Discussion of Findings – Attachment # 11
Project ID: 2022M159
West 135th Street Rezoning
701 West 135th Street
Tax Block 2101, Lot 58; a portion of Lot 60; and a portion of Lot 55, Borough of Manhattan
March 13, 2024

ZR §74-681

Development within or over a railroad or transit right-of-way or yard

a) In all districts, when a #development# or #enlargement#, including large-scale developments pursuant to Section 74-74, 78-00 et seq. or 79-00 et seq. is located partially or entirely within a railroad or transit right-of-way or yard and/or in #railroad or transit air space#, the City Planning Commission may permit:

1) that portion of the railroad or transit right-of-way or yard which will be completely covered over by a permanent platform to be included in the #lot area# for such #development# or #enlargement#;

The Project Site will be developed with a proposed seven-story, approximately 53,531 square foot mixed-use building, with approximately 7,398 square feet of Use Group 6 retail, 689 square feet of Use Group 3 and/or 4 community facility space and 45,444 square feet of residential floor area, with 60 dwelling units, of which, approximately 15 to 18 units will be constructed pursuant to the Mandatory Inclusionary Housing Program (the "Proposed Development"). The sixth and seventh floors of the Proposed Development will cantilever over a railroad right-of-way.

The Applicant requests that, since a portion of the Proposed Development will be completely covered over by a permanent platform, that such portion be included in the lot area for the Proposed Development.

2) any portion of the right-of-way or yard where railroad or transit #use# has been permanently discontinued or terminated to be included in the #lot area# for such #development# or #enlargement#;

Not applicable.

3) notwithstanding the applicable district regulations, certain #uses# may be located beneath a portion of a permanent platform, including a platform street as follows:

i. any #use# #accessory# to a primary #use# located on the #zoning lot#;

A portion of the Proposed Development shall be located beneath a permanent platform.

ii. a #public parking garage# or #public parking lot# provided the findings set forth in Section 74-52 and hereby made applicable, are met for such garage or lot;

Not applicable.

iii. a railroad passenger station (pursuant to Section 74-62) or a railroad including right-of-way, freight terminal, yard or appurtenance, or a facility or service used or required in railroad operations;

Not applicable.

iv. a public transit yard, vehicle storage, warehouse, trucking terminal or motor freight station (without limitation on #lot area# per establishment).

Not applicable.

b) As a condition for granting a special permit, the Commission shall find that:

1) the #streets# providing access to all #uses# pursuant to paragraph (a) of this Section are adequate to handle traffic resulting therefrom;

It is anticipated that access to and from the Development Site will be via public transportation.

North of the Project Area at West 138th Street and 12th Avenue are two ramps that lead to Riverside Drive, one north bound ramp and one south bound ramp, as well as stairs, located directly adjacent to the Project Area, which also lead to Riverside Drive. There is also direct sidewalk access to Broadway from 12th Avenue north of the Project Area to West 138th Street.

The nearest subway station with an elevator is 125th Street at St. Nicholas Avenue, which is serviced by the A, B, C, and D trains. People with disabilities can then access M11 bus line at 126th Street and Amsterdam Avenue to and from the Project Area.

Furthermore, Access-A-Ride Paratransit Service is available at the Project Area to individuals with ADA requirements and provides origin-to-destination or feeder service for eligible customers.

Regardless, the streets providing access to the Development Site are adequate to handle traffic resulting from the Proposed Development. The Site is directly accessible from Twelfth Avenue, a two-way wide street northbound until the Project Area, when Twelfth Avenue becomes a one-way southbound street, accessible from West 138th Street. Twelfth Avenue is also accessible from the south from West 133rd Street, a two-way wide street.

2) the distribution of #floor area# and the number of #dwelling units# or #rooming units# does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such #development# or #enlargement#, including any portion of the #development# or #enlargement# located beyond the boundaries of such railroad or transit right-of-way or yard;

The Project Area and the surrounding area is located in the West Harlem-Manhattanville neighborhood of Manhattan. The Special Manhattanville Mixed-Use District is located approximately 40 feet from the Project Area, beginning at the midpoint of West 135th Street. The surrounding area is predominantly characterized by transportation, utility, and industrial uses by the waterfront, and parkland and residential uses at a higher elevation above the retaining wall that supports Riverside Park and Riverside Drive. Other than the Development Site, the project block contains parcels with state and city parkland, a New York City Department of Sanitation utility building, the New York City Department of Environmental Protection North River Wastewater Treatment Plant (the "WWTP"), an active rail line utilized by Amtrak, and the Henry Hudson Parkway.

Park land is the dominant land use in the area. Riverside Park lies north and east of the Project Site and can be accessed from a stairway across Twelfth Avenue or by walking north to an entrance on Twelfth Avenue and the West 138th Street tunnel under Riverside Drive. Riverside Park is a 330-acre, four-mile-long park stretching from 59th Street to 155th Street. Within the portion of the park that lies in the Project Area there is a steep slope filled with trees, some community gardens, and landscaped walkways along

Riverside Drive. To the west of the Project Area, a portion of Riverbank State Park is located and is accessible primarily from the West 145th Street pedestrian overpass off of Riverside Drive. The state park is a 28-acre park built atop the North River WWTP on the Hudson River, containing playfields, courts, a swimming pool, covered skating rink, cultural theater, athletic complex, and restaurant. Another area owned by the New York City Department of Parks includes Block 2005, Lot 27 that is located under the elevated Henry Hudson Parkway where there is a Parks Department building, and vehicle and materials storage and warehousing. Also located on this Parks Department-owned parcel is a transportation/utility use over the Hudson River with a natural gas pipeline. The Hudson River Greenway, a bike path that runs along the entirety of the west side of Manhattan, runs just west of the Development Site under the highway and by the water. It connects the surrounding area to the rest of Riverside Park to the south and the West Harlem Piers, and to Hudson River Park to the north where there are baseball fields, playgrounds, and other park amenities.

Transportation and Utility land uses are the second most common land use in the surrounding area. The elevated railroad right-of-way that extends through part of the Project Area is owned by Amtrak and is part of the Northeast Empire Corridor rail. This rail line is situated along a viaduct approximately 12 feet above grade. The rail line is used by Amtrak's Empire Service, which provides regional passenger service between Pennsylvania Station and Niagara Falls via Albany, Syracuse, Rochester, and Buffalo. The other predominant utility in the surrounding area is the North River WWTP, which lies just northwest of the Project Area on the waterfront and is accessed from West 138th and West 145th Streets.

A limited number of industrial uses in the surrounding area are located south of the Project Area. They include warehouses along Twelfth Avenue and a large Manhattan Mini Storage facility accessed from Riverside Drive.

On the east side of Riverside Park elevated approximately 70 feet above the Project Area is a large residential area generally bounded by West 135th Street to the south, West 138th Street to the north, Riverside Drive to the west and Broadway to the east. It is comprised entirely of multifamily buildings, with six-story elevator buildings lining Riverside Drive. There are no one- and two-family buildings within the surrounding area, but some are located just outside it to the northeast. The Riverside Park Community, located between West 133rd and West 135th on Broadway, is the only residential land use that diverges from this pattern. Once an entirely Michell-Lama funded housing community, it rises to 35 stories and is co-located with schools, a nursery, and parking facilities. A community facility use, the Columbia University Manhattanville campus, lies just outside of the surrounding area on Twelfth Avenue north of West 125th street to West 131st Street.

There are no commercial land uses within the surrounding area beyond the Development Site itself, which is now vacant. Some commercial uses lie just south of the surrounding area and include restaurants and a grocery store on Twelfth Avenue between West 132nd Street and West 134th Street.

Portions of the surrounding area, including the Project Area are located within a M1-1 Manufacturing District. The M1-1 District is mapped along the waterfront from Claire Place to West 145th Street, to the east to include both the Hudson River and the land west of Twelfth Avenue from West 135th Street and West 138th Street. From West 138th Street to West 145th Street, it includes the Hudson River and the land west of the West Side Line railroad tracks.

The M1-1 district allows for a maximum floor area ratio ("FAR") of 1.0 for manufacturing uses and a maximum FAR of 2.4 for allowed community facility uses. M1-1 districts typically allow light industrial uses that meet M1 performance standards. Offices, hotels (by special permit), and most retail uses are also permitted. Buildings must be under 30 feet or two stories, with an initial setback distance of 20

feet on a narrow street and 15 feet on a wide street, after which they are governed by the sky exposure plane. No side yards are required; rear years are required on lots over 110 feet deep. One accessory parking space is required per every 300 square feet of floor area.

In addition to the M1-1 zoning district, the surrounding area is also mapped with M1-2, C6-2, and R8 zoning districts and parkland. A portion of the surrounding area also falls within the Special Manhattanville Mixed Use District.

The M1-2 district is mapped immediately south of the Project Area. It allows for light manufacturing uses at a higher density than M1-1 districts. Specifically, the M1-2 district allows a maximum manufacturing FAR of 2.0 and a maximum community facility FAR of 4.8. Buildings must be under 60 feet or four stories, with an initial setback distance of 20 feet on a narrow street and 15 feet on a wide street, after which they are governed by the sky exposure plane. One accessory parking space is required per every 300 square feet of floor area.

A small C6-2 district is mapped to the south of the Project Area, on the east side of Twelfth Avenue. C6 districts permit a wide range of high-bulk commercial uses. C6-2 districts are typically mapped outside central business cores and have a maximum commercial FAR of 6.0 and a maximum community facility FAR of 6.5. There is no accessory parking requirement. The residential equivalent for C6-2 districts is R8, which allows a maximum residential FAR of 6.02 for height factor developments. Using Quality Housing regulations, the maximum residential FAR is 6.02 on narrow streets and 7.20 on wide streets. Accessory parking is required for 40 percent of dwelling units.

The use of the Proposed Building will not adversely affect the character of the surrounding area. In fact, the Proposed Development is appropriate and consistent with the various goals of the Special Manhattanville District, as set forth in ZR §104-00 and the CPC resolution (the "Resolution") accompanying Application Number N 070496 ZRM, as follows:

- The Proposed Development will "*encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront."* Easy access to the Manhattan Waterfront Greenway, located within 100 feet of the Project Area, will be an amenity for the Proposed Development. Use by the occupants, visitors and patrons of the Proposed Development will help revitalize the Greenway north of 125th Street.

- The Proposed Building will contain community facility and commercial uses, thereby "*support[ing] a variety of community facility, commercial and manufacturing uses"* **;**

- The Proposed Development will *"improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design."* As shown on the renderings attached as Exhibit D, the Proposed Development will bring life to a once stagnant zoning lot and create a landscaped modern urban design.

- The ground floor commercial and community facility spaces will create jobs for the local area, thereby "*expand[ing] local employment opportunities*."

- The Proposed Development will *"recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood."* Due to the Project Area's close proximity to the 137th St-City College 1 subway line at Broadway and West 137th Street, as well as the M11 (via Amsterdam, W. 135th Street and Riverside Drive) and M4/M5 (via Broadway at W. 138th Street) bus lines, the Proposed Development will recognize and promote the historic transportation infrastructure of the neighborhood.

- The Proposed Development will "*promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues."* The most desirable use of the Project Area is as the mixed-use Proposed Development, which will conserve and increase the values of land and buildings.

Furthermore, the Proposed Development will satisfy other stated goals of the Special Manhattanville Special District, according to the Resolution, including:

- The Proposed Development will "*allow for residential development"* by containing sixty (60) dwelling units.

- The CPC Resolution provides that the Special Manhattanville District with "*its location adjacent to the Riverside Park Community apartments and near the proposed Academic Mixed-Use Area makes it important that any new development that might occur in the future be compatible with adjacent residential and community facility uses*."

The Project Area is located near the Riverside Community apartments and the Academic Mixed Use Area; the Proposed Development will create residential development; the Proposed Development is compatible with adjacent residential and community facility uses

Furthermore, a survey has confirmed that the height of Riverside Drive adjacent to the curb level of the Project Area is 71.5 feet. The Proposed Development will not exceed a height of 71.5 feet (69 feet from design flood elevation) and will be compatible with the adjacent residences along Riverside Drive.

- The CPC Resolution further provides that "*the Commission notes that while new development is unlikely in this area, it supports the change in zoning from manufacturing to C6-2. This zoning change will allow for a wider range of commercial, residential, and community facility uses*."

The Proposed Development supports the change in zoning from manufacturing to an R7-2 Residence District within a C2-4 Commercial District overlay which allows for a wider range of commercial, residential and community facility uses; and the Proposed Development may spur further residential development.

3) all #uses#, #developments# or #enlargements# located on the #zoning lot# or below a platform do not adversely affect one another;

The Proposed Development will contain a single-story of retail, community facility uses, and residential lobbies located below the railroad right-of-way platform, with residential uses above. Such mix of uses is typical with a mixed-use building and the uses will not adversely affect one another.

4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation #use#, the site plan and structural design of the #development# do not preclude future use of, or improvements to, the right-of-way for such transportation #use#.

The Proposed Development will not be constructed as to impede the future use of the railroad right-of-way. The Applicant has had discussions with Amtrak, who has provided a letter of authorization for the filing of this application.

c) For any #development# or #enlargement# located within or over railroad or transit right-of-way or yard:

1) the application to be filed with the Commission for special permit approval pursuant to this Section shall include a site plan showing:

i. the total #lot area# of that portion of a railroad or transit right-of-way or yard to be covered by a platform; and/or

Submitted herewith, please find a site plan showing the total lot area of that portion of the railroad right-of-way that is already covered by a platform.

ii. the total #lot area# of such right-of-way or yard that has been permanently discontinued or terminated;

Not applicable.

2) ownership of rights to #develop# in #railroad or transit air space# or within a railroad or transit right-of-way or yard where such #use# has been permanently discontinued or terminated, shall meet the requirements of the #zoning lot# definition in Section 12-10 (DEFINITIONS);

The Development Site and all floor area appurtenant to the Development Site will be considered a single zoning lot, and prior to filing for an application with the New York City Department of Buildings, the Applicant will record all zoning lot exhibits required pursuant to the ZR 12-10 definition of "zoning lot" to construct the Proposed Development.

3) where the railroad or transit right-of-way or yard is to be covered over by a permanent platform, such platform shall be unperforated except for such suitably protected openings as may be required for utilities, ventilation, drainage or other necessary purposes;

Not applicable.

4) the Commission may establish an appropriate level or levels instead of #curb level# as the reference plane for the applicable regulations pertaining to, but not limited to, height and setback, #floor area#, #lot coverage#, #open space#, #yards#, and minimum distance between #buildings#;

Not applicable.

5) the Commission may permit #buildings# to be connected by a bridge or tunnel, within a portion of a #street#, provided that the street volume occupied by such bridge or tunnel is not mapped and owned by the City, and provided that such structure is used exclusively for pedestrian or vehicular circulation; however, in no event shall such a bridge or tunnel be considered as #lot area# or generate any #floor area#; and in the case of a bridge, the Commission shall find that such bridge will:

i. provide adequate vertical clearance at all points measured from #curb level# to the soffit;

ii. not rest upon columns or other supports that intrude upon the #street#;

iii. (iii) provide illumination of at least five foot candles at the #curb level# for the #street# area beneath the bridge;

iv. not unduly obstruct any significant scenic view; and

v. provide adequate light and air to the #street# or surrounding public spaces or #streets#.

In the case of a tunnel, the Commission may permit #buildings# to be connected by a tunnel under a #street#, provided the Commission finds that the tunnel is used exclusively for vehicular circulation and is necessary to achieve improved vehicle circulation within the #development# and on adjoining #streets#.

Not applicable.

d) The Commission shall require the provision of adequate #accessory# off-street parking spaces and loading berths necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by any #use# permitted on the #zoning lot#, and shall determine the required number of parking spaces and loading berths in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities.

The Proposed Project, which does not require any off-street accessory parking spaces pursuant to the Zoning Resolution and with its close proximity to public transportation will not be a major traffic-generating facility.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, and may require where the #development# or #enlargement# includes an active railroad or transit #use#, that the structural design of such #development# or #enlargement# make due allowance for changes within the layout of tracks or other structures within such #railroad or transit air space# or railroad or transit right-of-way or yard which may be deemed necessary in connection with future development or improvement of the transportation system.

Prior to granting a special permit, the Commission shall request the Metropolitan Transportation Authority and the Departments of Transportation of the State of New York and the City of New York to indicate within 30 days whether said agencies have any plan to use that portion of the #railroad or transit air space# or railroad or transit right-of-way or yard where the railroad or transit #use# has been permanently discontinued or terminated.

ZR §104-60

Modifications of Bulk Requirements and Transfer of Floor Area by Special Permit.

The City Planning Commission may, by special permit:

(c) modify the applicable #bulk# requirements for any #development# or #enlargement# that is subject to the provisions of Section 74-681 (Development within or over a railroad or transit right-of-way or yard), except #floor area ratio# provisions, provided that such #bulk# modifications will:

(1) not unduly obstruct access of light and air to surrounding streets and properties; and

The Site is bounded by Twelfth Avenue and Riverside Drive located approximately 71 feet above the Site, the railroad right-of-way to the west, West 135th Street to the south and undeveloped Lot 60 to the north, all open areas that can either not be developed, or are not planned to be developed.

A survey has confirmed that the height of Riverside Drive adjacent to the curb level of the Project Area is 71.5 feet. The Proposed Development will not exceed a height of 71.5 feet (69 feet from design flood elevation) and will not obstruct and will be compatible with the adjacent residences along Riverside Drive.

Based on the location of the Development Site and the bulk constraints of the Proposed Development, according to the Environmental Assessment Statement, only the open spaces at Riverside Park and the Twelfth Avenue Greenstreet would experience shading from the construction of the Proposed Development. Direct sunlight would never entirely be eliminated from these two opens spaces and the extent of shadows would be very limited. The portion of Riverside Park that could expect to receive shading is along the retaining wall on Twelfth Avenue, which does not contain benches or other space for passive recreation and is fenced from the public. Therefore, the public's enjoyment of this resource would not be impacted by the Proposed Development.

(2) be compatible with the essential character of the surrounding area.

As described in response to the findings required pursuant to ZR §74-681(b)(2) above, the Proposed Development will be compatible with the essential character of the surrounding area. In fact, the Proposed Development is appropriate and consistent with the various goals of the Special Manhattanville District, specifically as set forth in the CPC Resolution accompanying the adoption of the Special District , as follows:

- The Proposed Development will *"improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design."* As shown on the renderings submitted herewith, the Proposed Development will bring life to a once stagnant zoning lot and create a landscaped modern urban design.

- The CPC Resolution provides that the Special Manhattanville District with "*its location adjacent to the Riverside Park Community apartments and near the proposed Academic Mixed-Use Area makes it important that any new development that might occur in the future be compatible with adjacent residential and community facility uses*."

The Project Area is located near the Riverside Community apartments and the Academic Mixed Use Area; the Proposed Development will create residential development; the Proposed Development is compatible with adjacent residential and community facility uses

Furthermore, a survey has confirmed that the height of Riverside Drive adjacent to the curb level of the Project Area is 71.5 feet. The Proposed Development will not exceed a height of 71.5 feet (69 feet from design flood elevation) and will be compatible with the adjacent residences along Riverside Drive.

Finally, as indicated in the Environmental Assessment Statement, the Proposed Development will be compatible with the urban design character of the surrounding area and will be consistent with the surrounding building form and streetscape. The Proposed Development's building height closely matches the height of significant pieces of infrastructure in the area, including the retaining wall along Twelfth Avenue and the Riverside Drive Viaduct, and would be lower in elevation than the residential uses east of Riverside Drive. In addition, the Proposed Project would be constructed to height comparable to nearby Riverbank State Park. Therefore, the proposed bulk modifications will be compatible with the essential character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.