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Gale A. Brewer, Borough President

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**Recommendation on
ULURP Application No. C 130208 ZMM
West 106 Street Rezoning
By PWV Owner LLC**

PROPOSED ACTION

PWV Owner LLC¹ (the “Applicant”) seeks a **zoning map amendment** to Zoning Map Section No. 5d to contextually rezone lots 20 and 57, of Block 1860 (the “Site”), located along West 106th and West 105th Street between Amsterdam Avenue and Columbus Avenue from an R7-2 zoning district to an R8A zoning district for Lot 20 and an R8B zoning district for Lot 57.

Background

In 2007, the City Planning Commission (The “Commission”) approved the Department of City Planning’s (DCP) application for the Upper West Side Rezoning (Application No. C 070427 ZMM), a comprehensive rezoning of the Upper West Side of Manhattan. The rezoning’s borders were West 97th Street to the south, West 110th Street to the north, midblock between Central Park West and Manhattan Avenue to the east, and midblock between Riverside Drive and West End Avenue to the east.

DCP’s application was in response to the recommendations made by Community Board 7’s (CB7) 97-110 Street Rezoning Task Force. After thorough community outreach and an extensive collaborative process with all stakeholders, DCP found that the existing zoning districts of R8 and R7-2 were not consistent with the area’s built character of low-scale 4 to 7 story buildings along the midblock and larger 12 to 17 story buildings along the avenues. These districts promoted out-of-scale development. The Upper West Side Rezoning focused on rezoning a number of Avenues and midblocks between West 97th Street and West 110th Street from R8 and R7-2 districts to contextual R9A, R8A, and R8B districts. The Site was within one of the proposed split R8A and R8B rezoning areas. However, it was not included in the final approval since at the time an existing nursing home facility operated by Jewish Home Lifecare (JHL) was planning the redevelopment of a new long-term care facility and residential tower on the site. This proposed development would have been incompatible with the height and setback restrictions in the R8A and R8B zoning districts proposed under the 2007 rezoning.

JHL and CB7 signed a Memorandum of Understanding (MOU) in which JHL agreed not to construct any building on the site other than the new long-term care facility. In the event that JHL did not build the long-term care facility, any new development would be limited to R8A zoning district on the northern portion of the site and R8B zoning district on the southern portion of the site. The MOU would run with the land and be binding on all future owners.

¹ PWV Owner LLC is owned by Joseph Chetrit of the Chetrit Group

After the Upper West Side Rezoning was completed JHL decided to construct the new long-term care facility on West 97th Street between Columbus Avenue and Amsterdam Avenue. JHL entered into an agreement with the applicant to sell the entirety of the site to the applicant and the applicant would subsequently apply to the commission for the site to be included in the existing R8A and R8B zoning district under the conditions of the MOU. No redevelopment of the site would commence until JHL's new building is completed and JHL's clients are moved to the new location, which is not expected to take place before 2017.

Area Description

The site is located in the Manhattan Valley neighborhood of Community District 7. Its neighborhood character is principally residential and community facility uses with commercial retail primarily located on the ground floor along Broadway, Amsterdam Avenue, and Columbus Avenue. The built residential character is a mix of rowhouses and four to six story apartment buildings on the side streets and 12 to 17 story apartment buildings along the avenues.

Nearby community facilities include PS 145 directly across from the Site at West 105th Street, MS 54, the Booker T. Washington Middle School, a YMCA facility, the Cluster House, a single adult living facility for the formally homeless living with mental illness, Veritas, a residential facility for persons recovering from substance abuse, and a number of religious institutions.

There is an abundance of open space with Central Park two blocks to the East, Riverside Park three blocks to the West, and Morningside Park four blocks to the North. There are two playgrounds in the area, Bloomingdale Playground, two blocks to the South, and Booker T. Washington Playground, two blocks to the North.

Transit in the area consists of the B and C subway lines along Central Park West with stops at West 103rd Street as well as the 1 train line running along Broadway with stops at West 103rd Street. The area is also served by multiple bus lines, in particular the M7, M11, and M116 which travel along West 106th Street.

Site Description

The Site consists of 88,731 square feet on Lots 20 and 57 within Block 1860. It is located in the midblock portion bordered by Amsterdam Avenue to the west, Columbus Avenue to the east, West 105th Street to the north and West 106th Street to the south. The Lot 20 portion is currently owned by JHL, while Lot 57 is owned by a related entity. JHL currently operates a 514-bed nursing home on the Site consisting of five interconnected buildings ranging in height between two and nine stories.

Project Description

Pursuant to the MOU the Applicant is requesting a contextual rezoning of the Site from an R7-2 zoning district to an R8A zoning district for Lot 20, fronting West 106th Street, and an R8B zoning district, fronting West 105th Street. The applicant proposes a future redevelopment scenario of a three building mixed-use residential and community facility development.

The R7-2 zoning district is a medium density residential district that allows for either a height factor or quality housing building envelope. Height factor regulations encourage taller buildings and smaller lot coverage on large lots with the building height controlled by the sky exposure plane. The proposed R8A and R8B are contextual zoning districts with mandatory quality housing regulations requiring new development to be consistent with the character of the neighborhood, with defined maximum street wall

heights and maximum height limitations of 120 feet in R8A zoning districts and 75 Feet in R8B zoning districts.

As reported in the Environmental Assessment Statement's (EAS) "future with action" Reasonable Worst-Case Development Scenario (RWCDs), the Site will be three mixed-use residential buildings with community facility space. This would include two 11-story buildings connected by an 8-story central core along West 106th Street and a 7-story building along West 105th Street. The three buildings will contain approximately 628,886 gross square feet (gsf) of floor area, including 597 market rate dwelling units, 31,006 gsf of Community Facility Space, and 208 accessory parking spaces below grade.

COMMUNITY BOARD RECOMMENDATION

At a Full Board meeting on February 4, 2013 Community Board 7 voted to **approve** the application with a vote of 32 in favor, 2 opposed, 2 abstentions, and 1 present. In addition to its approval Community Board 7 prepared a companion letter to further explain its decision to approve. The letter summarized the well-attended January 15, 2014 meeting of Community Board 7's Land Use Committee where a number of Neighborhood and Block Associations voiced support for the contextual rezoning of the Site but had significant concerns with the appropriateness of JHL's proposed move to West 97th Street. Community Board 7's companion letter went on to clarify that the Community Board's support of the contextual rezoning of the Site in no way demonstrated support of JHL's West 97 Street proposal and does not preclude JHL from remaining at the West 106th Street location.

BOROUGH PRESIDENT'S COMMENTS

Now that JHL's redevelop plans have changed, the reason to retain the current R7-2 zoning district no longer exists. The zoning for this portion of Block 1860 should be restored to the R8A and R8B contextual zoning districts similar to the rest of the block and as originally proposed in the 2007 rezoning. The existing R7-2 zoning district potentially allows for height factor development with excessive heights and low street walls, which are inconsistent with the existing character of the neighborhood. The rezoning to R8A and R8B zoning districts allows for appropriate growth, while at the same time protecting the upper West Side low-density midblocks.

Similar to CB7, the office of the Manhattan Borough President is not endorsing a move by JHL from its present location. The concerns raised by Community Board 7's companion letter regarding JHL's proposed new development on West 97th Street are valid and deserve to be responded to by the overseeing agency, the New York State Department of Health. The Office of the Manhattan Borough President has been monitoring the JHL West 97th Street proposal as it goes through the environmental review process and is looking forward to reviewing and commenting on the Draft Environmental Impact Statement when it becomes available to the public.

The application is a zoning map change with no site plan for the Site. The EAS analyzed only two scenarios with residential development and community facilities. The possibilities of JHL remaining at the site or redeveloping the site for its use were not considered. In the absence of JHL remaining at the site, there is no consideration in either the rezoning application or the EAS of affordable housing at the site. The EAS's "Future no action" and "Future with action" RWCDs assumed all future residential units would be market rate units (380 units with a "future no-action" and 597 units with a "future with action"). Both of these scenarios are based on the assumption of a minimum unit size of 850 gsf, which far exceeds the gross square foot minimums set forth in the City of New York's Zoning Resolution § 23-22. The R8A section of the proposed rezoning allows for greater density and a higher maximum building height than the current building or the "Future no action" Quality Housing scenario described

in the EAS. A recalculation of minimum unit size along with the increase in density and height from the R8A zoning district should allow for more units to be developed at this site.

If JHL sells the site for development pursuant to the agreement it has with the Applicant, the redevelopment of the site is anticipated to occur not earlier than 2017. There is sufficient time to develop an affordable housing component as well as the possibility of programs that could provide for affordable housing in sites such as these. There is a city-wide need for affordable housing and the Office of the Manhattan Borough President strongly recommends that this location be reviewed by the Commission and the New York City Department of Housing and Preservation as an appropriate location for the inclusion of affordable housing. The Commission and HPD are further strongly encouraged to work with the applicant to include an affordable housing component in any future residential development on this site.

In conclusion, the proposed contextual rezoning will help reunite the Site with the surrounding R8A and R8B zoning districts and the intent of the original 2007 Upper West Side Rezoning. The current R7-2 zoning could allow possible future out-of-scale development under the Height Factor option and given the Community Board's strong opinions on this matter, a rezoning to contextual districts is appropriate. The proposed R8A and R8B District limit the height of any future development and reflect the existing built character of the neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

The application by PWV Owner LLC for a **zoning map amendment** to Zoning Map Section No. 5d to rezone property along West 106th Street from an R7-2 District to an R8A District and to rezone property along West 105th Street from an R7-2 District to an R8B District is appropriate.

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 130208 ZMM.


Gale A. Brewer
Manhattan Borough President