



CITY PLANNING COMMISSION

August 8, 2011/Calendar No. 1

C 110243 ZMM

IN THE MATTER OF an application submitted by the West 116th Residential LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard, a line midway between West 116th Street and West 117th Street, and a line 100 feet westerly of Fifth Avenue; and
2. changing from an R7-2 District to a C4-5X District property bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard;

Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated May 9, 2011, and subject to the conditions of CEQR Declaration E-278.

The application for an amendment to the Zoning Map was filed by West 116th Residential LLC on March 9, 2011, to rezone an existing R7-2 and R7-2/C1-4 to a C4-5X district on the block bounded by West 116th Street, West 117th Street, Fifth Avenue and Lenox Avenue- Malcolm X. Boulevard in the Borough of Manhattan, Central Harlem, Community District 10.

BACKGROUND

West 116th Residential LLC has requested a zoning map amendment to change from an R7-2 and R7-2/C1-4 zoning districts to a C4-5X zoning district to facilitate the development of two mixed-use buildings on the block bounded by West 116th Street, West 117th Street, Fifth Avenue and

Lenox Avenue- Malcolm X. Boulevard in the Central Harlem neighborhood of Manhattan Community District 10.

The proposed rezoning area is located on the north side of West 116th Street between Fifth Avenue and Lenox Avenue-Malcolm X. Boulevard and is comprised of five tax lots (Block 1600; Lots 20, 21, 26, 27, and 30). The Project Site (Block 1600, Lot 20) is a through-lot with frontage on West 116th and West 117th streets. It is owned by the applicant and is currently used as an open parking lot and as a basketball court by an adjacent 6-story residential building (Block 1600, Lot 21), which fronts on Fifth Avenue. The project site (Lot 20) and the adjacent residential building (Lot 21) are on the same zoning lot.

The proposed rezoning would facilitate the development of two mixed-use buildings, one fronting on West 116th Street and one fronting on West 117th Street, joined by open space located above the first floor. The proposed 12-story residential building on West 116th Street will consist of approximately 95 residential units for sale or market rate rents and approximately 20,000 sf of ground floor retail space. The proposed 9-story residential building on West 117th Street will consist of approximately 100 residential units that will be affordable for households at or below 60% of the AMI and approximately 9,000 sf of community facility space. Additionally, as part of the proposed project, there will be a sub-grade parking garage with 100 accessory parking spaces for all the buildings on the zoning lots and will be accessible from West 117th Street. The proposed rezoning would generate additional floor area for Lot 21, which is currently developed with a 6-story residential building. The proposed development (Lot 20) will use approximately 78,000 sf of the unused development rights on Lot 21.

In order to facilitate the proposed project, the applicant is seeking approval of a zoning map amendment to change from the existing R7-2/ and R7-2/C1-4 zoning districts to a C4-5X zoning district. R7 districts are medium density zoning districts regulated by height factor. R7 districts have a maximum residential FAR of 3.44 and a maximum community facility FAR of 6.5. Districts with commercial overlays have a maximum commercial FAR of 2.0. The proposed C4-5X district allows a residential and community facility FAR of up to 5.0 and allows a maximum commercial FAR of 4.0. The C4-5X is a contextual zoning district that requires a maximum street wall height of 85 feet before setting back and a maximum building height of 125 feet. Additionally, C4-5X allows for a wider variety of commercial uses ranging from physical fitness facilities to supermarkets. The requested C4-5X would be an extension of an existing C4-5X which is currently zoned to the west and south of the proposed rezoning area.

Also located within the area of the proposed rezoning, which are not part of the proposed development, is a nine-story residential building fronting on West 116th Street (Block 1600, Lots 26 and 27) that was constructed in 2008, and the Second Providence Baptist Church (Block 1600, Lot 30) also fronting West 116th, which was built around 1910.

The remainder of the block, along West 116th Street, is improved with the Kalahari Condominium, a twelve-story mixed-use building with 249 residential units, the Renaissance, an eight to twelve-story mixed-use building with 262 residential units and the 1400 5th Ave, an 8-story residential building; all HPD projects that came before the Commission for approval. Additionally, along West 116th, there is a church, Salvation and Deliverance and the Shabazz

Market. Along West 117th Street, the remainder of the block is comprised of a public school, a playground, an open parking lot and a 21-story residential building.

The area surrounding the proposed rezoning is well served by public transportation. The 2 and 3 subway lines stop at West 116th Street and Lenox Avenue. The M116 and M102 bus lines run cross town along 116th Street, the M1 bus line runs along Fifth Avenue and the M100 bus line runs along Lenox Avenue.

ENVIRONMENTAL REVIEW

This application (C 080482 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 11DCP101M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Conditional Negative Declaration, signed by the applicant, was issued on May 9, 2011. The Conditional Negative Declaration included an (E) designation for air quality and a restrictive declaration for hazardous materials to avoid the potential for significant adverse impacts, as described below:

The (E) designation requirements related to air quality would apply to the following development site:

Manhattan Block 1600, Lot 20

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

Any new residential and/or commercial development on the above-referenced property must use Natural Gas as the type of fuel for space heating and hot water systems; and, if such development comprises two towers, the heating, ventilating, and air conditioning (HVAC) stack for the northernmost tower shall be located at least 110 feet from the nearest façade of the southernmost tower, and the HVAC stack for the southernmost tower shall be located at least 118 feet from the nearest façade of the northernmost tower to avoid any significant adverse air quality impacts.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once it is modified as follows:

1. The applicant agrees via a restrictive declaration to prepare a Phase II Environmental Assessment Statement (ESA), hazardous materials sampling protocol and health and safety plans, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocols and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plans.

The applicant signed the Conditional Negative Declaration on May 9, 2011. The Conditional Negative Declaration was published in the City Record and in the New York State Environmental Notice Bulletin on May 18, 2011. Pursuant to the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq., a 30-day comment period followed. No comments were received and the Conditional Negative Declaration was issued on August 8, 2011.

UNIFORM LAND USE REVIEW

This application (C 110243 ZMM) was certified as complete by the Department of City Planning on May 9, 2011, and was duly referred to Community Board 10 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 110243 ZMM) on June 1, 2011, and on June 16, 2011, by a vote of 11 to 2 with no abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 110243 ZMM) was considered by the Manhattan Borough President who issued a recommendation approving the application on July 6, 2011 subject to the following conditions:

- continue to work with the tenants through quarterly meetings;
- replace Impac Houses residential[the building on the same zoning lot of the proposed project] amenities, including the basketball court and parking spaces;
- take all necessary steps to assure construction does not compromise the integrity of surrounding properties;
- and pursue a restrictive declaration to prohibit office uses on or above the third floor and hotel uses on or above the second floor on West 117th Street and thereby and protect the residential character of the street as outlined in a letter to the Manhattan Borough President's Office.

City Planning Commission Public Hearing

On June 22, 2011 (Calendar No. 15), the Commission scheduled July 13, 2011 for a public hearing on this application (C 110243 ZMM). The hearing was duly held on July 13, 2011 (Calendar No.28).

There were six speakers in favor and one speaker in opposition. The speakers in favor included the applicant, the Borough President's representative, a community board representative, a local tenant advocacy group, HPD's Manhattan Director and the project's architect. The applicant and

the project's architect described the proposed project and the level of community outreach conducted. Additionally, the applicant explained how some aspects of the project, the placement of the affordable and the market rate buildings, changed throughout the process as a result of consulting with the community. The applicant also stated that his organization was committed to building affordable housing and addressing some of the concerns raised throughout the public review process. The Borough President's representative reiterated the Borough President's recommendation and stated the placement of the affordable building on West 117th Street eases the Borough President's concern about out of character commercial uses, such as hotels, along West 117th Street. Also speaking in favor of the project was a representative of the community board and a local tenant advocacy group that has been working with the applicant to outreach to local stakeholders.

There was one speaker in opposition who claimed to represent the residents of the Kalahari Building; which is located on the south side of the block where the project is proposed. The speaker felt the applicant has not done an efficient job of outreaching to all affected stakeholders and was concerned about the placement of the buildings. According to this speaker, the residents of the Kalahari are supportive of placing the affordable housing building on West 117th Street and the market rate building on West 116th Street, because they feel this arrangement will do more to strengthen the on-going revitalization along West 116th Street and in the area.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes the application for a Zoning Map amendment to rezone an existing R7-2 and R7-2/C1-4 to a C4-5X zoning district is appropriate.

The Commission believes the proposed C4-5X would activate the productive use of these lots and complement ongoing public and private development on neighboring blocks.

The Commission notes that this application would facilitate the development of two mixed-use buildings, one fronting on West 116th Street and one fronting one fronting on West 117th Street, with approximately 100 affordable and 95 market rate residential units. In addition, this proposed project will provide local retail, parking and a community facility use that would complement the continued growth of the surrounding area.

The Commission notes that there have been a number of recent developments which represent public and private investment in the area, including the nine-story residential building adjacent to the project site, built in 2008 and the Kalahari, which was built in 2007.

The City Planning Commission acknowledges the concerns of the Borough President with respect to the relocation of the existing parking and recreational facility. In that regard, the Commission received a letter from the applicant, dated in a July 13, 2011, stating that they would continue to outreach to affected stakeholders throughout the development process and rebuild the basketball court that is being displaced by the project. Further, the applicant stated they were committed to building affordable housing on West 117th Street and would work with HPD in exploring any mechanisms that may provide a restrictive declaration to assure the community and the Borough President of this commitment. Also, the applicant stated in the letter that

accessory parking would be provided for all the buildings located on the zoning lot and will explore how the central courtyard will be used between the two proposed buildings.

The Commission believes that the proposed mixed-use project will provide needed housing opportunities within Community District 10 that contribute to the on-going revitalization that has been occurring along West 116th Street.

The Commission therefore finds that the proposed zoning map amendment appropriate.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard, a line midway between West 116th Street and West 117th Street, and a line 100 feet westerly of Fifth Avenue; and
2. changing from an R7-2 District a C4-5X District property bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard;

as shown on a diagram (for illustrative purpose only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-278.

The above resolution (C 110243 ZMM), duly adopted by the City Planning Commission on August 8, 2011 (Calendar No. 1), 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, FAICP, Chair

**ANGELA M. BATTAGLIA, RYANN BESSER, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY,
NATHAN LEVENTHAL, SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**

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.

Application #: C 110243 ZMM

Docket Description:

C 110243 ZMM – IN THE MATTER OF an application submitted by West 116 Residential LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard, a line midway between West 116th Street and West 117th Street, and a line 100 feet westerly of Fifth Avenue; and
2. changing from an R7-2 District to a C4-5X District property bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue-Malcolm X. Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 9, 2011 and subject to the conditions of CEQR Declaration E-278.

COMMUNITY BOARD NO: 10

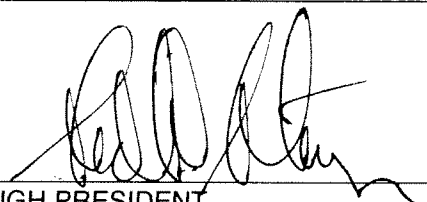
BOROUGH: Manhattan

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

7/6/11
DATE



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

SCOTT STRINGER
BOROUGH PRESIDENT

July 6, 2011

**Recommendation on
ULURP Application No. C 110243 ZMM –
West 116th Street and West 117th Street Rezoning
by West 116 Residential LLC**

PROPOSED ACTION

West 116 Residential LLC¹ (“West 116 Residential”) seeks approval of a **zoning map amendment** pursuant to Sections 197-c and 201 of the New York City Charter. West 116 Residential proposes to change, from an R7-2 and R7-2/C1-4 zoning district to a C4-5X zoning district, an area bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 445 feet west of Fifth Avenue (Block 1600, Lots 20, 21, 26, 27, and 30). The proposed action is sought to facilitate the development of two primarily residential mixed-use buildings in the Central Harlem neighborhood of Manhattan Community District 10 and within the Milbank Frawley Circle-West Urban Renewal Area.

PROJECT DESCRIPTION

West 116 Residential seeks a zoning map amendment to change an existing R7-2 and R7-2/C1-4 zoning district to a C4-5X zoning district for the eastern portion of a city block (Block 1600) bounded by Lenox Avenue, West 116th Street, Fifth Avenue, and West 117th Street, in order to facilitate the development of two primarily residential buildings. The anticipated program will include a 12-story affordable rental building with ground-floor retail and a 9-story market-rate condominium building with ground-floor community facility. The applicant proposes to construct the building on an L-shaped parcel (Lot 20) (“development site”) with 37, 304 SF of lot area and frontage on both West 116th Street and West 117th Street.

The project site is currently located within an R7-2 zoning district with a C1-4 overlay mapped along Fifth Avenue and West 116th Street to a depth of 100 feet. R7-2 zoning districts allow residential and community facility uses as of right at a maximum permitted FAR of 3.44² and 6.5, respectively. In addition, a C1-4 overlay within an R7-2 zoning district allows for a maximum 2.0 FAR for commercial uses. The existing R7-2 zoning district is a height factor

¹ West 116 Residential LLC is a venture of L+M Development Partners whose principal partners are Ron Moelis and Sanford Loewentheil.

² A residential FAR of 4.0 is permitted with Quality Housing on a wide street.

district, which encourages a tower-in-the-park building form and lacks street wall requirements and maximum building heights.

West 116 Residential proposes to extend a C4-5X, which is mapped on the western half of the block over the eastern half of the block. In addition to residential and community facility uses, the C4-5X district would permit more intensive general commercial uses such as hotels, offices, banquet halls, catering facilities, gyms, and large retail. The maximum permitted FAR for this zoning district is 5.0 for residential, and community facilities uses, and 4.0 for commercial uses. The C4-5X district is a contextual zoning district that requires a street wall height of 60 to 85 feet and a maximum building height of 125 feet.

The proposed rezoning area includes a 9-story residential building (Lot 26 and 27), the Second Providence Baptist Church (Lot 30), and a 6-story residential building (Lot 21) known as “Impac Houses,” which was rehabilitated by an affiliate of the project. The rezoning area also includes the applicant’s proposed development site (Lot 20), which currently contains a private basketball court and a 32-space accessory parking lot used by Impac Houses residents. The applicant’s Environmental Assessment Statement (“EAS”) indicates that under a Reasonable Worst Case Development Scenario, only Lot 20 is likely to be redeveloped as a result of the proposed action. On May 9, 2011, the City Planning Commission issued a Negative Declaration, which determined that the proposed action will not have a significant adverse environmental impact.³

The area surrounding the project site consists of primarily residential zoning districts. Much of the immediately surrounding area is a R7-2 district with commercial overlays mapped along the avenues, including Lenox Avenue and Fifth Avenue, and on West 116th Street. There are a variety of uses in the surrounding area, including low- to medium-density residential, retail and community facility uses. The site is surrounded by residential buildings with ground-floor retail or community facility uses ranging from six to 21 stories tall. West 116th Street is a wide street characterized by religious institutions and mixed-use residential buildings with ground-floor retail. West 117th Street is a smaller street that consists of primarily residential uses and two schools, Harlem Success Academy 1 and P.S. 149 Sojourner Truth schools, are across the street from the development site. Two residential developments in the immediate area, the 12-story Kalahari on West 116th Street and the six-story Impac Houses, are owned by an affiliate of the project sponsor. The project site is in close proximity to Central Park and Mount Morris Park.

The proposed buildings (“West 116th Street Building” and “West 117th Street Building”) have a total of 266,500 SF. The anticipated development program includes 195,000 SF of residential space (189 units), 22,000 SF of retail space, 11,500 SF of community facility, and a sub-grade accessory parking facility for 100 parking spaces. The total square footage includes 30,000 SF of development rights from Impac Houses. The development would necessitate the removal of an existing residential parking lot and basketball court. The applicant intends to relocate the

³ Due to the potential presence of hazardous materials on the site as a result of past and present uses, the applicant will be required, as dictated in a restrictive declaration to be executed and recorded against the property, to conduct a Phase II Site Assessment and Health and Safety Plan prior to initiating construction. In addition, an (E) designation would be placed on the development site in connection with the proposed rezoning in order to avoid potential for significant adverse impacts associated with boiler emissions.

basketball court to an open area adjacent to the Impac Houses residential building on West 116th Street.

The West 116th Street Building will rise to 12 stories (approximately 125 feet in height and set back at 85 feet) with residential and ground-floor retail uses. The residential component will include 100 units comprised of studios, one-, two-, and three-bedroom apartments, with a majority of the units being two-bedrooms (41). The units are targeted to a mix of income ranges between 40 and 60 percent of Area Median Income (“AMI”). Eighty units are targeted to households earning up to 60 percent of AMI, and the remaining 20 units are targeted to households earning up to 40 percent of AMI. Residential amenities for the building include a community room, laundry room, and a rooftop terrace. The applicant is exploring tenanting the ground-floor retail space with a fitness center.

West 116 Residential anticipates funding for the affordable housing development to include a New York City of Housing Preservation and Development (HPD) subsidy from either the Capital Program or HOME program, and an HPD-issued Low Income Housing Tax Credits. If the proposed funding sources are used, the applicant would be required to enter into an agreement with HPD, which would require that the development remains affordable for a minimum of 30 years. These sources of financing will help ensure the deep level of affordability of the housing.

The West 117th Street Building will be 9 stories tall (approximately 96 feet and set back at 76 feet) with a ground-floor community facility use. The building will consist of 89 units of market rate condominiums, comprised of one-, two-, and three-bedroom units. The building is also anticipated to include community facility uses on the ground floor. The applicant is currently in discussion with the residents of Impac Houses to explore relocating an existing senior center to a new 1,500 to 2,000 SF facility in the new building. The development will have several amenities including a gym, media room, children’s play room, and a rooftop terrace. In addition, an 11,060-SF terrace will connect the two buildings. This terrace area will include both private terraces for second floor residents, and a landscaped terrace for general use by the residents of the West 117th Street building. The project site will also include an accessory parking garage with an entrance on West 117th Street and accessible to both buildings.

COMMUNITY BOARD’S RECOMMENDATION

At a Full Board meeting on June 1, 2011, Community Board 10 voted to refer the application back to Land Use Committee for a vote. On June 16, 2011, in a special meeting the Land Use Committee voted to conditionally approve the application, with a vote of 11 in favor and 2 opposed.

The Community Board’s recommendation including the conditions that the applicant:

- adheres to all New York regulations regarding provisions of parking spaces for tenants of Impac Houses;
- notifies all stakeholders on West 116th and West 117th streets about the proposed development and construction timeline;

- holds quarterly meetings with community stakeholders to provide updates on the status of the development for the duration of the project as well as updates to Community Board 10; and
- ensures that the pre-construction survey identifies and addresses all conditions that may impact the integrity of all surrounding properties.

BOROUGH PRESIDENT'S COMMENTS

The proposed actions will facilitate the construction of two buildings, one of which is an entirely affordable residential building for low- to very low-income households. Additionally, the proposed program is intended to strengthen the retail character of the West 116th Street commercial corridor. Generally, the anticipated mixed-use residential development would be consistent with surrounding land uses. The project's anticipated program with high levels of affordability will provide needed opportunities for a population identified by the community as underserved.

A rezoning for this site is appropriate. The existing R7-2 district allows for out-of-scale tower development. The proposed zoning will establish a contextual bulk envelope, with maximum building heights, base heights and continuous street walls. The buildings massing and density will be consistent with the height and density of nearby buildings. The subject block includes 9- to 11-story residential buildings and the project will be across the street from another 11-story residential mixed-use building on West 116th Street.

The extension of an existing C4-5X zoning district east to encompass the proposed rezoning area would create consistent zoning for the block and matching the zoning for the block immediately to the south. The change to a commercial zoning district would also allow for retail flexibility, allowing for deeper retail stores and second floor commercial uses if necessary. In addition, the rezoning would allow a greater variety of retail uses. The applicant proposes to tenant the ground floor of the West 116th Building with a fitness center, which is not allowed as of right within the existing commercial overlay, but would be allowed in the proposed C4-5X zoning district. In addition, it would not introduce any new non-compliance or non-conformance within the proposed rezoning area.

However, the C4-5X zoning would permit commercial uses at a density and intensity that are atypical for the midblock, narrow east-west street in the surrounding area. Specifically, it will permit commercial uses including hotels and office buildings on West 117th Street where none are currently allowed as of right. West 117th Street is defined by its residential character and the site is immediately across from a school. Higher intensity commercial uses would be incompatible with the character of West 117th Street. While these uses are not currently contemplated in the anticipated development program, the uses would be allowed as-of-right under the proposed zoning.

Therefore, while the proposed zoning is generally appropriate, the allowable uses within 100 feet of West 117th Street should be restricted to prohibit hotel uses on or above the second floor and no office uses on or above the third floor. Such a restriction will continue to provide the applicant with the flexibility necessary to create a financially viable project with a high level of

affordability, but will also protect the surrounding neighborhood from potential use conflicts. In a letter to the Manhattan Borough President, the applicant has agreed to restrict the use of their property within 100 feet of West 117th Street.

During the public review of this application, residents of Impac Houses expressed concern about the lack of communication between the applicant and tenants about the proposed development. Specifically, the residents raised concerns about the potential loss of parking spaces and of the basketball court as well as about overall communication. These concerns were incorporated into the conditions of the Community Board's resolution. West 116 Street Residential, along with its community consultants, initiated a dialogue with residents to address their concerns. The applicant has assured the residents that the basketball court will be replaced and the parking spaces for Impac Residents will be made available in the proposed accessory garage. In addition, there will be monthly meetings throughout the duration of the project. The tenant association president attended the last community board committee hearing and expressed that their concerns are being addressed.

In addition to providing much needed income-targeted affordable housing, the proposed project will introduce environmentally sustainable development into the neighborhood. The proposed development will meet, and in some areas exceed, the criteria for Enterprise Green Communities certification. Some of the environmentally sustainable elements that the applicant is incorporating into the project include: high-albedo roofing and paving material, storm water retention systems, high-efficiency cavity wall insulation, modulating boilers, and low-flow plumbing fixtures.

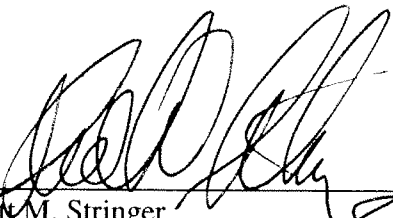
BOROUGH PRESIDENT'S RECOMMENDATION

The proposed zoning map amendment is both necessary to meet the community's and the City's affordable housing goals and consistent with the uses, size, and scale of developments in the neighborhood. While the proposed district potential introduces higher intensity uses, the applicant has committed to restricting the use of the property 100 feet from West 117th Street to prohibit hotel uses on or above the second floor and office uses on or above the third floor.

The Manhattan Borough President therefore recommends conditional approval of ULURP Application No. C 110243 ZMM based on the applicant's commitments to:

- **Continue to work with tenants through quarterly meetings;**
- **Replace Impac Houses residential amenities, including the basketball court and parking spaces;**
- **Take all necessary steps to assure construction does not compromise the integrity of surrounding properties; and**
- **Pursue a restrictive declaration to prohibit office uses on or above the third floor and hotel uses on or above the second floor on West 117th Street and thereby and**

protect the residential character of the street as outlined in a letter to the Manhattan Borough President's Office.



Scott M. Stringer
Manhattan Borough President



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
215 West 125th Street, 4th Floor—New York, NY 10027
T: 212-749-3105 F: 212-662-4215

W. FRANC PERRY
Chairman

PAIMAAN LODHI
District Manager

June 17, 2011

**Resolution on
ULURP Application No. C 110243 ZMM- West 116th/117th Streets Rezoning
by West 116 Residential LLC**

Whereas, the West 116 Residential LLC has submitted an application (C 110243 ZMM) pursuant to Section 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 6b involving: eliminating from within an existing R7-2 District a C1-4 District bounded by West 117th Street, Fifth Avenue, West 116th Street, a line 450 feet easterly of Lenox Avenue—Malcolm X Boulevard, a line midway between West 116th Street and West 117th Street, and a line 100 feet westerly of Fifth Avenue; and changing from an R7-2 District to a C4-5X District property bounded by West 117th Street, Fifth Avenue, West 116th Street, and a line 450 feet easterly of Lenox Avenue—Malcolm X Boulevard;

Whereas, the proposed rezoning would affect Block 1600, Lots: 20, 21, 26, 27 and 30, but that an increase in bulk or change of use is likely only to occur on Lots 20 and 21, as Lots 26, 27 and 30 consist of two newly constructed or renovated residential buildings and a church;

Whereas, the proposed C4-5X zoning district provides contextual controls, such as height limits, in an area where the existing zoning of R7-2 is currently governed by height factor zoning;

Whereas, the proposed C4-5X zoning district is an extension of an existing zoning designation on Block 1600 and matches the zoning of the block located immediately to the south;

Whereas, the proposed C4-5X zoning district would provide greater commercial flexibility along an already active commercial strip by allowing: more types of commercial uses, retail to exist deeper into the center of the block and the ability to add commercial space on the second floor;

Whereas, the proposed C4-5X zoning district would increase the amount of affordable housing permitted on the site by increasing the residential FAR from 3.44 (4.0 with Quality Housing on a wide street) to 5.0 FAR;

Whereas, the proposed rezoning will facilitate the development, on Lots 20 and 21, of a 12-story, market rate residential building with 95 residential units and 20,000 sq ft of retail space on West 116th Street, and a 9-story, 100-unit affordable housing building on West 117th Street, with 9,000 sq ft of community facility space and a 100-space sub-grade accessory parking garage with curb cuts on 117th Street;

Whereas, the proposed development will replace mostly underutilized land that includes a privately-owned basketball court, vacant land and a 32-space parking lot;

Whereas, the proposed development will relocate the basketball court to the exterior common area adjacent to the senior citizen activity room at 1428 5th Avenue;

Whereas, Manhattan Community Board 10 understands that the developer intends to develop approximately 1,500-2,000 sq ft of the 9,000 sq ft community facility space as a senior center for the community;

Whereas, Manhattan Community Board 10 understands that the developer intends to attain LEED certified status for the proposed development;

Whereas, Manhattan Community Board 10 believes that the proposed rezoning and related development proposal are consistent with surrounding land uses and constitutes sound zoning;

Whereas, Manhattan Community Board 10 believes the proposed development represents a superior use of land compared to existing conditions by not only eliminating blight but by providing a substantial amount of affordable housing and new commercial space along the 116th Street corridor;

Whereas, Manhattan Community Board 10 believes that the development of affordable housing is a highly appropriate use of City funds and that the income targeted ranges associated with the proposed development are within the range of many lower-income Harlem households;

Whereas, the development of 100 units of affordable housing fulfills a portion of the affordable housing commitment agreed upon in the 125th Street Rezoning Points of Agreement;

Whereas, Manhattan Community Board 10 requests that the developer hold regularly scheduled meetings with the tenants of 1428 5th Avenue, by retaining a third party liaison, to facilitate community dialogue; update the tenants on the status of the proposed development; and to address any concerns the tenants have with the conditions in their building;

Whereas, Manhattan Community Board 10 requests that the developer adhere to all NYC regulations regarding the provision of parking spaces for tenants of 1428 5th Avenue;

Whereas, Manhattan Community Board 10 requests that the developer first notify all stake holders on 116th and 117th Street of the proposed development and construction timeline;

Whereas, Manhattan Community Board 10 requests that the developer holds quarterly meetings with the stake holders to provide updates on the status of the development for the duration of the project, as well as provide updates to Community Board 10;

Whereas, Manhattan Community Board 10 requests that the developer must ensure that the pre-construction survey identifies and addresses all conditions that may impact the integrity of all surrounding properties;

Therefore, be it resolved that Manhattan Community Board 10 votes to **approve** ULURP No. C 110243 ZMM.

At a special Land Use Committee Meeting on June 16, 2011, Manhattan Community Board 10 voted to adopt this resolution by a vote of 11 in favor, 2 opposed and no abstentions.