



IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 5d, by changing from an R8B District to an R8A District property bounded by a line 100 feet easterly of Amsterdam Avenue, a line midway between West 109th Street and West 108th Street, a line 100 feet westerly of Columbus Avenue, and West 108th Street, Borough of Manhattan, Community District 7, as shown on a diagram (for illustrative purposes only) dated October 16, 2017.

This application for a zoning map amendment was filed by the Department of Housing Preservation and Development (HPD) on October 10, 2017. HPD is proposing to change the zoning district from R8B to R8A on property (Block 1863, Lots 5, 10, 13, 17, and 26) located on West 108th Street in the Manhattan Valley neighborhood of Manhattan, Community District 7. This application, in conjunction with the related actions (C 180114 HAM and N 180113 ZRM), would facilitate the development of two new buildings with affordable and supportive housing and community facility uses.

RELATED ACTIONS

In addition to the zoning map amendment (C 180112 ZMM) that is the subject of this report, implementation of the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

- C 180114 HAM** Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of City-owned property to a developer selected by HPD

- N 180113 ZRM** Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

BACKGROUND

A description of this application, the surrounding area, and the proposed project is included in the report on the related UDAAP action (C 180114 HAM).

ENVIRONMENTAL REVIEW

This application (C 180112 ZMM), in conjunction with the applications for the related actions (C 180114 HAM and N 180113 ZRM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the New York City Department of Housing Preservation and Development. The designated CEQR number is 17HPD083M.

A summary of the environmental review appears in the report for the related UDAAP action (C 180114 HAM).

UNIFORM LAND USE REVIEW

This application (C 180112 ZMM), in conjunction with the application for the related UDAAP designation action (C 180114 HAM) was certified as complete by the Department of City Planning on October 16, 2017, and was duly referred to Manhattan Community Board 7 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 180113 ZRM), which was referred in accordance with the procedures for non-ULURP actions.

Community Board Public Hearing

Community Board 7 held two public hearings on this application (C 180112 ZMM) on October 30, 2017 and November 20, 2017. On December 5, 2017, by a vote of 28 in favor, none opposed, three present but not voting, and four abstentions, the Community Board voted to approve the application with conditions. A summary of the vote and conditions of the Community Board appear in the report for the related UDAAP action (C 180114 HAM).

Borough President Recommendation

This application (C 180112 ZMM) was considered by the Borough President of Manhattan, who on January 24, 2018 recommended approval of the application. A summary of the Borough President's recommendation appears in the report for the related UDAAP action (C 180114 HAM).

City Planning Commission Public Hearing

On January 17, 2018 (Calendar No. 3), the City Planning Commission scheduled January 31, 2018, for a public hearing on this application (C 180112 ZMM) and the applications for the related actions (C 180114 HAM and N 180113 ZRM). The hearing was duly held on January 31, 2018 (Calendar No. 14). There were 23 speakers in favor of the application and one in opposition, as described in the report for the related UDAAP application (C 180114 HAM).

CONSIDERATION

The Commission believes that the proposed zoning map amendment (C 180112 ZMM), in conjunction with the applications for the related actions (C 180114 HAM and N 180113 ZRM), is appropriate. A full consideration and analysis of the issues and reasons for approval appear in the report for the related UDAAP application (C 180114 HAM).

RESOLUTION

RESOLVED¹, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued on March 2, 2018, with respect to this application (CEQR No. 17HPD083M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, through the Land Disposition Agreement between HPD and the project sponsor, those project components related to the environment and mitigation measures that were identified as practicable.

¹ This has been modified to reflect the FEIS information as detailed in the Environmental Review Section of the lead report (C 180114 HAM).

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts, and of social, economic and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

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

The above resolution (C 180112 ZMM), duly adopted by the City Planning Commission on March 14, 2018 (Calendar No. 11), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

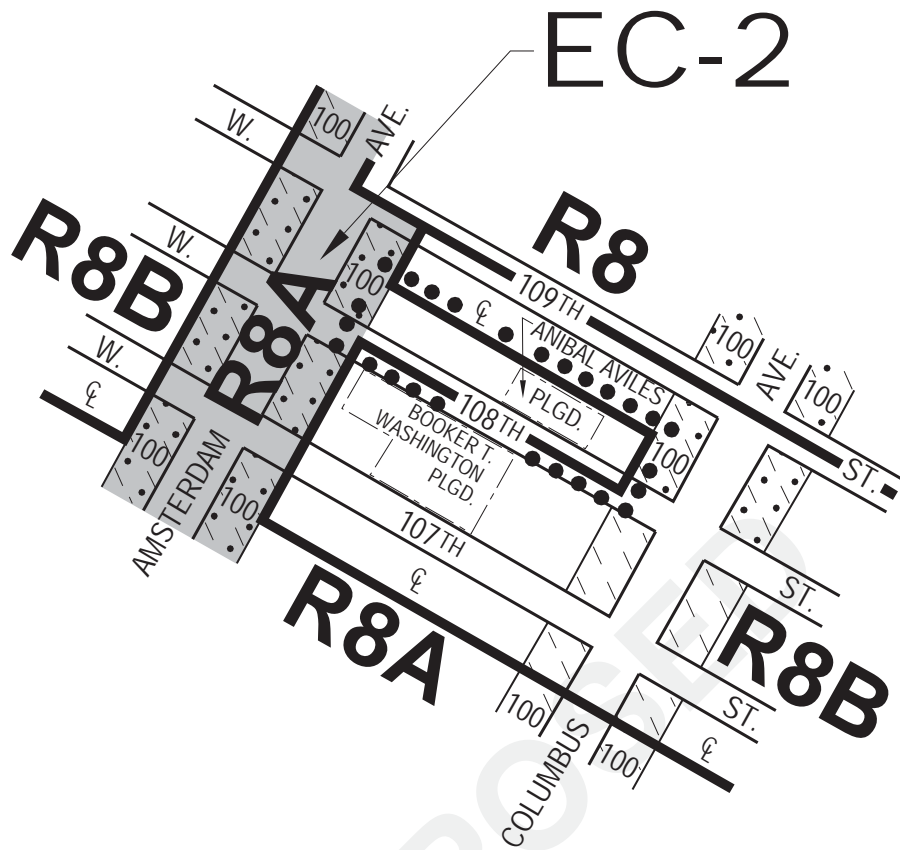
MARISA LAGO, *Chair*

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

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

CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,

ORLANDO MARIN, LARISA ORTIZ, *Commissioners*








CITY PLANNING COMMISSION
 CITY OF NEW YORK
 DIAGRAM SHOWING PROPOSED
ZONING CHANGE
 ON SECTIONAL MAP
5d

BOROUGH OF
MANHATTAN

New York, Certification Date
 OCTOBER 16, 2017

S. Lenard, Director
 Technical Review Division



- NOTE:**
-  Indicates Zoning District Boundary.
 -  The area enclosed by the dotted line is proposed to be rezoned by changing an existing R8B District to an R8A District.
 -  Indicates a C1-5 District.
 -  Indicates a C2-5 District.
 -  Indicates a Special Enhanced Commercial District-2 (EC-2).

Community Board 7/Manhattan RESOLUTION

Date: December 5, 2017

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

Re: West 108th Street WSFSSH Development, C 180112 ZMM

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

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

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

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

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

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

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

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

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

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

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

The building proposed for the Eastern Site would contain 81 units of senior housing and a superintendent’s apartment. It would have an FAR of 5.3 (40,115 feet of floor area). Its base height would be 82 feet 26 inches topped by a set back and a total building height of 110 feet. The rear yard would be 39 feet 11 inches.

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

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

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

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

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

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

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

Some individuals expressed concern about the environmental impact of the proposed construction on the school (M.S. 54, the Booker T. Washington Middle School), directly across the street from the project. In particular, this testimony concerned the impact on the school of noise, dust and the potential for release of hazardous materials during construction.

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

Community Board 7 ("CB7") has considered the objections, and the testimony in favor of the proposed project, and finds as follows:

1. There is a significant need in the City and in the CB7 area for the provision of housing for the formerly homeless and elderly, as well as affordable housing for families. While the loss of parking will inconvenience patrons of the garages, the need for affordable housing outweighs the need for parking garages.
2. CB7 has considered the impact of the proposed construction on the school, including without limitation the noise generated during construction as well as the need for careful remediation of various hazardous materials confirmed to be present at the Western and Eastern Sites in the Draft Environmental Impact Statement. CB7 has met with elected officials and engineers representing the engineering firm for the Project, and has

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

3. With respect to the size of the project, the existence of two parks on the affected block as well as the proposed use, together with the introduction of rear yards behind the Western and Eastern Sites larger than currently available with the existing condition, justifies an increase in permissible floor area and height. CB7 emphasizes that approval of the zoning map change is limited to the area covered by the application as finally approved, and the Board's approval is based on the unique physical conditions and proposed use of the property. It is not to be considered as precedent for up-zoning elsewhere in Manhattan Valley or Morningside Heights.

Conditions to approval:

1. There is presently no document binding the City or WSHFSSH to the elements of the plan outlined above. It is expected that a Land Disposition Agreement will be executed after the ULURP period has ended. WSHFSSH and HPD have represented that the Land Disposition Agreement will bind WSHFSSH to construct a building on the Western site in accordance with HPD's application; will include a commitment to transfer both the Western and Eastern Sites to WSHFSSH; and will include a provision that the restrictions contained in the application will run with the land and bind any future owner or party in control of these Sites. HPD has also represented that a regulatory agreement respecting the use of the Sites, requiring them to be used for affordable and supportive housing as detailed by WSFSSH in the DEIS and other submissions, will be entered into by WSFSSH and the appropriate City representatives for the longest term permissible under law, currently 60 years. CB 7's approval is conditioned upon the execution, recording and binding effectiveness of the appropriate documents in accordance with these representations.
2. CB7's approval is further conditioned on the fulfillment of representations by WSHFSSH that it will form a community advisory group to coordinate construction issues with representatives of the Booker T. Washington School across the street from the site and of residential and business neighbors near the Project Sites. CB7 urges the developer to take all reasonable steps to avoid disruption of school activities, including refraining from using equipment generating significant noise and/ or vibrations during school hours; and urges WSFSSH not to apply for, and the City not to grant after hours variances for construction before or after the permitted work day and especially on weekends except when critically necessary to abate a true emergency or address a dangerous condition.
3. CB7 believes that a project of this scale and importance, and especially one that will be built using public funding, must 1) provide the maximum protection for a safe workplace during construction both for the workers and for those living near or passing by the construction site; and 2) engage

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

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

Strong recommendations:

1. CB7 deems the lack of adequate affordable housing, and in particular the thousands of seniors on multi-year waiting lists for affordable and supportive housing, to be an immediate and pressing problem, and urges the City to transfer the Eastern site on an expedited basis, without waiting five years as proposed.
2. CB7 is cognizant of the dislocation caused to monthly parkers in the garages, and urges WSFSSH and the City to provide assistance and information to enable the parkers -- particularly those for whom a car is essential for work, and/ or by reason of disability -- to find alternative sites. Such assistance and information should be provided in a manner that addresses the impact of the displacement of residents in the immediate Manhattan Valley vicinity from a resource that heretofore has been a significant community asset.
3. The current design for the proposed buildings differs materially from a design proposal circulated in earlier phases of the project. The current design proposal has eliminated many design features of the earlier proposal, including breaks in the building line, outdoor seating, and an inviting streetscape. Under the current design, the entire street-front of the proposed Western building is dominated by large windows. These windows will not enhance the streetscape but will deaden it. In particular, most of the windows will provide a view of a medical clinic waiting room. This is not a desirable feature, whether viewed from the inside or the outside. CB7 notes that, given the non-residential nature of the block and the presence of two parks, the developer should have greater freedom to design an imaginative and esthetically appealing building, without sacrificing function. CB7 urges the developer and the City to revisit the earlier design and incorporate the desirable features of that design which have been eliminated.

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

1. **Approves** the proposed rezoning and remapping of the WSFSSH sites from R8B to R8A.
2. **Approves** designation of the area comprising the WSFSSH sites as an Urban Development Action Area:
3. **Approves** the Application to Amendment Appendix F of the Zoning Resolution to designate the WSFSSH sites as a Mandatory Affordable Housing Area.
4. **Approves** the disposition of the sites described above to WSFSSH, provided, however, that the building has the height, bulk and massing described above and in the application for rezoning; that the use of the property be limited to the purposes described in the application; that in no event shall the building be used for private housing or commercial purposes other than as described in the application; that restrictions set forth in the application run with the land; and that within 60 days of the conclusion of ULURP the City execute a legally binding document agreeing to the transfer to WSFSSH of both the Eastern and Western Sites.

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