

Borough President Recommendation

City Planning Commission
22 Reade Street, New York, NY 10007
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Docket Description: C 180112 ZMM, N 180113 ZRM, C 180114 HAM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 5d, by changing from an R8B District to an R8A District property bounded by a line 100 feet easterly of Amsterdam Avenue, a line midway between West 109th Street and West 108th Street, a line 100 feet westerly of Columbus Avenue, and West 108th Street, as shown on a diagram (for illustrative purposes only) dated October 16, 2017.

IN THE MATTER OF an application submitted by New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

(1) pursuant to Article 16 of the General Municipal Law of New York State for:

- a. the designation of property located at 103-107, 137-143, 145-149 and 151-159 West 108th Street (Block 1863, Lots 5, 10, 13, and 26), as an Urban Development Action Area; and
- b. an Urban Development Action Area Project for such area; and

(2) pursuant to Section 197-c of the New York City Charter for the disposition of property located at 103-107, 137-143, and 151-159 West 108th Street (Block 1863, Lots 5, 13, and 26) to a developer to be selected by HPD; to a facilitate a development containing affordable housing and community facility space.

COMMUNITY BOARD NO:

7

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)
- EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached



BOROUGH PRESIDENT

January 24, 2018

DATE



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THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

January 24, 2018

**Recommendation on
ULURP Application Nos. C 180113 ZMM, 180113 ZRM, and 180114 HAM –
West 108th Street WSFSSH Development
By The Department of Housing Preservation and Development of the City of New York**

PROPOSED ACTIONS

The Department of Housing Preservation and Development of the City of New York (HPD) is seeking the following actions:

- (1) Zoning map amendment to Zoning Sectional Map 5d to rezone Block 1863, Lots 5, 10, 13, 17, and 26 (Project Area) from R8B to R8A;
- (2) Zoning text amendment to Appendix F of the Zoning Resolution to designate the Project Area as a Mandatory Inclusionary Housing Area; and
- (3) Designation of an Urban Development Action Area (UDAA) and approval of an Urban Development Action Area Project (UDAAP) for Block 1863, Lots 5, 10, 13, and 26 (Development Site) and disposition approval for Block 1863, Lots 5, 13, and 26 to a developer of HPD's choosing¹

These actions will facilitate the development of two 11-story buildings (Proposed Development) that will contain a total of 277 units (275 rental affordable housing units and two accessory superintendent's units); a transitional shelter to replace and enlarge an existing facility; office space for support services; and replacement parking spaces for the ambulances owned by the Central Park Medical Unit. The Proposed Development is located mid-block on West 108th Street between Amsterdam Avenue and Columbus Avenue (Block 1863, Lots 5, 10, 13, 17, and 26) in the Manhattan Valley neighborhood of Manhattan Community District 7.

In evaluating the text amendment, this office must consider whether the proposed language meets the underlying premise of the Zoning Resolution of promoting the general health, safety and welfare of the city and whether the developments it will facilitate would be appropriate to the neighborhood. Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, for appropriate growth, improvement and development of the neighborhood and borough.

¹ HPD has selected the West Side Federation for Senior and Supportive Housing (WSFSSH), a community-based nonprofit organization that develops and manages affordable and supportive housing, primarily on the Upper West Side.

City-owned properties that are no longer in use or are in deteriorated or deteriorating condition are eligible to be designated as UDAA and UDAAP, pursuant to the Urban Development Area Act (Article 16 of the State General Municipal Law). UDAA and UDAAP provide incentives for private entities to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or UDAAP designation the City Planning Commission and the City Council must find that:

- (a) The present status of the area tends to impair or arrest the sound growth and development of the municipality;
- (b) The financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to [the tax incentives provisions of the Urban Development Action Area Act]... is necessary to enable the project to be undertaken; and
- (c) The area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

Section 197-c of the New York City Charter mandates that the disposition of all city-owned real property (other than the lease of office space) be subject to the Uniform Land Use Review Procedure (“ULURP”). While no specific findings must be met to make a property eligible for disposition under Section 197-c, Section 1802(6) (j) of the Charter limits HPD to the disposition of residential real property.

PROJECT DESCRIPTION

The Project Area consists of Block 1863, Lots 5, 10, 13, 17 and 26, and it encompasses both the Development Site and the Anibal Aviles Playground on Lot 17. It has a total area of approximately 60,552 square feet. Lot 5 is a 12,615 square foot, HPD-owned lot that is currently developed with a 4-story public parking garage with 250 public parking spaces. Lot 10 is a 7,569 square foot lot that is currently developed with the 5-story Valley Lodge building, a transitional shelter accommodating 92 homeless persons. The West Side Federation for Senior and Supportive Housing (WSFSSH) acquired Lot 10 from HPD in 1986. Lot 13 is a 10,092 square foot, HPD-owned lot that is currently developed with a 5-story public parking garage with 300 public parking spaces. Lot 26 is a 7,569 square foot, HPD-owned lot that is currently developed with a 3-story public parking garage with 125 public parking spaces.

HPD is seeking a zoning map amendment of the existing R8B zoning to R8A in order to facilitate the construction of the Proposed Development, a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing Area, designation and approval of the Development Site as an UDAAP, and disposition of the HPD-owned Lots 5, 13, and 26 to WSFSSH, their selected developer.

Background

The Project Area was zoned R7-2 in the 1961 Zoning Resolution. In 1964, the City Planning Commission (CPC) designated the Project Area and surrounding blocks as the Cathedral Parkway Urban Renewal Area (CPURA) and approved the Cathedral Parkway Urban Renewal

Plan (CPURP) for the CPURA. In 1968, the CPC approved the acquisition of seven sites within the CPURA, including the Project Area.

In 1983, CPC approved the disposition of Lot 10 (C 831231 HDM). WSFSSH acquired Lot 10 in 1986 and developed Valley Lodge, which opened in 1988.

In 2007, CPC approved the Upper West Side Rezoning, which upzoned the Project Area from R7-2 to R8B (C 070427 ZMM), and introduced height limits and increased the maximum Floor Area Ratio (FAR) at the Development Site from 3.44 to 4.0.

In 2008, CPC approved an amendment to the CPURP to split the Project Area into five sites (C 080066 HUM), and changed the designated use under CPURP of Lots 5, 13, and 26 from residential to commercial and changed the designated use of Anibal Aviles Playground (Lot 17) from residential to open space. CPC also approved the designation of Lots 5, 13, and 26 as an urban development action area and an urban development action area project, and the disposition of Lots 5, 13, and 26 to a developer selected by HPD (C 080067 HAM). City Council approved these actions, but the disposition never occurred, and CPURP expired in 2008 and its controls no longer apply.

Proposed Development

The Proposed Development would include two buildings with a total of 277 units (275 affordable units and two superintendent's units) and would include a new facility for residents of the current Valley Lodge and replacement parking for the Central Park Medical Unit, a volunteer ambulance service. The project would be subject to a 60-year regulatory agreement with HPD.

The first phase of the Proposed Development would be the Western Building, developed on Lots 5, 10, and 13. It would contain approximately 194 affordable housing units, including 115 supportive housing units and 79 affordable housing units for families and singles. The Western Building would also upgrade and replace the existing Valley Lodge to provide a transitional shelter with a capacity of 110 beds. During construction, WSFSSH would temporarily relocate the formerly homeless persons at Valley Lodge to a building located at 340 West 85th Street. In addition, the Western Building would contain an office suite for WSFSSH's support services, an accessory superintendent's unit, office space and enclosed parking space for the Central Park Medical Unit, and restrooms and storage area for the Anibal Aviles Playground next door.

The Western Building would be 11-stories, with a total height of 115 feet, 6 inches, exclusive of permitted obstructions, and a zoning floor area of 160,463 square feet, for an FAR of 5.3, which is below the maximum allowable FAR of 6.02 under R8A. The transitional shelter would occupy approximately 11,981 square feet, and it would also contain 1,133 square feet of accessory Use Group 3 community facility space and 4,886 square feet of Use Group 4 community facility space.

The second phase would be the Eastern Building, developed on Lot 26. It would not be constructed until approximately five years after construction of the Western Building commences, and would provide a maximum of 81 units of senior housing and one accessory

superintendent's unit. It would also be 11-stories, with a total height of 110 feet exclusive of permitted obstructions, and a zoning floor area of 40,115 square feet, for an FAR of 5.3.

Area Context

The Project Area is in the Manhattan Valley neighborhood of Manhattan Community District 7. The properties within approximately 600 feet of the Project Area are zoned R8B, R8, R8A, C1-9, and R7-2 and are predominantly developed with multifamily residential buildings. Building heights generally range from 5 to 16 stories.

The majority of the surrounding area is in an R8B district, a contextual, medium-density district that permits residential and community facility development with a maximum FAR of 4.0. New development must comply with Quality Housing bulk regulations and heights are limited to 75 feet. The blocks north of the R8B district are zoned R8, which permits a FAR of up to 6.02, with building heights governed by a sky exposure plane. The block further north is zoned R7-2, with a FAR of up to 3.44. Buildings in the R7-2 and R8 districts may also be built to optional Quality Housing regulations. Block frontages along West 106th Street and Amsterdam Avenue, south and west of the Project Area, are zoned R8A, which permits residential and community facility development with a maximum FAR of 6.02, and mid-blocks in the surrounding area are zoned R8B. These districts contain residential buildings of 5 to 15 stories.

The surrounding area is well served by a number of open spaces and recreational facilities, including the Anibal Aviles Playground located in the Project Area on Lot 17. MS54 Booker T. Washington Middle School and the Booker T. Washington playground are across West 108th Street, and Morningside Park at West 110th Street is also a major accessible open space resource. Designated landmarks include the Cathedral of St. John the Divine and the Cathedral Close, and the Morningside Park scenic landmark.

The surrounding area is well served by transit. The No. 1 subway line runs along Broadway, one block west of the Project Area, and the B and C lines run along Central Park West, three blocks east of the Project Area. Both lines have stations at 110th Street-Cathedral Parkway. Bus routes include the M7, which runs along Manhattan Avenue and West 106th Street; the M11 which runs northbound along Columbus Avenue, westbound along Cathedral Parkway, and southbound along Amsterdam Avenue; and the M116 crosstown, which runs along West 106th Street and Manhattan Avenue.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on December 5, 2017, Manhattan Community Board 7 (CB7) approved five resolutions related to the West 108th Street WSFSSH project:

- (1) With 28 votes in favor, 0 against, 4 abstentions, and 3 present but not voting, CB7 approved the proposed rezoning and remapping of the WSFSSH sites from R8B to R8A;
- (2) With 28 votes in favor, 0 against, 4 abstentions, and 3 present but not voting, CB7 approved designation of the area comprising the WSFSSH sites as an Urban Development Action Area;

- (3) With 28 votes in favor, 0 against, 4 abstentions, and 3 present but not voting, CB7 approved the zoning text amendment to designate the WSFSSH sites as a Mandatory Inclusionary Housing Area;
- (4) With 28 votes in favor, 0 against, 4 abstentions, and 3 present but not voting, CB7 approved the disposition of sites to WSFSSH, provided that the proposed development and the use of the property be limited to what is described in the application, and that within 60 days of the conclusion of the Uniform Land Use Review Procedure (ULURP), the City executes a legally binding document agreeing to the transfer to WSFSSH of the sites; and
- (5) With 21 votes in favor, 6 against, 4 abstentions, and 3 present but not voting, CB7 approved a resolution urging HPD to expedite the transfer of title of the site for the Eastern Building to WSFSSH without waiting five years from the date of commencement of construction of the Western Building.

WSFSSH and HPD presented the plans at a series of public meetings at CB7. 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, especially for those who needed cars for access to work, or to care for frail or vulnerable relatives. Other concerns included the environmental impact of construction on MS54 across the street, the height and bulk of the proposed buildings, and the “Fair Share” doctrine regarding the proportion of supportive housing units in the Manhattan Valley area.

In their discussions, CB7 emphasized that there is a compelling need in the City of New York and on the Upper West Side for affordable housing, particularly for seniors, and also a need for supportive housing for formerly homeless individuals. Ultimately, CB7 found that while the loss of parking would inconvenience patrons of the garages, the need for affordable housing outweighs the need for parking garages. CB7 also considered the impact of the proposed construction on the school, met with elected officials and engineers, and concluded that the environmental concerns would be adequately addressed if the commitments made are kept. In terms of building context, CB7 expressed that the existence of open space on the block justifies an increase in permissible floor area and height, but this should not be considered as precedent for upzoning elsewhere in Manhattan Valley or Morningside Heights.

CB7 voted to approve the proposed actions conditional upon:

- (1) A document legally binding the City and WSFSSH to the elements of the proposed plan;
- (2) Formation of a community advisory group to coordinate construction issues;
- (3) Maximum protection for a safe workplace during construction for workers and those nearby; and
- (4) Meaningful hiring practices that engage with the ethnically diverse immediate community.

In addition, CB7 strongly recommended that the construction of the Eastern Building be expedited so it can begin sooner than five years after the Western Building, that HPD provide assistance and information to enable dislocated monthly parkers to find alternate sites, and that WSFSSH revisit the earlier proposed designs and incorporate some features that have since been eliminated.

BOROUGH PRESIDENT’S COMMENTS

The West 108th Street project enlists the expertise and capacity of WSFSSH, a trusted and long-time community partner. Alongside the tireless efforts of CB7, WSFSSH and HPD carried out an extensive pre-ULURP planning process that serves as an example for how future public engagement should be done. The end results are affordable and supportive housing that go far beyond the required threshold of Mandatory Inclusionary Housing, a real community resource that addresses multiple needs, a restrained building form that is sensitive to the surrounding context, and responsive measures from the developer every step of the way to mitigate neighborhood impacts.

There is no doubt that the eventual loss of 675 inexpensive parking spaces is a steep price to pay for those who rely on them. While this office believes that car congestion in Manhattan is a long-term problem and one that will require creative solutions in the future, we recognize that any major change should be a gradual process with sustained support. There are many reasons why people use cars, and not all of them can be so easily and quickly phased out. We understand that the timing of the development of the Eastern Building for five years after the commencement of the Western Building is part of the effort to address this, as it would preserve those parking spaces in order to ease the transition for current users of the parking lots. We also concur with CB7 on the need for HPD to provide assistance and information for dislocated users to find alternate sites, and our office is always ready and willing to help as well.

Ultimately, the considerable merits of this project speak to what our office has always asked for out of the development process of the City. WSFSSH and HPD engaged with the community more than a year before certification in order to explain the project and gather feedback. This gave them the opportunity to incorporate additions such as parking and office space for the Central Park Medical Unit, community facility space, and restrooms and storage area for the Anibal Aviles Playground. It allowed them to properly engage with important stakeholders such as MS54 to ensure that there will be a way for potential problems that arise during construction to be adequately addressed. Rather than having a senselessly big building, this project will use only 5.3 of the maximum 6.02 allowed FAR from the upzoning to R8A so as to better fit in its context. Most important of all, in the midst of a housing crisis, in the midst of a homelessness crisis, this project will provide affordable and supportive housing – not 50%, not 75%, but 100% affordable on City-owned land – so that our families can find a stable home, our schools can be more integrated and inclusive, and our seniors and vulnerable populations will receive the care they deserve.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **approval** of ULURP Application Nos. C 180112 ZMM, 180113 ZRM, and 180114 HAM.

A handwritten signature in black ink, appearing to read "Gale A. Brewer". The signature is stylized and cursive.

Gale A. Brewer
Manhattan Borough President