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Mark Levine, Borough President

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Recommendation on ULURP Application Nos. 230209ZSM, 230206ZMM, N230207ZRM, and 230208ZSM – 135th Street Rezoning
By Crosscap Holdings LLC

PROPOSED ACTIONS

Crosscap Holdings LLC (the "Applicant") is proposing several land use actions to facilitate the development of a mixed-use building located at 701 West 135th Street (Block 2101, Lot 58) in Manhattan Community Board 9 (the "Site").

The Applicant proposes the following actions:

1. A zoning map amendment to change Block 2101 Lot 58, a portion of Lot 60 between the Site and the Amtrak viaduct, and a portion of Lot 55 to the midline of Twelfth Avenue, from an M1-1 district to an R7-2 district with a C2-4 overlay (the "Rezoning Area");
2. Three zoning text amendments:
    a. An amendment to Appendix F of the Zoning Resolution (ZR) to create a Mandatory Inclusionary Housing (MIH) area in the Rezoning Area;
    b. An amendment to ZR Section 104-00 ("Special Manhattanville District Regulations"), Appendix A, to add the Rezoning Area as "Other Area" within the Special Manhattanville Mixed Use (MMU) District;
    c. An amendment to ZR Section 104-60 to allow a special permit to modify applicable bulk regulations for developments, except floor area ratio (FAR) regulations, within or over a railroad right-of-way;
3. A special permit pursuant to ZR Section 74-681 to develop within and over a railroad right-of-way; and
4. A special permit pursuant to the newly amended ZR Section 104-60 to allow the modification of bulk regulations, except floor area regulations, for developments within or over a railroad right-of-way, specifically rear yard and lot coverage requirements.

These actions would facilitate the development of a new seven-story mixed-use building containing 60 units of housing, of which approximately 12-18 units would be permanently affordable under the Mandatory Inclusionary Housing (MIH) program. The building will also include ground-floor retail and community facility use. The sixth and seventh floors of the building are proposed to cantilever over the Amtrak railroad right-of-way.

BACKGROUND

The Rezoning Area is currently zoned M1-1, which is a light manufacturing district. M1-1 districts have to meet high performance standards for industrial uses and are often buffers

between higher intensity manufacturing districts and commercial or residential areas. Residential development is not permitted in M1-1 districts.

Currently, the M1-1 district spans from St. Clair Place to approximately West 145th Street, containing mainly waterfront uses, the Henry Hudson Parkway, the Amtrak railroad, Riverbank State Park, and the wastewater treatment plant. An M1-2 district is located along Twelfth Avenue from St. Clair Place to West 135th Street. While the area is zoned for manufacturing uses, it is not currently extensively used for manufacturing uses, besides some wholesale retailers, storage facilities, and auto repair. Just to the south of the Site, the MMU District was established in 2007 and rezoned the area for academic mixed-use development.

The Applicant first brought the application to the community board and local elected officials in approximately 2018, at which point they received feedback about the original height interfering with views from Riverside Drive. The current proposal incorporates a height reduction as well as a cantilever to ensure that the Site is able to maximize its use of residential floor area.

Proposed Development

The proposed actions would facilitate an approximately 53,531-square-foot mixed-use building containing 60 units of housing, of which approximately 12-18 units would be permanently affordable under the MIH program. The building would also include 7,398 square feet of retail use and a 689-square-foot community facility space.

The Applicant has not determined which MIH option they would use for the development. The MIH options are as follows:

- Option 1: 25% (15 units) at an average of 60% AMI;
- Option 2: 30% (18 units) at an average of 80% AMI; or
- Option 3: 20% (12 units) at an average of 40% AMI.

Option 3, which is also known as the Deep Affordability Option, can currently only be used along with Option 1. The Applicant requested feedback from the community board regarding their preferred MIH option. The Applicant proposes a unit mix of 30 studios, 26 one-bedrooms, and four two-bedrooms.

The proposed rezoning from M1-1 to R7-2 with a C2-4 overlay would allow mixed residential and commercial use at the site. M1-1 districts do not allow for residential uses and have a manufacturing FAR of 1.0. The maximum residential FAR for an R7-2 district on a wide street with Inclusionary Housing is 4.6, and the maximum commercial FAR for C2-4 districts is 2.0. The Rezoning Area includes Block 2101 Lot 58, the portion of Lot 60 to the west of Lot 58, and a portion of Lot 55 to the midline of Twelfth Avenue.

The special permit for the railroad right-of-way would facilitate the development of the building and the sixth and seventh floors of the building to cantilever approximately 33 feet over the Amtrak railroad right-of-way. While Amtrak has not yet reviewed the application, the Applicant intends to submit full engineering plans for review after completing the Uniform Land Use

Review Procedure (ULURP). Adding the Site to the MMU District as "Other Area" allows the Applicant to seek the bulk relief necessary to complete the project through special permit.

The height of the building is proposed as 71'6" to match the height of Riverside Drive, with the cantilever to achieve additional density without adding height. There is also a 15-foot bulkhead proposed on the roof of the building that exceeds that height, but it does not span the whole building, and the Applicant has prepared renderings that show that sightlines would be minimally impacted.

The site is in the 1% and .2% floodplains, and the Applicant has proposed mitigations to address potential flooding, including internal ramps, wet and dry floodproofing, equipment pads for electrical equipment, and locating the mechanicals on the roof.

The Site has had various retail uses over the years, most recently a restaurant, but the building is currently vacant. The existing sidewalk conditions have deteriorated and there is a sinkhole in front of the building. According to the Applicant, the building has never been used for traditional manufacturing uses.

Area Context

The Site is located in Manhattan Community Board 9 on Twelfth Avenue. The surrounding area is zoned M1-1, M1-2, C6-1, C6-2, and R8. The MMU District spans much of the area to the south and southeast.

Riverside Drive is elevated above Twelfth Avenue to the south and east of the Site. There is a staircase with access up to Riverside Park to the east of the Site. To the west are the elevated Amtrak railroad tracks, the Henry Hudson Parkway, and access to the Hudson River waterfront and West Harlem Piers is located further south. To the north is the Riverside Valley Community Garden and access to the West 137th Street bridge to Riverbank State Park.

The Site faces some transit and access difficulties. The Site can be reached by foot from either direction on Twelfth Avenue, a non-ADA staircase to Riverside Park, and access from the east on West 133rd and West 138th Streets. There are multiple buses in the area including the M5 and M11 buses stopping at West 135th Street and Riverside Drive, and the M4 along Broadway. The closest subway is the 1 train at West 137th Street and Broadway.

There are also currently pedestrian difficulties due to existing sidewalk conditions, as the sidewalk on both the east and west sides of Twelfth Avenue are not to ADA compliant width and are difficult terrain to traverse, including not being fully paved on the west side of the block north of the Site. The NYC Department of Transportation (DOT), along with the Department of Design and Construction (DDC) and the Department of Environmetal Protection (DEP), plan to make improvements to the area, including sinkhole remediation, drainage upgrades and new sewer installation, sidewalk reconstruction and expansion, parking and bike lanes, raised crosswalks, and other improvements to the pedestrian experience.

The project's Racial Equity Report identifies the displacement risk of the project area as "higher" compared to neighborhoods citywide. In 2020 in Hamilton Heights, Manhattanville, and West Harlem, 37% of the population identified as Hispanic/Latino, 28% as white, 20% as Black, and 10% as Asian. From 2017-2021, an estimated 30% of households in the area were considered extremely low-income, with an estimated 53% of households spending more than 30% of their income on rent.

COMMUNITY BOARD RESOLUTION

The Applicant presented to the Housing & Land Use Committee of Manhattan Community Board 9 ("CB 9") on May 14, 2024. They explained that they brought the application for a 14-story building before the board for the first time in 2017-18, thereafter reduced the height of the building to make it the same height as Riverside Drive, and that members of the board in 2019 expressed preliminary support of that amended proposal. The Applicant stated that Amtrak has not approved the proposal and that the rail agency would not review the building proposal until the Applicant can provide a full set of plans, which the Applicant plans to do if the project obtains ULURP approval. In order to build over the Amtrak right-of-way, the Applicant must demonstrate that their development does not present operational or other issues for rail service and maintenance. The Housing and Land Use Committee did not have a quorum but polled their members and members of the public and voted to recommend disapproval of the application.

On May 16, 2024, CB 9 voted to recommend disapproval of the project by a vote of 26-2-6. During the meeting, members expressed support for affordable housing in the neighborhood in general, though many stated that the project site is not appropriate for housing. Members' concerns included the impact of the proposed building on the views from Riverside Drive, how Amtrak would access the tracks to make repairs or build new transportation infrastructure, drainage and flooding issues at the site, and noise and soil impacts. Along with recommending disapproval of the application, CB 9 requested that the building be marketed for commercial and manufacturing uses once the sewer and sinkhole are repaired.

BOROUGH PRESIDENT'S COMMENTS

We are currently in a housing crisis, with rents hovering close to $5,000 on average in Manhattan. Vacancy rates are so low that it is increasingly difficult for New Yorkers to find an available apartment, let alone one that is affordable to them. Housing is also getting increasingly difficult to finance, with the costs of building materials skyrocketing, and the expiration of 421-a.

This proposal attempts to convert an abandoned manufacturing building to 60 new units of housing, including 12-18 income-restricted units. In the context of our current housing crisis, we need to embrace creative locations to add a little more housing everywhere.

I know this proposal has some challenging elements, and I hear the overwhelming calls of concern from Community Board 9. I hope that the Applicant can make adjustments to address those concerns, including ensuring the crucial views of the river are not impacted, and that a comfortable residential environment is created for the residents. The Applicant has shown

renderings of bulkheads that do not impact the sightline to the south from Riverside Drive and align with the sightline of the wastewater treatment plan to the north. I hope the Applicant can work with Riverside Park and the Riverside Valley Community Garden to bring benefits to these community assets.

If the Applicant is willing to put in the work to make improvements to the area, including addressing crucial safety concerns for pedestrians in addition to the already planned improvements by the City, this project can be a transformative cornerstone for the area. I hear the calls for the building to remain commercial, but I hope that the ground-floor commercial tenants and the building's residents can develop a symbiotic relationship where the commercial tenancies benefit from residents by serving their needs. Lastly, I understand the Community Board's concerns about the Amtrak cantilever, but I trust Amtrak's engineers to make the appropriate determination after the Applicant prepares full design and engineering drawings, an expense that is typical to not take on until after the ULURP process. I ask the Applicant to keep the community board updated on their progress with Amtrak, once that process begins.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend **approval** of ULURP Application Nos. 230209ZSM, 230206ZMM, N230207ZRM, and 230208ZSM **with the following conditions**:

1. Minimize the width of the bulkheads to ensure a substantial view corridor of the Hudson River;
2. Incorporate a public or park amenity into the building design and work with both Riverside Park and Riverside Valley Community Garden on potential improvements or benefits;
3. Work with City agencies to improve flood mitigation strategies in the area, both in the short term with improved drainage and also partner with the City on long-term resiliency efforts;
4. Improve the surrounding environment for the residents including installing adequate lighting, greenery, and pedestrian infrastructure, particularly going north on Twelfth Avenue to West 138th Street to get to the subway;
5. Continue to work with the appropriate city agencies, including DOT, DDC, and DEP to address infrastructure concerns including the sinkhole, area sidewalks, and drainage, in conjunction with the timing of project construction;
6. Work with the DOT to address safety concerns of cars turning onto Twelfth Avenue from the Henry Hudson Parkway at West 135th Street and ensure visibility and safety of pedestrians; and
7. Update Community Board 9 on progress with Amtrak feedback and approvals.

Mark Levine
Manhattan Borough President