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**IN THE MATTER OF** an application submitted by the NYC 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 (UDAA); and
  - b. an Urban Development Action Area Project (UDAAP) 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 108<sup>th</sup> Street (Block 1863, Lots 5, 13, and 26) to a developer to be selected by HPD

to facilitate a development containing affordable housing and community facility space, in the Borough of Manhattan, Community District 7.

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Approval of three separate matters is required:

1. 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 UDAA;
2. An UDAAP for such area; and
3. The disposition of 103-107, 137-143, and 151-159 West 108<sup>th</sup> Street (Block 1863, Lots 5, 13, and 26) to a developer selected by HPD.

The application for an UDAA designation and project approval and disposition of City-owned property (C 180114 HAM) was filed by HPD on October 10, 2017.

Approval of this application would facilitate the development of two new buildings with affordable and supportive housing and community facility uses on West 108<sup>th</sup> Street in the Manhattan Valley neighborhood of Manhattan, Community District 7.

## **RELATED ACTIONS**

In addition to the application for UDAAP designation, project approval, and disposition of City-owned property that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission (CPC) on the following concurrent applications:

- |                     |   |
|---------------------|---|
| <b>C 180112 ZMM</b> | Zoning map amendment to change an R8B zoning district to an R8A district        |
| <b>N 180113 ZRM</b> | Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area. |

## **BACKGROUND**

HPD is seeking UDAAP designation, project approval, and disposition of City-owned property to facilitate the construction of two new 11-story buildings with affordable and supportive housing and community facility uses on West 108<sup>th</sup> Street, in the Manhattan Valley neighborhood of Manhattan, Community District 7. The development, proposed by the West Side Federation for Senior and Supportive Housing (WSFSSH), would provide approximately 277 units of affordable and supportive housing, a 110-bed shelter, and office space for support services. WSFSSH is a nonprofit organization established in 1976 that provides supportive housing and social services to seniors. The organization currently operates 26 buildings, supporting approximately 2,000 individuals, located primarily on the west side of Manhattan and in the Bronx.

The project area, comprising Block 1863, Lots 5, 10, 13, 17 and 26, is located on the north side of West 108<sup>th</sup> Street and is generally bounded by Amsterdam Avenue to the west and Columbus Avenue to the east. It has a total lot area of 60,552 square feet and is currently mapped with an R8B zoning district.

The project area has been subject to a number of land use actions over the years. In 1948, the CPC assigned Block 1863, Lot 17 to the Department of Parks and Recreation (DPR) for playground purposes. The Anibal Aviles Playground remains under DPR's sole jurisdiction and is not subject to zoning regulation. In 1964, the CPC designated the project area and surrounding blocks as the

Cathedral Parkway Urban Renewal Area with an Urban Renewal Plan (CPURP). In 1968, the CPC approved the acquisition of several sites within the CPURA, which included the Project Area (CP-20329). Then in 1983, the CPC approved the disposition of Lot 10 (C 831231 HDM), which WSFSSH acquired from the City in 1986 to develop a 92-bed shelter, Valley Lodge, that opened in 1988. In 2007, the CPC approved the Upper West Side Rezoning (C 070427 ZMM), including the project area, which was rezoned from R7-2 to R8B. In 2008, the CPC approved the designation of Lots 5, 13, and 26 as an urban development action area and UDAAP, and the disposition of Lots 5, 13, and 26 to a developer to be selected by HPD (C 080067 HAM). The City Council approved these actions, but the disposition never occurred. The CPURP expired in December 2008 and is no longer in place.

Lots 5, 13, and 26 currently contain City-owned public parking garages with a total of 675 spaces: Lot 5, comprising approximately 46,190 square feet, contains a four-story garage with a capacity of 250 spaces; Lot 13, comprising approximately 45,000 square feet, contains a five-story garage with 300 spaces; and Lot 26, comprising approximately 21,800 square feet, contains a three-story garage with 125 spaces. The three parking garages are currently noncompliant with the required 30-foot rear setbacks and extend close to the rear lot line from West 108<sup>th</sup> Street, crowding the lots on West 109<sup>th</sup> Street. All three garages within the project area are active pursuant to month-to-month lease agreements between the garage operators and the City. Lot 10 contains the WSFSSH-owned five-story Valley Lodge shelter, which provides transitional housing for homeless seniors with a capacity of 92 shelter beds. Lot 17, located between Lots 13 and 26, is occupied by the Anibal Aviles Playground.

The surrounding area is mapped with R8, R8A, R8B, C1-9, and R7-2 zoning districts, with C1-5 and C2-5 commercial overlays mapped along the avenues. The area is generally developed with five- to eight-story walkup apartment buildings, with ground floor retail along the north-south avenues; brownstone townhouses in the neighborhood's eastern section; prewar high-rise elevator apartment buildings ranging from 12 to 18 stories; and New York City Housing Authority (NYCHA) developments to the south within an R7-2 district.

The Booker T. Washington Middle School and Playground is on West 108<sup>th</sup> Street across from the project area. Morningside Park, a designated scenic landmark, and the Cathedral of St. John the Divine and the Cathedral Close, an individual landmark, are two blocks north of the project area. The area is well served by public transit, with a stop for the 1 Subway line at Broadway and West 110<sup>th</sup> Street, and stops for the B and C lines at Central Park West and West 110<sup>th</sup> Street. Bus routes in the surrounding area include the M7, M11, and the M116 crosstown lines.

Lots 5, 10, 13, and 26 constitute the development site. The proposed project would consist of two buildings, the Western Building and the Eastern Building, with approximately 277 affordable units in total, ranging from studios to one- to three-bedroom apartments. Lots 5, 10, and 13 make up the site of the Western Building, and Lot 26 is the Eastern Building site. Although Lot 17 is part of the rezoning area, it is a public park for zoning purposes and not subject to zoning regulations. It is also not proposed for any redevelopment under the proposed actions.

Both the Western Building (Block 1863, Lots 5, 10, and 13) and the Eastern Building (Block 1863, Lot 26) would have frontage on the northern side of West 108<sup>th</sup> Street. The site of the Western Building has a combined lot area of approximately 30,276 square feet and the site of the Eastern Building has a lot area of approximately 7,569 square feet. The proposed development is designed to provide affordable housing, supportive housing and added shelter capacity for Valley Lodge, as well as office space for support services and additional community amenities. As the project area is located within the Manhattan Core, no parking is required.

The Western Building, which is anticipated to be constructed shortly after disposition, would contain approximately 194 affordable housing units, including 115 supportive senior housing units and 79 affordable units for individuals and families with incomes below 60 percent of the area median income (AMI), in addition to an accessory superintendent's unit. It would have a floor area of 160,463 square feet and a floor area ratio (FAR) of 5.3. The street wall would be entirely within 15 feet of the street line and the base height would range from approximately 75 feet to approximately 94 feet, above which there would be a 15-foot setback. The total building height would be approximately 115 feet at 11 stories, exclusive of permitted obstructions. The rear yard would vary in depth from 30 to 41 feet.

The development would incorporate an upgraded Valley Lodge Shelter, with an increased capacity of 110 beds from 92 beds, and would also provide community event spaces and an office suite for WSFSSH's support services. The building would also contain office space for the Central Park Medical Unit (CPMU) and enclosed parking for approximately three CPMU ambulances to be stored when not in use. CPMU, a volunteer ambulance service offering free emergency medical care throughout Central Park, currently stores ambulances in the existing parking garages. The Western Building would also include new public restrooms and a storage area for the adjacent Anibal Aviles Playground and a federally-qualified health center, available to the residents and the public, in partnership with the Institute for Family Health.

The proposed shelter enlargement for Valley Lodge exceeds 25 percent of its current floor area, meeting the requirement for a Fair Share Analysis, which was conducted by the Department of Homeless Services (DHS) in conjunction with this application. The Fair Share Analysis determined that the use of the site is appropriate and consistent with the criteria for the location of city facilities.

The Department of Homeless Services (DHS) conducted the Fair Share Analysis and determined that the proposed use of the site is appropriate and consistent with the criteria for the location of city facilities. While the upgraded Valley Lodge would not be a new shelter, its proposed enlargement exceeds 25 percent of its current floor area and therefore qualifies for a Fair Share Analysis, which was conducted by the Department of Homeless Services (DHS) in conjunction with this application.

Construction of the Eastern Building is not planned to begin until five years after construction of the Western Building commences. The proposed Eastern Building would provide a maximum of 81 units of senior supportive housing and one accessory superintendent's unit. The building would have a floor area of 40,116 square feet (5.3 FAR). The street wall would be at the street line and extend to a base height of approximately 82 feet with a 26-foot setback and a total building height of approximately 110 feet at 11 stories.

In addition to UDAAP designation and disposition of City-owned property, a zoning map amendment and a zoning text amendment are required to facilitate the proposed project. A zoning map amendment is proposed to change the existing R8B district to an R8A district. Under current R8B zoning, the maximum FAR for residential and community facility use is 4.0. At 4.0 FAR, approximately 121,104 square feet of floor area is generated on the site of the Western Building, and approximately 30,276 square feet of floor area is generated on the site of the Eastern Building. The R8A district allows for a maximum 7.2 FAR within an MIH area with a maximum base height of 105 feet and a maximum building height of 145 feet. The bulk regulations of the R8A zoning district would be limited by HPD through restrictions in the Land Disposition Agreement – a recorded document limiting the bulk of development to 5.3 FAR and ensuring that any development built at the site is as proposed in the ULURP application.

A zoning text amendment would designate the proposed R8A district as an MIH area mapped with Option 2. Option 2 requires that 30 percent of residential floor area be provided as housing permanently affordable to households earning an average of 80 percent of the AMI, with no unit targeted at a level exceeding 130 percent of the AMI. Because the proposed project would be community facility Use Group 3 (philanthropic or non-profit institutions with sleeping accommodations), it would not require MIH compliance. However, if the site were to be developed for residential use in the future, compliance with Option 2 would be required.

## **ENVIRONMENTAL REVIEW**

This application (C 180114 HAM), in conjunction with the applications for the related actions (C 180112 ZMM and N 180113 ZRM), 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 lead agency is HPD. The designated CEQR number is 17HPD083M.

It was determined that the proposed actions may have a significant effect on the environment, and that an environmental impact statement would be required. A Positive Declaration was issued on May 23, 2017, and distributed, published, and filed. Together with the Positive Declaration, a Draft

Scope of Work for the targeted Draft Environmental Impact Statement (DEIS) was issued on May 23, 2017. A public scoping meeting was held on the Draft Scope of Work on June 22, 2017. A Final Scope of Work, reflecting the comments made during the scoping, was issued on October 13, 2017.

A targeted DEIS was prepared and a Notice of Completion for the DEIS was issued on October 13, 2017. Pursuant to SEQRA regulations and CEQR procedures, a joint public hearing was held on the DEIS on January 31, 2018, in conjunction with the public hearing on the related applications (C 180114 HAM, C 180112 ZMM, and N 180113 ZRM).

A targeted Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing was completed and a Notice of Completion for the FEIS was issued on March 2, 2018. The targeted FEIS identified significant adverse impacts with respect to Construction (Noise). The identified significant adverse impacts and proposed mitigation measures are appended as Exhibit A.

The Land Disposition Agreement between the project sponsor and HPD would ensure that no significant adverse impacts related to air quality, noise or hazardous materials would result from the proposed project.

## **UNIFORM LAND USE REVIEW**

This application (C 180114 HAM), in conjunction with the application for the related zoning map amendment action (C 180112 ZMM), was certified as complete by the Department of City Planning on October 16, 2017, and was duly referred to Manhattan 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), along with the related application for a zoning text amendment (N 180113 ZRM), which was referred in accordance with the procedures for non-ULURP actions.

## **Community Board Public Hearing**

Community Board 7 held two public hearings for this application on October 30, 2017 and November 20, 2017. On December 5, 2017, by a vote of 28 in favor, none opposed, three present

but not voting, and four abstentions, the Community Board voted to approve the application with the following conditions:

1. The execution and binding effectiveness of appropriate documents reflecting the proposed plan;
2. The establishment of a community advisory group to coordinate construction issues and concerns raised by the Booker T. Washington Middle School and other neighbors; and
3. The provision of a safe construction site and selection from a diverse, local community hiring pool for construction workers and eventual support staff.

The Community Board also recommended that HPD expedite the Eastern Building site transfer to WSFSSH prior to the proposed five-year phasing from the start of the Western Building construction, that WSFSSH and the City provide assistance for alternative parking sites to displaced parkers, and that WSFSSH provide more outdoor seating for the Western Building. Lastly, the Community Board noted that the proposed height is uniquely appropriate for this portion of West 108<sup>th</sup> Street due to its open space conditions, but that this height should not be seen as a precedent for zoning changes in the area.

### **Borough President Recommendation**

This proposal (C 180114 HAM) was considered by the Borough President of Manhattan, who on January 24, 2018 recommended approval of the application.

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

On January 17, 2018 (Calendar No. 3), the CPC scheduled January 31, 2018 for a public hearing on this application (C 180114 HAM) and the applications for the related actions (C 180112 ZMM and N 180113 ZRM). The hearing was duly held on January 31, 2018 (Calendar No. 16). 23 speakers testified in favor of the application and one speaker testified in opposition.

HPD and WSFSSH provided an overview of the proposed development, including its design and planned community programming. WSFSSH described its two-year long engagement with the community to produce the project's design and programming, and confirmed its continued commitment to the neighborhood by establishing the Construction Advisory Group requested by



Community Board 7. The project's architect described the Western Building's massing, the ground floor layout and sustainability elements, and stated that the development would be participating in the Enterprise Green Communities Initiative. The architect indicated that the design team was willing to revisit aspects of the building's street-level façade treatments to improve the pedestrian experience and address any community design concerns. He also described the alternative parking solutions that the project team had explored but ultimately deemed too costly and inadequate, including a below-grade parking garage.

The applicant's environmental consultant confirmed that the existing parking that the proposed development would replace is not a CEQR impact because the site is in a transit-rich area and the three garages are primarily used for vehicle storage rather than daily commuting. She also indicated that the applicant agreed to enter New York City's Voluntary Cleanup Program to address the testing and remediation requirements at the site prior to construction.

Other speakers in favor included community members, Valley Lodge staff and residents, local nonprofit institutions, and a representative from the Friends of Anibal Aviles Playground. Many of these speakers commended WSFSSH's reputation in the community. Others emphasized the significant need for affordable housing and community services in the area, highlighted WSFSSH's success rates in effectively transitioning homeless seniors into supportive housing, and welcomed the increased safety that the proposed development would provide by replacing the parking garages with community resources and amenities.

A representative from the Save Manhattan Valley coalition testified in opposition to the project, urging the CPC to consider alternative sites in the area for affordable housing in order to preserve the well-used parking garages serving individuals who require their vehicles for professional and health reasons. The speaker expressed environmental and traffic concerns caused by cars circling through the neighborhood looking for alternative parking once the proposed development replaced the garages. He indicated additional environmental concerns resulting from the demolition of the garages and the subsequent, unmitigated airborne pollutants. He provided the CPC with a petition opposing the project, signed by 3,000 individuals, and an environmental study produced by the coalition.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application (C 180114 HAM) for UDAAP designation, project approval, and the disposition of City-owned property, in conjunction with the applications for the related actions (C 180112 ZMM and N 180113 ZRM), is appropriate.

The applicant is proposing two 11-story affordable and senior supportive housing buildings, the Western Building with 160,463 square feet (5.3 FAR) and the Eastern Building with 40,116 square feet (5.3 FAR). The Western Building would contain approximately 194 affordable housing units, including 115 supportive senior housing units and 79 affordable units for individuals and families with incomes below 60 percent AMI as well as an accessory superintendent's unit. The Western Building would also upgrade the transitional shelter, Valley Lodge, from 92 beds to 110 beds, and would include an office suite for WSFSSH support services. The site would also contain a health center, community event spaces, enclosed office and parking space for CPMU, and public restrooms and a storage area for the adjacent Anibal Aviles Playground. The street wall would be entirely within 15 feet of the street line and extend to a lowest base height of approximately 75 feet and a highest base height of approximately 94 feet, above which there would be a 15-foot setback. The total building height would be approximately 115 feet at 11 stories. The Eastern Building would not be constructed until five years after construction of the Western Building commenced and would provide approximately 81 units of senior supportive housing and one accessory superintendent's unit. The street wall would be at the street line and extend to a base height of approximately 82 feet with a 26-foot setback and a total building height of approximately 110 feet at 11 stories.

The WSFSSH Valley Lodge Shelter has been located on West 108<sup>th</sup> Street since 1988. WSFSSH is well-established and highly respected within the Upper West Side community, having provided senior supportive and transitional housing and support for approximately 40 years throughout the City. The proposed upgrade to the shelter, and the addition of affordable and supportive housing with support services available to residents and the public, would provide much needed affordable

housing and significant community resources to Manhattan and specifically, the Upper West Side. The Commission applauds the consistent public outreach and community engagement conducted by HPD and WSFSSH over two years that produced this comprehensive development proposal. The Commission acknowledges that WSFSSH is establishing a Construction Advisory Group as requested by Community Board 7 to address the construction-related concerns from neighbors and the Booker T. Washington Middle School.

Regarding concerns expressed at the public hearing and in written comments submitted following the hearing regarding the loss of parking, the Commission notes that while the replacement of the three existing parking garages would eventually eliminate 675 spaces, the project area is located in a transit-rich location with nearby subway and bus routes and alternative off-street parking options. The Commission appreciates attempts by WSFSSH to explore alternative parking solutions onsite and recognizes that alternative accommodations, such as a below-grade parking garage or surface area parking in the development's rear yard, would be too costly. Furthermore, because the proposed development is located within the Manhattan Core, provision of parking is not required. The demonstrated need for more affordable and supportive housing remains a priority for the site and the City.

Additionally, the three existing parking garages onsite are currently noncompliant with the required rear setbacks and extend close to the rear lot line from West 108<sup>th</sup> Street, crowding the lots on West 109<sup>th</sup> Street. The proposed development would comply with the 30-foot minimum rear yard requirement, providing more light and air into the buildings on West 109<sup>th</sup> Street and improving conditions of the project's surrounding area.

The zoning map amendment to change the existing R8B district to an R8A district is appropriate. R8A, a higher-density district, allows mid-sized buildings and is typically mapped along avenues with readily accessible public transportation. While a midblock, West 108<sup>th</sup> Street between Amsterdam and Columbus Avenues includes two open spaces, the Anibal Aviles Playground and the Booker T. Washington Playground. Given these open areas, the project area is in an unusually open location and therefore, the Commission believes it is suited for the R8A district.

The Commission recognizes that, under the R8A district, the proposed project would be able to achieve a development that provides more affordable and supportive housing and important community resources, including an expanded shelter, a federally-qualified medical facility, parking storage for CPMU ambulances, new public restrooms and storage for the adjacent Anibal Aviles Playground, and community event spaces. The bulk of development for this particular project would be limited by HPD through restrictions in a Land Disposition Agreement to 5.3 FAR for the Western and Eastern Buildings to keep the site within context (the R8A district allows for a maximum 7.2 FAR with MIH). This increase in residential and community facility density and height would allow for a comprehensive design of services through the two 11-story buildings that, particularly with their setbacks, would not unduly restrict access to light and air.

The zoning text amendment is appropriate. The designation of an MIH area mapped with Option 2 would be consistent with City policy supporting the production of affordable housing. While the applicant is proposing a 100 percent affordable housing development at the site, with approximately 196 units of senior supportive housing and 79 units of affordable housing for families and individuals earning less than 60 percent of the AMI, the designation is consistent with City policy.

## **RESOLUTION**

**RESOLVED**<sup>1</sup>, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 2, 2018, with respect to this application (CEQR No. 17HPD083M), 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 is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and

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<sup>1</sup> This has been modified to reflect the FEIS information as detailed in the Environmental Review Section of this report.

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, through the Land Disposition Agreement between HPD and the project sponsor, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes 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

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of properties located West 108<sup>th</sup> Street (Block 1863, Lots 5, 10, 13, and 26) in the Borough of Manhattan as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE, BE IT FURTHER RESOLVED**, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act:

- a) the designation of properties located at 103-107, 137-143, 145-149 and 151-159 West 108<sup>th</sup> 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

**BE IT FURTHER RESOLVED**, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration of this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 103-107, 137-143, and 151-159 West 108<sup>th</sup> Street (Block 1863, Lots 5, 13, and 26) in Community District 7, Borough of

Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved.

The above resolution (C 180114 HAM), duly adopted by the City Planning Commission on March 14, 2018 (Calendar No. 13), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*

**RAYANN BESSER, ALFRED C. CERULLO, III, RICHARD W. EADDY,**

**CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,**

**ORLANDO MARIN, LARISA ORTIZ**, *Commissioners*

# Exhibit A

**C 180114 HAM West 108<sup>th</sup> Street WSFSSH**

**Final Environmental Impact Statement**

CEQR: 17HPD083M

Chapter 13: Mitigation for Construction (Noise)

# West 108<sup>th</sup> Street WSFSSH Development

## Chapter 13: Mitigation

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### A. INTRODUCTION

As detailed in Chapter 1, “Project Description,” the City of New York – Department of Housing Preservation and Development (HPD) and the project sponsor, the West Side Federation for Senior and Supportive Housing (WSFSSH), as co-applicants, are seeking approval for several discretionary actions to facilitate the development of an estimated combined ~~28177~~ affordable units, an approximately 31,000 gross square foot (gsf) transitional housing facility for older adults with 110 shelter beds, and approximately 6,400 gsf of community facility space in the Project Area (the “Proposed Project”).

In accordance with the *City Environmental Quality Review (CEQR) Technical Manual*, where significant adverse impacts are identified, mitigation measures to reduce or eliminate the impacts to the fullest extent practicable are developed and evaluated. ~~This chapter~~The DEIS identified potential mitigation measures to address significant adverse impacts generated by the Proposed Project. ~~Mitigation measures, which were will continue to be~~ evaluated between the DEIS and FEIS. Therefore, the FEIS ~~may~~includes additional information on feasible and practicable mitigation measures to address significant adverse impacts of the Proposed Project.

The Proposed Project has the potential to result in significant adverse construction noise impacts. ~~Potential~~Mitigation measures for the identified significant adverse impact are identified below.

### B. PRINCIPAL CONCLUSIONS

As described in greater detail in Chapter 12, “Construction,” in addition to deploying standard noise control measures required pursuant to the New York City Noise Control Code, the project sponsor will provide a temporary fifteen-foot perimeter noise wall as a special noise control measure as part of the Proposed Project. While these measures would serve to reduce noise levels and were incorporated into the detailed analysis, the detailed construction noise analysis presented in Chapter 12 found that predicted noise levels due to construction-related activities associated with the Proposed Project would still result in potentially significant adverse noise impacts to adjoining residential buildings (along West 109<sup>th</sup> Street and Amsterdam and Columbus avenues) on a temporary basis during portions of the construction period. Potential noise mitigation measures—~~including voluntary outreach efforts by the project sponsor to improve window/wall attenuation for identified sensitive receptors, continuous construction noise monitoring, and enhanced community outreach and coordination with regard to the construction schedule and anticipated high noise periods—~~were explored and will continue to be evaluated between the DEIS and FEIS, and the project sponsor has committed to the following partial mitigation measures: the offer of AC units to impacted residential units, continuous construction noise monitoring, and enhanced community outreach and coordination with regard to the construction schedule and anticipated high noise periods. A final description of construction noise mitigation measures will be presented in the FEIS, taking into consideration public comments received on the potential measures discussed in the DEIS and the feasibility and practicability of such measures. While t~~The incorporation of feasible and practicable the above-listed~~



mitigation measures (to be enforced through the Land Disposition Agreement (LDA) between the City of New York – Department of Housing Preservation and Development (HPD) and the project sponsor) will substantially reduce construction noise exposure, ~~but it~~ is not expected to eliminate the significant adverse impact; therefore construction noise is considered an unavoidable significant adverse impact and is discussed in Chapter 15, “Unavoidable Adverse Impacts.”

## C. CONSTRUCTION NOISE

As described in greater detail in Chapter 12, “Construction,” in addition to standard noise control measures required pursuant to the New York City Noise Control Code (including a variety of source and path controls, such as ensuring that all equipment employs the manufacturer’s appropriate noise reduction device(s) and that construction devices with internal combustion engines keep their engine’s housing doors closed, covering portable noise-generating equipment with noise-insulating fabric, preventing vehicle engine idling on-site, etc.) the project sponsor will provide a temporary fifteen-foot perimeter noise wall as a noise control measure. The noise wall would serve to considerably reduce noise exposure, particularly at ground level. However, while these measures would be effective to reduce noise levels, the detailed construction noise analysis presented in Chapter 12 found that predicted noise levels due to construction-related activities associated with the Proposed Project would still result in potentially significant adverse noise impacts to adjoining residential buildings (along West 109<sup>th</sup> Street and Amsterdam and Columbus avenues). No significant adverse construction noise impacts would occur to the Booker T. Washington Middle School or area open spaces. Similarly, no significant impact was predicted for the impact of Building 2 construction on the occupied Building 1.

The following sections discuss mitigation options for the residential buildings where construction noise impacts were identified that would supplement the above described measures incorporated in the construction noise modeling. Construction noise mitigation measures discussed in this section ~~will continue to be~~ were evaluated and finalized between the DEIS and FEIS. ~~A final description of construction noise mitigation measures will be presented in the FEIS,~~ taking into consideration public comments received on the potential measures discussed in the DEIS. The incorporation of ~~feasible practicable~~ the mitigation measures described below would ~~can~~ serve to further reduce construction noise exposure, but is not expected to eliminate the significant adverse impact; therefore, construction noise is considered an unavoidable significant adverse impact and is discussed in Chapter 15, “Unavoidable Adverse Impacts.”

### Window/Wall Attenuation Improvements

During the construction of Building 1, significant adverse construction noise impacts are anticipated on at least one floor of the following locations: 124, 126, 132, 134, 136, 138, 140, 142, 144, 170, and 172 West 109<sup>th</sup> Street and 973, 981, 983, 985, and 987 Amsterdam Avenue. At these locations, residential interior noise levels could exceed 45 dBA intermittently during Building 1’s 28-month construction period, and during the peak of construction activity could involve an exceedance of 45 dBA by ten dBA or more. During the construction of Building 2, significant adverse construction noise impacts are anticipated on at least one floor of the following locations: 102, 106, 110, and 114 West 109<sup>th</sup> Street and 980 Columbus Avenue. At these locations, residential interior noise levels could exceed 45 dBA intermittently during Building 1’s 22-month construction period, and during the peak of construction activity could involve an exceedance of 45 dBA by ten dBA or more. It should also be noted that, while the representative construction equipment mix for each modeled month was conservatively used to estimate the overall duration of

impacts, by its very nature, construction noise varies substantially day to day depending on the specific work activities being undertaken. The predicted elevated noise levels due to construction would occur intermittently during the construction period. Noise levels during certain periods would be lower than the worst-case noise levels determined as part of the construction noise analysis; and outside of the construction work hours, when residents are more likely to be at home and (when residences would be most sensitive to noise), these receptors would not experience elevated noise levels as a result of construction.

Based on a pedestrian field review, the majority of the residential buildings affected appear to have standard double-paned windows and window air conditioning (AC) units, rather than central heating ventilation and air conditioning (HVAC) systems, and the above results assume their use to provide a level of exterior to interior noise attenuation during warm weather when windows would otherwise be opened for ventilation. Absent the use of a window AC, interior noise levels would be higher than described above.

Between the DEIS and FEIS, an additional field survey ~~will be~~was conducted to confirm the presence of operable window AC units in impacted residential units. Based on the estimated number of units that lack a functional window AC, the ~~feasibility of a program under which the project sponsor would have committed to provide offering~~ window ACs to those units ~~to those units~~, upon request, ~~will be evaluated~~.

However, as the use of window ACs would not completely eliminate the significant adverse impact, unmitigated significant adverse construction impacts could occur.

## Construction Noise Monitoring

A construction noise monitoring program is a potential mitigation measure that would aid in the identification and proactive resolution of noise exposure issues. For example, monitoring can help identify a specific piece of equipment requiring additional maintenance due to unexpectedly high noise levels or a problem with the effectiveness of a temporary noise barrier requiring corrective action. Noise monitoring is an adaptive management approach that cannot be quantitatively modeled, but would meaningfully contribute to minimizing community exposure to construction noise. A detailed monitoring protocol ~~would need to be~~was developed between the DEIS and FEIS, which is included in Appendix V. ~~The noise monitoring protocol specifies~~ the location(s) of noise monitoring during different construction phases, as well as the construction noise action levels triggering additional investigation or changes in the construction approach. ~~Sophisticated commercial monitoring equipment packages are available that could make the monitoring data accessible to the project sponsor and contractor online and provide automatic notification if preset thresholds are exceeded.~~

As presented in Appendix V, the project sponsor will conduct continuous noise monitoring from the start of demolition until substantial completion of the superstructure and window/walls, to capture noise levels during the noisiest phases of construction. Two noise monitors would be utilized throughout each building's construction: one to monitor noise levels at Booker T. Washington Middle School and a second to monitor noise levels at adjacent residential buildings. Three "action" noise threshold values will be used to assess the effectiveness of mitigation during construction: a "warning" noise threshold of 80 dBA  $L_{eq}$ , a "temporary halt" noise threshold of 85 dBA  $L_{eq}$ , and a "stop work" noise threshold of 90 dBA  $L_{eq}$ . If the warning noise threshold is exceeded, the cause will be investigated; if the noise is due to construction activity, mitigation measures (e.g., movable sound curtain, moving equipment) would be initiated and or verified to ensure that they are optimized for noise mitigation. If the temporary halt noise threshold is exceeded, then would be temporarily halted while the apparent cause is investigation and corrections are

made. Lastly, if the stop work noise level is exceeded, then a review of the cause would immediately be investigation, construction activity responsible for the exceedance would stop, the effectiveness of the implemented mitigation measures would be reviewed, and additional mitigation measures would be implemented. The results of the monitored data would be reviewed by the resident engineer on a daily basis when exceedances of monitoring thresholds are recorded.

## **Enhanced Community Outreach**

Even though it does not directly reduce construction noise levels, providing the affected residences/institutions information on the Proposed Project' construction and when to expect elevated noise levels associated with its construction can be effective in helping to manage construction noise impacts. As described in Chapter 12, "Construction," the project sponsor has already committed to keep residents informed about the construction schedule through the establishment of a Construction Advisory Group (CAG) through Community Board (CB) 7. The CAG will be comprised of representatives of local stakeholders and the development team; ~~elected officials, the contractor, the project sponsor,~~ and City agencies would also be invited to attend. Based on preliminary discussions with CB 7, it is anticipated that area stakeholders would include representatives of adjacent residential properties, in addition to Booker T. Washington Middle School. The CAG will allow for review and comment on scheduling and construction issues for the Proposed Project, both through public meetings and other means of public comment. The CAG will review plans, monitor community impacts, and implement a communication system and notifications, including. ~~A potential additional mitigation measure could involve supplemental noise-specific outreach activities so that affected individuals can (1) plan around periods of particularly high noise levels; and (2) express concerns and direct complaints with a rapid response mechanism.~~ Potential ~~The enhanced community outreach program that could be implemented through the CAG~~ include one or more of the following:

- Targeted postcard mailings providing construction updates and advance notice of particularly noisy activities or night/weekend work;
- Project hotline for receiving construction-related noise and vibration complaints;
- Noise complaint tracking and rapid follow-up procedures; and/or
- Digital and internet communication.

This group will commence its activities just prior to the start of construction of the Proposed Project and will hold public meetings throughout the Proposed Project's construction during which the development team will present the work underway and anticipated near-time, the community would have opportunities to raise issues, and the CAG will follow up on the resolution to previous complaints/comments.

Application #: **C 180114 HAM**

CEQR Number: 17HPD083M

Project Name: **West 108th Street WSFSSH**

Borough(s): Manhattan

Community District Number(s): 7

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

### SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto: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, 120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- 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 the Department of Housing Preservation and Development (HPD):

- pursuant to Article 16 of the General Municipal Law of New York State for:
  - the designation of property located at 103-107, 137-143, 145-149 and 151-159 West 108<sup>th</sup> Street (Block 1863, Lots 5, 10, 13, and 26), as an Urban Development Action Area; and
  - an Urban Development Action Area Project for such area; and
- 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 108<sup>th</sup> 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 in Borough of Manhattan, Community District 7.

|  |                                  |  |
|--|----------------------------------|--|
| <b>Applicant(s):</b><br>NYC Department of Housing Preservation and Development<br>100 Gold Street<br>New York, NY 10038  |                                  | <b>Applicant's Representative:</b><br>Veanda Simmons<br>NYC Department of Housing Preservation and Development<br>100 Gold Street<br>New York, NY, 10038 |
| <b>Recommendation submitted by:</b>  |                                  |  |
| <b>Date of public hearing:</b> November 20, 2017   |                                  | <b>Location:</b> Goddard Riverside, 593 Columbus Avenue  |
| <b>Was a quorum present?</b> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>   |                                  | <i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>                   |
| <b>Date of Vote:</b> December 5, 2017  |                                  | <b>Location:</b> Fordham University, 113 West 60th Street  |
| <b>RECOMMENDATION</b><br><input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions<br><input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions<br><b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b> |                                  |  |
| <b>Voting</b><br># In Favor: 28    # Against:    # Abstaining: 4    Total members appointed to the board: 50   |                                  |  |
| <b>Name of CB/BB officer completing this form</b><br>Penelope Ryan   | <b>Title</b><br>District Manager | <b>Date</b><br>12/20/2017  |

## Community Board 7/Manhattan RESOLUTION

**Date: December 5, 2017**

**Committees of Origin: Land Use joint with Health & Human Services, Housing and Transportation**

**Re: West 108th Street WSFSSH Development, C 180114 HAM**

**Full Board Vote 1: 28 In Favor 0 Against 4 Abstentions 3 Present**

**Full Board Vote 2: 28 In Favor 0 Against 4 Abstentions 3 Present**

**Full Board Vote 3: 28 In Favor 0 Against 4 Abstentions 3 Present**

**Full Board Vote 4: 28 In Favor 0 Against 4 Abstentions 3 Present**

**Full Board Vote 5: 21 In Favor 6 Against 4 Abstentions 3 Present**

Disposition of City-owned Property to West Side Foundation for Senior and Supportive Housing, Inc., Rezoning of a Portion of West 108<sup>th</sup> 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 108<sup>th</sup> 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 Anibal Aviles Park. The property consists of 103-107 West 108<sup>th</sup> Street, presently containing a three story garage (the “Eastern Site”); 137-143 West 108<sup>th</sup> Street, presently containing a five story garage and 151-159 West 108<sup>th</sup> Street, presently containing a four story garage and 145-149 West 108<sup>th</sup> 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 85<sup>th</sup> 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 108<sup>th</sup> 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 ("CB7") 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 CB7 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 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.

Conditions to approval:

1. 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 WSFSSH in the DEIS and other submissions, will be entered into by WSFSSH and the appropriate City representatives for the longest term permissible under law, currently 60 years. CB 7's approval is conditioned upon the execution, recording and binding effectiveness of the appropriate documents in accordance with these representations.
2. CB7's approval is further conditioned on the fulfillment of representations by WSHFSSH 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. CB7 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.
3. CB7 believes that a project of this scale and importance, and especially one that will be built using public funding, must 1) provide the maximum protection for a safe workplace during construction both for the workers and for those living near or passing by the construction site; and 2) engage



in meaningful and robust outreach effort to hire construction workers from the ethnically diverse immediate community, and provide job readiness training where needed, and 3) hire program and support staff from the community once the buildings are operational.

CB7 thus conditions its approvals of each of the actions that are the subjects of the instant applications on an enforceable commitment by WSFSSH and the City to (a) cause the construction contractors to hire qualified safety personnel and to use site safety protocols that reflect current best practices in construction safety methods and procedures; and (b) hire both construction workers and permanent staff locally, including providing job readiness training when needed.

Strong recommendations:

1. CB7 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.
2. CB7 is cognizant of the dislocation caused to monthly parkers in the garages, and urges WSFSSH 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.
3. 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. CB7 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. CB7 urges the developer and the City to revisit the earlier design and incorporate the desirable features of that design which have been eliminated.

For the foregoing reasons, and subject to the foregoing conditions, CB7:

1. **Approves** the proposed rezoning and remapping of the WSFSSH sites from R8B to R8A.
2. **Approves** designation of the area comprising the WSFSSH sites as an Urban Development Action Area:
3. **Approves** the Application to Amendment Appendix F of the Zoning Resolution to designate the WSFSSH sites as a Mandatory Affordable Housing Area.
4. **Approves** the disposition of the sites described above to WSFSSH, 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; that restrictions set forth in the application run with the land; and that within 60 days of the conclusion of ULURP the City execute a legally binding document agreeing to the transfer to WSFSSH of both the Eastern and Western Sites.



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

# Borough President Recommendation

City Planning Commission  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356

## 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



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
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[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

January 24, 2018

**Recommendation on  
ULURP Application Nos. C 180113 ZMM, 180113 ZRM, and 180114 HAM –  
West 108<sup>th</sup> 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 choosing<sup>1</sup>

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 108<sup>th</sup> 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.

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<sup>1</sup> 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 85<sup>th</sup> 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 106<sup>th</sup> 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 108<sup>th</sup> Street, and Morningside Park at West 110<sup>th</sup> 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 110<sup>th</sup> Street-Cathedral Parkway. Bus routes include the M7, which runs along Manhattan Avenue and West 106<sup>th</sup> 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 106<sup>th</sup> 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 108<sup>th</sup> 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 108<sup>th</sup> 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 with a large, looped "G" and "A".

Gale A. Brewer  
Manhattan Borough President