. Such assistance and information should be provided in a manner that addresses the impact of the displacement of residents in the immediate Manhattan Valley vicinity from a resource that heretofore has been a significant community asset.

Community Board Seven deems the lack of adequate affordable housing, and in particular the thousands of seniors on multi-year waiting lists for affordable and supportive housing, to be an immediate and pressing problem, and urges the City to transfer the Eastern site on an expedited basis, without waiting five years as proposed.

For the foregoing reasons, CB7:

1. Approves the proposed rezoning and remapping of the WSHFSSH sites from R8B to R8A.

Committee Members:	Committee non-members:
For:19	4
Against:0	1
Abstain:0	0
Abstain for cause: 3	0

:

2. Approves designation of the area comprising the WSHFSSH sites as an Urban Development Action Area:

Committee members:	Committee non-members:
For: 19	4
Against: 0	1
Abstain: 0	0
Abstain for cause:3	0

3. Approves the Application to Amendment Appendix F of the Zoning Resolution to designate the WSHFSSH sites as a Mandatory Affordable Housing Area.

Committee members:	Committee non-members:
For: 19	4
Against:0	1
Abstain: 0	0
Abstain for cause:3	0

4. Approves the disposition of the sites described above to WSHFSSH, provided, however, that the building has the height, bulk and massing described above and in the application for rezoning; that the use of the property be limited to the purposes described in the application; that in no event shall the building be used for private housing or commercial purposes other than as described in the application, and that the restrictions set forth in the application run with the land.

Committee members:	Committee non-members:
For: 19	4
Against:0	1
Abstain: 0	0
Abstain for cause: 3	0

5. Urges HPD to expedite the ~~tansfer~~transfer of title to the Eastern Site to WSFSSH without waiting five years from the date of commencement of construction of the Western Site:

Committee Members: Non-Committee board members:

For: 18	3
Against: 2	2
Abstain: 0	0
Abstain for cause: 0	0