



CITY PLANNING COMMISSION

August 8, 2007 / Calendar No.25

C 070427 ZMM

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

1. changing from an R7-2 District to an R8 District property bounded by Cathedral Parkway, Manhattan Avenue, West 109th Street, and a line 250 feet westerly of Columbus Avenue;
2. changing from an R7-2 District to an R8A District property bounded by West 109th Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, Manhattan Avenue, Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Manhattan Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Amsterdam Avenue, West 104th Street, and Amsterdam Avenue;
3. changing from an R8 District to an R8A District property bounded by a line midway between West 109th Street and Cathedral Parkway, Amsterdam Avenue, West 104th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Broadway, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet westerly of Amsterdam Avenue;
4. changing from an R7-2 District to an R8B District property bounded by:
 - a. West 109th Street, Manhattan Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet easterly of Amsterdam Avenue; and
 - b. a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Manhattan Avenue, West 105th Street, a line 50 feet westerly of Manhattan Avenue, West 104th Street, and a line 100 feet easterly of Amsterdam Avenue;
5. changing from an R8 District to an R8B District property bounded by:
 - a. West 109th Street, a line 100 feet westerly of Broadway, West 107th Street, a line 100 feet westerly of West End Avenue; West 97th Street, a line 100 feet easterly of Riverside Drive, West 98th Street, and a line 100 feet easterly of Riverside Drive;

- b. a line midway between West 103rd Street and West 104th Street, a line 100 feet westerly of Broadway, West 97th Street, and a line 100 feet easterly of West End Avenue;
 - c. a line midway between Cathedral Parkway and West 109th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet easterly of Broadway;
 - d. a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet westerly of Amsterdam Avenue, West 97th Street, and a line 100 feet easterly of Broadway; and
 - e. West 105th Street, a line 100 feet westerly of Central Park West, West 100th Street, and a line 95 feet easterly of Manhattan Avenue; and
1. changing from an R8 District to an R9A District property bounded by:
- a. Cathedral Parkway, a line 100 feet easterly of Broadway, a line midway between West 107th Street and West 108th Street, and a line 100 feet westerly of Broadway; and
 - b. Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Broadway, West 97th Street, a line 100 feet westerly of Broadway, West 105th Street, and West End Avenue;

as shown on a diagram (for illustrative purposes only) dated April 23rd 2007, and subject to the conditions of CEQR Declaration E-182, Borough of Manhattan, Community District 7.

This application for an amendment to the zoning map, Section No. 5d, was filed by the Department of City Planning on April 17, 2007 to rezone all or portions of 51 blocks in the northern portion of the Upper West Side, including the neighborhood known as Manhattan Valley, from R8 and R7-2 zoning districts to R8B, R8A, R8, and R9A zoning districts.

RELATED ACTION

In addition to the application for the amendment of the zoning map which is the subject of this report (C 070427 ZMM), implementation of the proposed development also requires action by the City Planning Commission on the following application which is considered concurrently with this application:

N 070428 ZRY: A Zoning Text Amendment to Article 2, Chapter 3 of the Zoning Resolution, to apply the Inclusionary Housing program to the proposed R9A districts on Broadway.

BACKGROUND

The Department of City Planning proposes zoning map changes and a zoning text amendment for 51 blocks located in the northern portion of the Upper West Side in Community District 7, Manhattan. The rezoning area is generally bounded by West 97th Street to West 110th Street between Riverside Drive and Amsterdam Avenue and from West 104th Street to West 110th Street between Amsterdam Avenue and Central Park West. The proposed zoning districts would promote development patterns that reflect the existing built character of the area and the differentiation in context between wide avenues and narrow side streets. In addition, the proposed R9A zoning district along Broadway, in conjunction with the proposed zoning text amendment, would create incentives for the development of affordable housing.

The proposal is the result of a collaborative effort with Westsiders for Responsible Development, a local civic group, Community Board 7 and the Upper West Side Rezoning Task Force, the Manhattan Borough President, local elected officials including the local City Council Members from the Eighth and Ninth Council Districts, the Department of Housing Preservation and Development, and the Landmarks Preservation Commission, to respond to strong community concerns relating to recently constructed and potential future out-of-scale development. Much of the concern stemmed from the development of two residential buildings of 37 and 31 stories currently under construction on Broadway between West 99th and West 100th streets. These buildings demonstrate the type of out-of-scale development allowable under existing zoning regulations. Therefore, the establishment of maximum allowable building heights and required street walls, similar to established built forms along Broadway and adjacent midblocks and in Manhattan Valley, was of particular concern to the community. The Department began a study of the area from West 97th Street to West 110th Street in August 2005 and filed the application in April 2007.

The specific goals of the rezoning proposal are to:

- Foster new development that reflects the existing built character of the area, in particular the differentiation in context between wide avenues and narrow side streets
- Strengthen the existing built character of Broadway between West 97th Street and West 110th Street
- Create new opportunities for affordable housing

Existing Built Context

The area of the Upper West Side which is proposed to be rezoned generally stretches from West 97th Street to West 110th Street between Riverside Drive and Amsterdam Avenue and from West 104th Street to West 110th Street between Amsterdam Avenue and Central Park West. The area is predominantly residential in character, is situated between Riverside, Morningside, and Central Parks, and was largely developed in the late 1800s and early 1900s as the population of Manhattan expanded northward.

Broadway is the linear center of the entire area and contains the vast majority of retail establishments, which are primarily located on the ground floor of buildings ranging in size from one to 17 stories. The width of Broadway (150 feet), its green center malls, and its access to the number 1 subway line at West 103rd Street and West 110th Street (access to the number 1, 2, and 3 lines is also available at West 96th Street, one block to the south of the rezoning area) also define its physical context within the rezoning area.

Other areas within the rezoning area can generally be described by dividing the area at Amsterdam Avenue. Development in the area west of Amsterdam Avenue is fairly consistent with the type of development that has become synonymous with the residential neighborhoods of the Upper West Side, where dense, tall buildings on wide avenues share the same block with small-scale townhouses and multifamily apartment buildings on narrow streets. Large, pre-war apartment buildings with high street walls are found on Riverside Drive and West End Avenues

and to a lesser extent along Broadway. Between the avenues, three- to five-story townhouses or multifamily apartment buildings generally line the narrow side streets. All buildings in this area have a strong street wall presence.

The area east of Amsterdam Avenue, known as Manhattan Valley, is notable for its consistent four- to six-story apartment buildings, which are similarly built out to the street line, on both avenues and streets. This building type creates a lower-scale neighborhood framed by Central Park West, West 110th Street and West 106th Street, which are wide streets with several larger residential and community facility buildings.

Development surrounding the rezoning area includes: Park West Village and Frederick Douglass Houses, two large-scale tower-in-the-park style developments located between West 97th Street, Amsterdam Avenue, West 104th Street, and Central Park West; Columbia University, St. Luke's Roosevelt Hospital, and the Cathedral of St. John the Divine, which are located directly to the north, primarily between West 110th Street and West 120th Streets; and the predominantly high-rise residential neighborhood developed under the West Side Urban Renewal Area between West 87th Street, Amsterdam Avenue, West 97th Street, and Central Park West. Other areas both south and north of the rezoning area resemble the built context within the rezoning area.

Existing Zoning

The rezoning area consists of R8 and R7-2 zoning districts and C1-5 and C2-5 commercial overlay districts. All of the existing zoning designations within the rezoning area have been in place since the Zoning Resolution was adopted in 1961.

R8

The entire area west of Amsterdam Avenue, within the rezoning area, is zoned R8. In addition, a smaller area east of Amsterdam Avenue, between Central Park West, Manhattan Avenue, West 100th Street and West 107th Street is zoned R8. R8 districts allow 6.02 FAR for residential uses and 6.50 FAR for community facility uses. The vast majority of buildings on Riverside Drive, West End Avenue, and Broadway exceed 6.02 FAR while most mid block buildings, including those between Central Park West and Manhattan Avenue, have an FAR less than 6.02. The R8

district does not set absolute building height limits and permits taller buildings set away from the street and surrounded by private open space.

R7-2

The predominant zoning district in the area east of Amsterdam Avenue is R7-2. R7-2 zoning districts allow 3.44 FAR for residential uses and 6.50 FAR for community facility uses. Most of the buildings in this area slightly exceed the 3.44 FAR allowable for residential uses. Like the R8 district, there are no absolute maximum building heights, and the district often fosters taller buildings set back from the street line within private open space.

C1-5 and C2-5 Commercial Overlays

Two commercial overlay districts (C1-5 and C2-5) provide opportunities for the development of retail uses intended to serve the area's residents. The C1-5 and C2-5 overlay districts are mapped along large portions of Broadway, Amsterdam, and Columbus Avenues. Both commercial overlay districts allow a maximum 2.0 FAR for local retail uses on the ground floor (and potentially on the second floor) of buildings within 100 feet from each avenue. The C1-5 district allows Use Groups 1-6, while the C2-5 district allows a slightly broader range of commercial uses (Use Groups 1-9).

Zoning Context

Much of the area south of West 97th Street was rezoned in 1984 to contextual zoning districts that limited building heights on the avenues and differentiated between the built context of the avenues and midblocks. Broadway south of West 97th Street is zoned C4-6A, which allows 10 FAR for residential and commercial uses. In addition, a small area surrounding Straus Park on Broadway between West 106th Street and the midblock line between West 107th and West 108th Streets was rezoned in 1987 to contextual C2-8A and R10A zoning districts, which allow 10 FAR for residential uses. The area to the north of the rezoning area is generally zoned R8.

Proposed Zoning (Zoning Map Amendment C 070427 ZMM)

The Department of City Planning proposes a zoning map amendment for 39 partial blocks and 12 whole blocks (51 blocks) in the northern portion of the Upper West Side in Manhattan in

Community District 7. The proposal would replace the existing R8 and R7-2 zoning districts with three new contextual zoning districts, R8B, R8A, and R9A. A small area between West 109th Street and West 110th Street would be rezoned from R7-2 to R8.

Contextual zoning districts limit building heights, require buildings to have continuous street walls with setbacks above a certain height, and require residential developments to comply with the Quality Housing Program.

The different densities and building forms permitted by the three contextual zoning districts proposed would reflect the variation in existing built environments throughout the rezoning area. Generally, the higher-density districts (R8A and R9A) that allow mid-sized buildings are proposed along wide avenues where public transportation is readily accessible, while the R8B district, with its more restrictive height limit and lower allowable density, is proposed for narrow streets, in the middle of blocks.

R8B

The majority of the rezoning area would be rezoned to an R8B zoning district. The proposed zoning map amendment would change the existing R8 zoning district west of Amsterdam Avenue from West 97th Street to West 110th Street to R8B in the midblocks between Riverside Drive and West End Avenue, between Riverside Drive and Broadway (north of West 107th Street), between West End Avenue and Broadway, and between Broadway and Amsterdam Avenue. Each midblock R8B district west of Amsterdam Avenue would be mapped from a point beginning 100 feet from each avenue. As mentioned above, these areas are predominantly characterized by three- to five-story townhouses, brownstones, and multifamily apartment buildings.

In addition, three areas east of Amsterdam Avenue in Manhattan Valley would be rezoned from existing R7-2 and R8 districts to R8B. These areas include: 1) portions of six blocks currently zoned R7-2 between Amsterdam Avenue, Manhattan Avenue, West 106th Street, and West 109th Street; 2) portions of four blocks currently zoned R7-2 between Amsterdam Avenue, Manhattan Avenue, West 104th Street, and West 106th Street; 3) midblock portions of five blocks currently

zoned R8 between Manhattan Avenue, Central Park West, West 100th Street and West 105th Street.

R8B districts allow an FAR of 4 for residential uses and community facility uses. Building heights are limited to 75 feet, and buildings are required to rise from the street line before setting back 15 feet on a narrow street or 10 feet on wide street between the heights of 55 and 60 feet. This district has been widely mapped in other midblock portions of the Upper West Side and Upper East Side and generally reflects the lower-scale and lower-density town houses and multifamily apartment buildings found between the avenues within the rezoning area.

R8A

Along Amsterdam Avenue above West 104th Street and along most of West 106th Street, the existing R8 and R7-2 zoning districts would be changed to R8A. The R8A district would allow a maximum residential density of 6.02 FAR and a community facility FAR of 6.50. In addition, the R8A district would limit the maximum building height to 120 feet and require buildings to rise from the street line before setting back 10 feet between the heights of 60 and 85 feet. The proposed zoning district aims to protect the existing physical character of these two streets, recognizing that both of them are wide streets, well served by public transportation.

R9A

An R9A zoning district is proposed for the Broadway corridor within the rezoning area. Through a related zoning text amendment that would apply the Inclusionary Housing program (see below) to this portion of Broadway, a base FAR of 6.50 could be increased up to 8.50 with the provision of affordable housing units. The R9A district would require a maximum building height of 145 feet. A 10-foot setback would be required between the heights of 60 and 102 feet.

This zoning district aims to encourage new development that strengthens the predominant physical character of the existing buildings on Broadway. Along this section of Broadway, approximately 77 percent of the lots would be in compliance with the proposed maximum FAR, and 77 percent of the existing buildings would be in compliance with the proposed maximum building height.

R8

A small portion of the rezoning area between West 110th Street, West 109th Street, Manhattan Avenue and the mid-block between Amsterdam Avenue and Columbus Avenue is proposed to be rezoned from R7-2 to R8. The existing context of West 110th Street, which is a wide street, consists of a variety of building types, including a recently completed 14-story community facility building and a 21-story residential building.

Zoning Text Amendment (N 070428 ZRY)

As part of the Upper West Side rezoning proposal, the Department of City Planning is proposing to amend Zoning Resolution Section 23-90 in order to make the Inclusionary Housing Program applicable to the R9A districts proposed to be mapped along Broadway between West 97th Street and West 110th Street. The proposed text amendment, together with the zoning map amendment would establish incentives for the creation and preservation of affordable housing in conjunction with new development on Broadway. The proposed floor area bonus associated with the proposed R9A zoning district would be consistent with bonuses established for recently adopted rezoning proposals, including Greenpoint-Williamsburg and South Park Slope in Brooklyn.

Under the Inclusionary Housing program, developments providing up to 20 percent of a new development's floor area as affordable housing are eligible to increase the allowable FAR within the R9A district along Broadway from 6.50 to 8.50. The height and setback requirements, however, would remain unchanged. The affordable units created through this program must be permanently affordable rental units and can be provided on the site of the new development or off-site within the same community district or within a half mile from the site in an adjacent community district. The off-site units may be new construction or rehabilitation and permanent preservation of existing affordable units. Developers may utilize City or other subsidy programs to build the affordable units.

Environmental Review

This application (C 070427 ZMM), in conjunction with the related application (N 070428 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and

the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 07DCP060M. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 070427 ZMM), a negative declaration was issued on April 23, 2007, which included (E) designations for air quality.

To preclude the potential for significant adverse air quality impacts related to HVAC emissions, an (E) designation would be incorporated into the rezoning proposal for each of the following properties:

- Block 1844, Lot 52
- Block 1862, Lot 3
- Block 1869, Lot 13
- Block 1870, Lot 43
- Block 1872, Lots 11, 19, 20, 52, 54
- Block 1873, Lots 10, 42
- Block 1874, Lot 22
- Block 1876, Lots 12, 17, 49, 58
- Block 1877, Lot 15, 16, 17, 48, 49, 50, 51, 52, 59, 61, 63
- Block 1893, Lots 43, 50

The text for the (E) designations is as follows:

Block 1893, Lots 43, 50 (Projected Development Site 1)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 155 and 75 feet for Oil No. 4 and No. 2, respectively, from the lot line facing Riverside Drive, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1844, Lot 52 (Projected Development Site 4)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 80 and 60 feet for Oil No. 4 and Oil No.2, respectively, from the lot line facing Columbus Avenue, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1877, Lots 15, 16, 17, 48, 49, 50, 51, 52, 59 (Projected Development Site 5)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 85 and 25 feet for Oil No.4 and Oil No. 2, respectively, from the lot line facing West 106th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1876, Lot 58 (Projected Development Site 6)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 90 and 65 feet for Oil No. 4 and No. 2, respectively, from the lot line facing West 104th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1876, Lots 17, 49 (Projected Development Site 7)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 85 and 60 feet for Oil No. 4 and Oil No. 2, respectively, from the lot line facing West 104th and West 105th Streets, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1862, Lot 3 (Potential Development Site 11)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 80 and 60 feet for Oil No.4 and Oil No. 2, respectively, from the lot line facing Columbus Avenue, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1877, Lot 61 (Potential Development Site 14)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 100 for Oil No. 4 from the lot line facing West 105th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1877, Lot 63 (Potential Development Site 15)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 100 and 70 feet for Oil No. 4 and Oil No.2, respectively, from the lot line facing West 105th and West 106th Streets, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1876, Lot 12 (Potential Development Site 16)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least

70 and 55 feet for Oil No.4 and Oil No. 2, respectively, from the lot line facing West 104th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1874, Lot 22 (Potential Development Site 19)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 125 feet for Oil No. 4 from the lot line facing West 103rd Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1873, Lot 42 (Potential Development Site 20)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 45 feet for Oil No. 4 from the lot line facing West 102nd Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1873, Lot 10 (Potential Development Site 21)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 25 feet for Oil No.4 from the lot line facing West 101st Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1872, Lot 54 (Potential Development Site 22)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 65 feet for Oil No. 2 from the lot line facing West 100th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1872, Lot 52 (Potential Development Site 23)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 95 and 65 feet for Oil No. 4 and Oil No.2, respectively, from the lot line facing West 100th and West 101st Streets, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1872, Lot 11 (Potential Development Site 24)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 95 and 65 feet for Oil No.4 and Oil No. 2, respectively, from the lot line facing West 100th

and West 101st Streets, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1872, Lots 19, 20 (Potential Development Site 26)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 85 and 60 feet for Oil No. 4 and No. 2, respectively, from the lot line facing West 100th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1870, Lot 43 (Potential Development Site 28)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 100 and 65 for Oil No 4 and No. 2, respectively, from the lot line facing West 98th Street, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

Block 1869, Lot 13 (Potential Development Site 29)

Any new residential and/or commercial development on the above-referenced properties must ensure that the heating, ventilating and air conditioning stack(s) are located at least 65 and 45 feet for Oil No.4 and Oil No. 2, respectively, from the lot line facing Broadway, or use Natural Gas as the type of fuel for space heating and hot water (HVAC) systems, to avoid any potential significant adverse air quality impacts.

With the placement of the (E) designations for HVAC emissions on the above properties, the proposed action would not result in significant adverse stationary source air quality impacts.

UNIFORM LAND USE REVIEW

This application (C 070427 ZMM) was certified as complete by the Department of City Planning on April 23, 2007 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 application for the related text amendment (N 070428 ZRY) which was referred for review and comment.

Community Board Public Hearing

Community Board 7 held a public hearing on this application (C 070427 ZMM) and the related application (N 070428 ZRY) on May 16, 2007 and on June 5, 2007, by a vote of 38 to 0, adopted a resolution recommending approval of the zoning map and text amendment applications.

Borough President Recommendation

The application (C 070427 ZMM), along with the related application (N 070428 ZRY), was considered by the Borough President, who on June 6, 2007 issued a recommendation approving the proposed zoning map and text amendment applications.

City Planning Commission Public Hearing

On June 20, 2007 (Calendar No. 14), the City Planning Commission scheduled July 11, 2007, for a public hearing on the application (C 070427 ZMM). The hearing was duly held on July 11, 2007 (Calendar No. 44), in conjunction with the related application (N 070428 ZRY), for a zoning text amendment.

There were 15 speakers in favor of the applications and none opposed. Speakers in favor of the rezoning proposal and accompanying text amendment included the Chair of Manhattan Community Board 7, the co-presidents of Westsiders for Responsible Development, the Director of Land Use for the Manhattan Borough President, a representative of the City Council Member from the Eighth Council District, a representative from the Assembly Member for the 69th Assembly District, a representative from Landmarks West, the president of the Jewish Home and Hospital (JHH), and neighborhood block associations.

Speakers strongly supported the fundamental goals of the rezoning proposal: to promote development that fits into the existing character of the predominantly residential neighborhoods that they live in or represent and to help retain the social and economic diversity of the community through the provision of the Inclusionary Housing program along Broadway. Speakers noted the special physical and social character that exists in the area between West 97th Street and West 110th Street in the Upper West Side and their concern about the potential for out-of-scale buildings rising throughout the community. Several speakers supported the rezoning proposal for its imposition of building height limits and for creating different zoning districts on avenues and midblocks.

Almost all of the speakers expressed their strong support for the collaborative, transparent, and community-based planning process that had evolved over the last two years and acknowledged

the hard work of those involved. Many speakers noted the broad-based consensus that had been achieved in the community in support of the rezoning proposal, something that was considered remarkable. The Director of Land Use for the Manhattan Borough President and the representative for the City Council Member for the Eighth Council District described the rezoning proposal as a major achievement and a model for collaboration among community members, elected officials, and City government. The Chair of Community Board 7 recognized and thanked the Department of City Planning for its hard work and congratulated all on a successful planning process that will have far-reaching consequences.

Although the speakers supported the rezoning proposal, there were issues raised regarding the impact that the proposed rezoning would have on the Jewish Home and Hospital (JHH), a health care facility for the elderly, located on West 106th Street between Amsterdam and Columbus Avenues. The president of the JHH discussed the organization's mission and need for rebuilding their hospital campus, noting that the building requirements for the hospital and a related residential building to be built by a private developer are constrained by the zoning districts proposed along West 106th and West 105th streets. The Director of Land Use for the Manhattan Borough President noted that the proposed zoning districts would hinder JHH's ability to stay in the community and expressed the Borough President's desire to continue to work with JHH, other elected officials, and the community to find an appropriate solution. The representative of the City Council Member from the Eighth Council District, reading from a joint statement from the Manhattan Borough President, the U.S. Representative for 15th Congressional District, and the City Council Member, noted that while it was unfortunate that JHH had begun discussing its plans at such a late stage, they would not want the rezoning proposal to negatively impact the JHH mission. Additionally, the statement asserted that a fully transparent, collaborative process, within the timeframe of the ULURP process, should be convened with the community to discuss a possible amendment to the rezoning proposal.

Several speakers, including representatives from neighborhood block associations adjacent to JHH, urged the Commission to disregard attempts to change the zoning proposal for JHH.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this amendment to the Zoning Map (C 070427 ZMM), in conjunction with the related application for a zoning text amendment (N 070428 ZRY), is appropriate.

The Commission notes that the rezoning proposal was developed in response to the requests by the Westsiders for Responsible Development, Manhattan Community Board 7, local elected officials, and the Manhattan Borough President. The Commission further notes that the rezoning proposal has been developed over the last two years by the Department of City Planning through a fully participatory public process and through close collaboration with the community and local elected officials and that the Manhattan Borough President has played a critical role in establishing broad-based support.

As in many areas in Manhattan and throughout the City as a whole, the area from West 97th Street to West 110th Street on the Upper West Side has experienced a surge in development in recent years, some of which has led to the construction of buildings that differ dramatically from the prevailing existing built character of the area. In particular, the Commission notes that two buildings under construction between West 99th Street and West 100th Street on Broadway far exceed the heights of existing buildings in the area and that the building on the west side of Broadway breaks up the strong street wall character that is a hallmark of Upper West Side avenues. The Commission recognizes that buildings such as these, if allowed to proliferate, could negatively impact the unique scale and character that has contributed to the neighborhood's success.

The Commission recognizes that the existing R8 and R7-2 zoning districts do not limit building heights and do not require buildings to be constructed with street walls. In addition, these zoning districts were broadly applied to large portions of the area and do not reflect the varied character found on individual blocks. The Commission notes that the proposed R8B, R8A, and R9A zoning districts would prescribe building heights, street walls, and densities that would require

future development to more closely reflect the nuanced character within this portion of the Upper West Side.

The R8B zoning district would help to preserve and strengthen the existing character of lower-scale townhouses and multifamily apartment buildings located primarily along midblocks. The R8A zoning district would help to protect the existing character of medium-sized apartment buildings while acknowledging their location on wide avenues with access to public transportation. And the R9A zoning district would allow for modest growth along Broadway within height and street wall limitations that would ensure that new development strengthens the existing character of the Broadway corridor.

In addition, the proposed text changes allow the Inclusionary Housing provisions of Section 23-90 to apply to new developments in the R9A district proposed along Broadway. Consistent with recently adopted programs for other areas within the City, this program would maintain the height and bulk limitations required by the R9A district but would allow bonus floor area for the provision of affordable housing. The Commission believes this program is an effective tool for promoting the development and preservation of affordable housing, a significant need in this area of the Upper West Side and in the City as a whole, in conjunction with private development of market rate residential buildings.

The Commission recognizes that the proposed rezoning might affect the development plans of the Jewish Home and Hospital but believes that the goals of the rezoning proposal, and the process through which it has been developed, would be compromised by altering the proposed zoning map at this time. The JHH is located between Amsterdam Avenue, Columbus Avenue, West 106th Street and West 105th Street and currently lies within an R7-2 zoning district. The rezoning proposal would create a R8A zoning district along the entire length of West 106th Street to a depth of 100 feet and create a R8B zoning district along the midblock and eastern portion of West 105th Street. The Commission notes that the proposed R8A zoning district would allow building heights of 120 feet, higher than the tallest existing buildings on the JHH property, an FAR of 6.50 for community facility uses, equal to that of the existing R7-2 zoning district, and an FAR of 6.02 for residential uses, substantially more than the maximum 3.44 FAR allowed

under the R7-2 zoning district. It is the Commission's understanding that JHH intends to develop residential uses on its property in order to finance the construction of a new hospital. The Commission acknowledges that the proposed R8B zoning district, and the split lot condition it creates, may pose some site planning challenges but maintains that the R8B district would strengthen the existing character of this portion of West 105th Street.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, is further amended by changing the Zoning Map, Section No. 5d:

1. changing from an R7-2 District to an R8 District property bounded by Cathedral Parkway, Manhattan Avenue, West 109th Street, and a line 250 feet westerly of Columbus Avenue;
2. changing from an R7-2 District to an R8A District property bounded by West 109th Street, a line 100 feet easterly of Amsterdam Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, Manhattan Avenue, Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Manhattan Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Amsterdam Avenue, West 104th Street, and Amsterdam Avenue;
3. changing from an R8 District to an R8A District property bounded by a line midway between West 109th Street and Cathedral Parkway, Amsterdam Avenue, West 104th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Broadway, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet westerly of Amsterdam Avenue;
4. changing from an R7-2 District to an R8B District property bounded by:

- a. West 109th Street, Manhattan Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet easterly of Amsterdam Avenue; and
 - b. a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 75 feet westerly of Manhattan Avenue, West 105th Street, a line 50 feet westerly of Manhattan Avenue, West 104th Street, and a line 100 feet easterly of Amsterdam Avenue;
5. changing from an R8 District to an R8B District property bounded by:
- a. West 109th Street, a line 100 feet westerly of Broadway, West 107th Street, a line 100 feet westerly of West End Avenue; West 97th Street, a line 100 feet easterly of Riverside Drive, West 98th Street, and a line 100 feet easterly of Riverside Drive;
 - b. a line midway between West 103rd Street and West 104th Street, a line 100 feet westerly of Broadway, West 97th Street, and a line 100 feet easterly of West End Avenue;
 - c. a line midway between Cathedral Parkway and West 109th Street, a line 100 feet westerly of Amsterdam Avenue, a line midway between Duke Ellington Boulevard-West 106th Street and West 107th Street, and a line 100 feet easterly of Broadway;
 - d. a line midway between West 105th Street and Duke Ellington Boulevard-West 106th Street, a line 100 feet westerly of Amsterdam Avenue, West 97th Street, and a line 100 feet easterly of Broadway; and
 - e. West 105th Street, a line 100 feet westerly of Central Park West, West 100th Street, and a line 95 feet easterly of Manhattan Avenue; and
2. changing from an R8 District to an R9A District property bounded by:
- a. Cathedral Parkway, a line 100 feet easterly of Broadway, a line midway between West 107th Street and West 108th Street, and a line 100 feet westerly of Broadway; and
 - b. Duke Ellington Boulevard-West 106th Street, a line 100 feet easterly of Broadway, West 97th Street, a line 100 feet westerly of Broadway, West 105th Street, and West End Avenue;

Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated April 23rd 2007, and subject to the conditions of CEQR Declaration E-182.

The above resolution (C 070427 ZMM), duly adopted by the City Planning Commission on August 8, 2007 (Calendar No. 25), 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.

AMANDA M. BURDEN, AICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., BETTY CHEN,

LISA A. GOMEZ, JOHN MEROLO, DOLLY WILLIAMS, Commissioners



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

SCOTT STRINGER
BOROUGH PRESIDENT

June 6, 2007

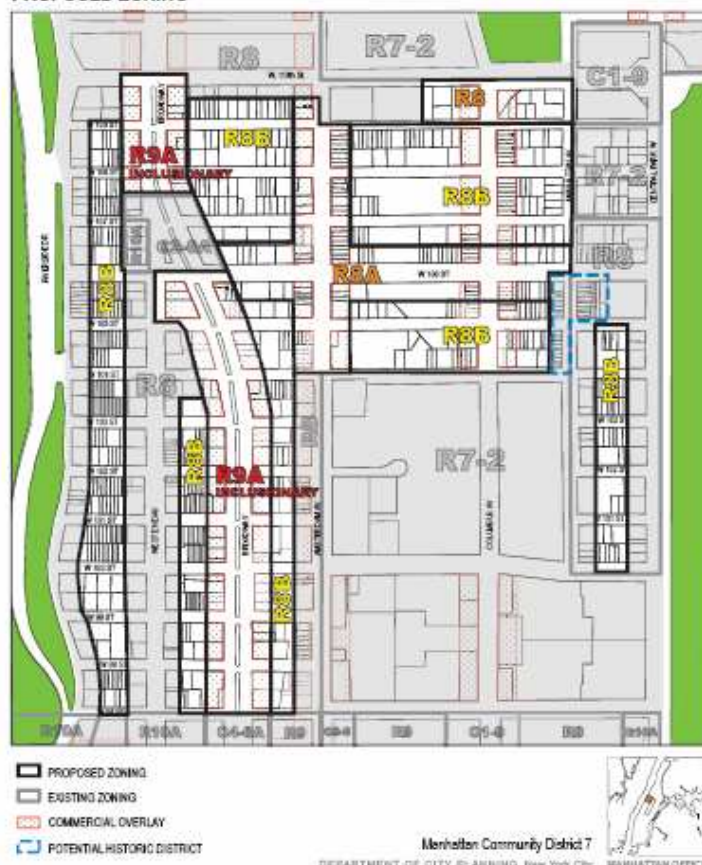
Recommendation on
ULURP Application Nos. C 070427 ZMM and N 070428 ZRY
Upper West Side Rezoning
by Department of City Planning

PROPOSED ACTION

The Department of City Planning (DCP) seeks a **zoning map amendment (C 070427 ZMM)** to provide contextual zoning for the area generally located from 97th Street to 110th Street between Central Park West and Riverside Boulevard in Community District 7. The zoning map changes involve rezoning areas currently zoned R8 and R7-2 as R8, R8A, R8B, and R9A zoning districts (see detailed description of the rezoning area on ULURP cover sheet, and the enclosed map, courtesy of the Department of City Planning).

The DCP is also seeking a **text amendment (N 070428 ZRY)** that would apply to the proposed R9A district. The text amendment would reduce the base FAR of the R9A district to 6.5 and allow it to be maximized at 8.5 through an inclusionary zoning mechanism, if developers provide permanent affordable housing.

PROPOSED ZONING



PROJECT DESCRIPTION

Zoning Map and Zoning Text Amendments

The Department of City Planning proposes a comprehensive rezoning of the Upper West Side from West 97 Street to West 110th Street. The proposed contextual zoning responds to recent out-of-scale development, and would:

1. Promote appropriate development that reflects the existing built character of the area and the differentiation in context between wide avenues and narrow side streets.
2. Strengthen the existing built character of Broadway between West 97th Street and West 110th Street.
3. Preserve the context of the of the mid-blocks between avenue frontages with a low- and mid-rise scale.
4. Foster new opportunities for affordable housing.

The existing area is generally characterized by low-scale buildings along the mid-blocks (4 to 7 stories) and larger developments (12 to 17 stories) along the avenues. The area west of Amsterdam Avenue is currently in an R8 zoning District and the area east of Amsterdam Avenue is in an R7-2 zoning district.

The proposed R8B zoning district on the mid-blocks and Manhattan Avenue would limit new development to 4.0 FAR, a 75-foot maximum height, and a street wall height limit of 60 feet. This rezoning will closely match the current built character of the neighborhood with a FAR compliance between 75% and 77% and a maximum building height compliance of 90% to 97% compliance for each area mentioned.

The proposed R8A zoning district on Amsterdam Avenue and 106th Street would limit new development to 6.02 FAR, 120-foot maximum height, and an 85-foot maximum street wall height limit. Ninety-nine percent of the proposed lots would be in compliance with both building height and FAR.

R9A zoning district on Broadway would limit buildings to a maximum building height of 145 feet and a maximum street wall of 102 feet. This portion of Broadway is also subject to a text amendment which would allow the application of the Inclusionary Housing program. Typically, the R9A zoning district has a floor area ratio of 7.5. However, in this new R9A district, the base FAR will be lowered to a 6.5 FAR. A new development could only reach the maximum FAR of 8.5 through the use of the Inclusionary Housing program. Seventy-seven percent of the buildings are in compliance with the maximum 8.5 FAR in this district, and 78% of the buildings are in compliance with the maximum height limit.

A small portion of the area between Cathedral Parkway and 110th Street and between Manhattan Avenue and midblocks between Columbus Avenue and Amsterdam Avenue is proposed to be rezoned from an R7-2 district to R8. The existing character of this area includes a 21-story residential building and a 14-story community facility building. The R8 zoning is in keeping with the portion of 110th Street to the west of the rezoning area.

Historic District

In connection with the rezoning, the Landmarks Preservation Commission designated a Manhattan Valley Historic District on May 15, 2007. The historic district runs along the west

side of Manhattan Avenue from West 104th Street to West 106th Street and extends into the midblocks of the east side of Manhattan Avenue between 105th Street and 106th Streets.

COMMUNITY BOARD'S RECOMMENDATION

At a regularly scheduled board meeting on June 5, 2007, Manhattan Community Board No. 7 voted 38 in favor, 0 opposed, 0 abstained and 0 recused, to recommend approval of the application.

BOROUGH PRESIDENT'S COMMENTS

The current zoning for the area is a vestige of the original 1961 zoning. The zoning was applied with broad strokes and lacks building form controls, FAR equalization, and mechanisms to meet community needs. The existing zoning allowed inappropriate, as-of-right developments that are now towering above the community's low-scale character. It was under this development pressure that Department of City Planning undertook the Upper West Side Rezoning, basing its proposal on a set of recommendations that Community Board 7's 97-110 Rezoning Task Force developed after extensive public outreach and comment.

For the last year and a half, DCP has worked collaboratively with the Manhattan Borough President, community leaders and other elected officials to develop a rezoning based on Community Board 7's well-considered planning recommendations. Together, all stakeholders achieved a remarkable, and hard-won, level of consensus behind the rezoning. The process by which this zoning was vetted should serve as a model for community outreach and education in all future rezonings, and the final result represents a triumph of community-based planning.

After considerable collaboration, the resulting rezoning proposal is a well-balanced fine-grain zoning. It allows for future growth, while at the same time protecting the unique Upper West Side low-density midblocks. Perhaps most importantly, it will prevent out-of-scale developments that mar the predominantly low-scale character of the neighborhood.

The majority of the area will be zoned as an R8B zoning district. This district will preserve the low-scale physical character of the neighborhood, and will also preserve the *social* character of the community, by discouraging the demolition of existing buildings, and the resulting tenant displacement.

The R8A zoning district, proposed along Amsterdam Avenue and West 106th Street represents the medium-density area of the district. The proposed fine-grain rezoning, which draws zoning district lines so as to separate mid-block sites from avenue sites, will ensure contextual development by restricting the ability for large-scale air rights transfers.

The R9A zoning district along Broadway not only represents the greatest amount of collaboration between the community and the Department, but also the greatest balance between growth and social responsibility. The proposed district balances the need for density and affordable housing goals by reducing the FAR as the community requested, but also incorporates the density DCP felt was appropriate, through an inclusionary zoning program. The promotion of affordable housing must be the highest priority of the City of New York and this rezoning will assist in meeting that need. The proposed rezoning is commendable – and rare – for providing both contextual zoning controls as well as opportunities for new affordable housing development.

While the Department has not met every single recommendation made by Community Board 7, it has adopted an overwhelming majority of them, after consideration, collaboration and negotiation with the Board, Borough President and other Upper West Side community leaders. The community is now united behind approving the rezoning as soon as possible, before any new out-of-scale developments are proposed. The Department of City Planning, Community Board 7, and the Upper West Side's elected officials and community activists, should be commended for their hard work on this rezoning, which should be adopted as soon as possible.

BOROUGH PRESIDENT'S RECOMMENDATION

The rezoning proposal will meet the community's desire to responsibly balance density and affordable housing goals. Furthermore, it will prevent out-of-scale developments that are marring the predominantly low-scale character of the neighborhood. The plan represents a triumph of community-based planning, and should be adopted as soon as possible.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 070427 ZMM.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. N 070428 ZRY.



Scott M. Stringer

June 6, 2007

Committee of Origin: Steering

Re: Rezoning of West 97th -110th Streets - Riverside Drive to Central Park West.

Full Board Vote: 42 In favor 0 Against 0 Abstentions 0 Present

With the invaluable assistance of the staff of the Department of City Planning, unprecedented expressions of concern and interest in the affected community, and close collaboration (if not unanimity) among members of a Task Force appointed by Community Board 7, to review zoning between West 97th Street and 110th Street, Riverside Drive to Central Park West; and

Recognizing the need for prompt action to avoid further construction of inappropriate and non-contextual buildings in the area; and

Having due regard for not only the need of the city to accommodate growth sensibly and in such a manner as to preserve the essential character of the neighborhoods, including the need to maintain and promote the diversity of ethnic and racial groups, incomes and populations; and

Seeking urgently to avoid further loss of low- and moderate-income housing and to promote as much mixed- and affordable-housing as possible in any new construction; and

Endeavoring to preserve the architectural and historic heritage and to promote design excellence in future development on the Upper West Side; and

Recognizing the need to prevent the continuing loss of small neighborhood commercial and retail services and the need to encourage the provision of such commercial and retail uses in any future new construction;

BE IT RESOLVED THAT Community Board 7/Manhattan adopts the recommendations of the West 97th -110th Streets Task Force, and recommends that the Zoning Resolution be amended to incorporate the changes in zoning designation set forth on the schedule attached to this resolution; and

BE IT FURTHER RESOLVED THAT all parties involved in the amendment process act as expeditiously as possible to enact the proposed changes.

Committee: 14-0-1-0. Board Members: 2-0-0-0.