Project Description - LR Item 3
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

Introduction

This is an application filed by Crosscap Holdings LLC (the "Applicant"), owner of 701 West 135th Street, Tax Block 2101, Lot 58, Borough of Manhattan (the "Development Site"), seeking:

1. An amendment to Zoning Map 5c, changing the existing M1-1 Manufacturing District underlying the Development Site; a portion of Lot 60 located adjacent to the Development Site, which runs to the western edge of the Amtrak Empire Line viaduct, and to the midline of Twelfth Avenue (known as Lot 55 and owned by the New York City Department of Recreation) adjacent to the Development Site, to an R7-2 Residence District within a C2-4 Commercial District overlay (the Development Site, the portion of Lot 60 and the portion of Twelfth Avenue are the "Project Area");
2. An amendment to a) the text of Appendix F of the Zoning Resolution of the City of New York ("ZR") to create a Mandatory Inclusionary Housing Area on the Project Area; b) an amendment to the text of Article X, Chapter 4 ("Special Manhattanville District Regulations") to Appendix A, adding the Project Area as "Other Area" within the Special Manhatanville Mixed Use District; and c) an amendment to the text of ZR §104-60 to allow a special permit to modify the applicable bulk regulations, except floor area ratio regulations, for developments within or over a railroad or transit right-of-way or yard.
3. A special permit pursuant to ZR §74-681 to allow for the Proposed Development within and over a railroad right-of-way; and
4. A special permit pursuant to newly amended ZR §104-60 to allow the modification of the applicable bulk regulations, except floor area ratio regulations, for developments within or over a railroad or transit right-of-way or yard to facilitate the construction of the Proposed Development, which does not comply with the rear yard and lot coverage requirements of the Zoning Resolution.

The requested actions will facilitate the construction of 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 twelve (12) 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.

Background

There are no prior land use actions affecting the Project Site.

Description of the Surrounding Area

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.

Just outside the surrounding area, southeast of the Project Area, is a larger C6-1 zoning district. Similar to C6-2 districts, C6-1 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 C6-1 districts is R7-2, which allows a maximum residential FAR of 3.44 for height factor developments. Using Quality Housing regulations, the maximum residential FAR is 3.44 on narrow streets and 4.0 on wide streets and up to 3.6 and 4.6, within Mandatory Inclusionary Housing Designated Areas, respectively. Accessory parking is generally required for 50 percent of dwelling units.

Approximately 70 feet above the Site, adjacent to Riverside Drive, is an R8 district. Apartment buildings in R8 districts are can range from mid-rise, eight to ten-story buildings to much taller buildings set back from the street on large zoning lots. As described above, R8 districts allow 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 Special Manhattanville Mixed Use District in West Harlem, which encompasses the M1-2 and C6-2 districts within the surrounding area, allows a greater density and a wider variety of land uses to facilitate commercial and residential development, plus Columbia University's expansion into a new campus that incorporates substantial below grade development. Active ground floor uses are

encouraged along Broadway, West 125th Street, and Twelfth Avenue. Design regulations require publicly accessible open spaces, sidewalk amenities, sidewalk widening, and landscaping. The Special District provides east-west visual and pedestrian connections to encourage the use of the community-oriented waterfront at West Harlem Piers Park. The bulk regulations for buildings to be developed alongside the railroad viaducts accommodate each of these historic elevated structures

Description of the Project Area

The Project Area is located in the Manhattanville neighborhood of Manhattan Community District 9, within an M1-1 Manufacturing District and across the street from the Special Manhattanville Mixed-Use District, and consists of Tax Block 2101, Lot 58, the Development Site, a portion of Tax Block 2101, Lot 60, and a 10,201 square foot portion of Twelfth Avenue (known as Lot 55 and owned by the New York City Department of Recreation) to the midline of Twelfth Avenue adjacent to the Development Site.

A portion of the Project Area, including a portion of the Development Site, is located within an elevated railroad right-of-way, utilized pursuant to an easement by Amtrak as part of its Northeast Empire Corridor

The Development Site, Lot 58, is an irregularly-shaped 11,997 square foot lot with approximately 362 feet of frontage on the northside of West 135th Street and approximately 36 feet of frontage on the westside of Twelfth Avenue. The Development Site is currently improved with a two-story, approximately 42 foot tall, approximately 19,000 square foot commercial building, which is currently vacant.

The Project Area also includes a small portion of Lot 60, which extends from the western lot line of the Development Site to the edge of the railroad right-of-way, which narrows in width, approximately 19 feet at West 135th Street to approximately four feet at the northern line of the Project Area; and to the midline of Twelfth Avenue adjacent to the Development Site. The portion of Lot 60 included in the Project Area is unimproved and is utilized as parking.

The Project Area is easily accessible to public transportation and active public thoroughfares. North of the Project Area at West 138th Street and Twelfth 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 Twelfth Avenue north of the Project Area to West 138th Street.

The nearest subway station with an elevator is the 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.

Emergency services can access the Project Area by vehicles, in both directions, at the intersection of West 135th street and Twelfth Avenue. Furthermore, there is direct vehicular access via the southbound portion of Twelfth Avenue via West 138th Street.

Description of the Proposed Development Site

The Development Site will consist of a zoning lot comprised of only Lot 58, which is described in greater detail above.

The Development Site is currently improved with a two-story, approximately 42 foot tall, approximately 19,000 square foot commercial building, approved on January 9, 1928 by the New York City Department of Buildings through the issuance of certificate of occupancy number 13549.

The Development Site has been consistently used for commercial use, most recently as a Use Group 6 eating and drinking establishment, with a history of failed tenancies.

Description of the Proposed Development

The applicant proposes to raze the existing two-story brick building (and rooftop sign structure) and construct a seven-story, approximately 53,531 square foot mixed-use building (4.46 FAR), 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 will have a maximum height of 71.5 feet (69 feet from design flood elevation), 82 feet to top of bulkhead, with the sixth and seventh floors to cantilever over the Amtrak railroad right-of-way.

All pedestrian access to the Development Site will occur from Twelfth Avenue.

Actions Necessary to Facilitate the Project (the "Proposed Actions")

1. An amendment to Zoning Map 5c, changing the existing M1-1 Manufacturing District underlying the Project Area, which runs to the western edge of the Amtrak Empire Line viaduct to an R7-2 Residence District within a C2-4 Commercial District overlay.

The Project Area is located within an M1-1 Manufacturing District, in which residences are not permitted. The proposed R7-2 Residence District within a C2-4 Commercial District overlay, within a Mandatory Inclusionary Housing Area will enable the construction of a mixed-use building with ground floor retail and community facility space and approximately 60 dwelling units.

The Project Area has a history of failed conforming use tenancies and open parking. The Project Area is better suited as a gateway to the Special Manhattanville District and as a transitive connection to the R8 Residence District to the east of Riverside Park, the West Harlem Waterfront Park and the C6 Commercial Districts to the south of the Project Area. Such area was rezoned in 2007 in order to, among other things, allow for a wider mix of uses and greater density, including community facility and residential uses and enliven and activate West 125th Street as the gateway to the West Harlem Waterfront Park.

The proposed R7-2 Residence District is a medium-density apartment house district, typical for the Upper West Side of Manhattan. When paired with the proposed C2-4 commercial overlay district, Use Group 1 and 2 residences, Use Group 3 and 4 community facilities and Use Group 5 through 9 and Use Group commercial uses are permitted as-of-right.

The Project Area is located within an M1-1 Manufacturing District, with a maximum floor area ratio of 1.0 for manufacturing and commercial uses and 2.4 for Use Group 4 ambulatory diagnostic or treatment health care facilities and houses of worship, with a maximum height of a front wall of 30 feet or two stories, and at a height 30 feet above the street line, a building must provide setback and comply with a sky exposure plane of 1:1. The maximum FAR for residences within the proposed R7-2, within a Mandatory Inclusionary Housing area is 3.6 and within 100 feet of a wide street is 4.6. The maximum FAR for community facility uses is 6.5, and the maximum FAR for commercial uses within the proposed C2-4 commercial overlay is 2.0.

The proposed development, with an FAR of 4.46 and a height of approximately 71.5 feet (69 feet from design flood elevation), as described above, is better suited as a gateway to the Special Manhattanville District and as a transitive connection to the R8 Residence District to the east of Riverside Park, the West Harlem Waterfront Park and the C6 Commercial Districts to the south of the Project Area.

In the proposed R7-2/C2-4 district, accessory off-street parking would be required at a rate of one space per 1,000 square feet for commercial floor area, 50 percent of the number of market-rate dwelling units, and no parking for the income-restricted housing units constructed pursuant to the Mandatory Inclusionary Housing.

As described above, the Project Area is easily accessible to public transportation and active public thoroughfares. North of the Project Area at West 138th Street and Twelfth 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 Twelfth Avenue north of the Project Area to West 138th Street.

The nearest subway station with an elevator is the 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.

Emergency services can access the Project Area by vehicles, in both directions, at the intersection of West 135th street and Twelfth Avenue. Furthermore, there is direct vehicular access via the southbound portion of Twelfth Avenue via West 138th Street.

2. Amendments to the text of the Zoning Resolution:

a. An amendment to the text of Appendix F of the Zoning Resolution to create a Mandatory Inclusionary Housing Area on the Project Area;

The proposed text amendment to Appendix F of the Zoning Resolution will map the Project Area within a Mandatory Inclusionary Housing Designated Area, which will require that any new residential development on the Project Area provide at least twenty percent of the residential floor area for affordable housing. The applicant will seek additional input from Community Board No. 9 and the New York City Council regarding the level of affordability.

This Proposed Action will support the vision set forth in Housing New York: A Five-Borough, Ten-Year Plan to create and preserve affordable housing in New York City by providing permanently affordable dwelling units.

b. An amendment to the text of Article X, Chapter 4 to Appendix A, adding the Project Area as "Other Area" within the Special Manhatanville Mixed Use District;

This Proposed Action is appropriate and consistent with the various goals of the Special Manhattanville District, as set forth in ZR §104-00 and the CPC resolution accompanying Application Number N 070496 ZRM, as follows:

- *To 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.

- *To support a variety of community facility, commercial and manufacturing uses;* The Proposed Development will contain ground floor commercial and community facility uses.

- *To 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.

- *To expand local employment opportunities;*

The ground floor commercial and community facility spaces will create jobs for the local area.

- *To 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.

- *To 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:

- "*to allow for residential development."*

The Proposed Development will contain sixty (60) dwelling units.

- "*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 approximately 71.5 feet. The Proposed Development will not exceed a height of approximately 71.5 feet (69 feet from design flood elevation) and will be compatible with the adjacent residences along Riverside Drive.

- "*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.

c. An amendment to the text of ZR §104-60 to allow a special permit to modify the applicable bulk regulations, except floor area ratio regulations, for developments within or over a railroad or transit right-of-way or yard.

The proposed text amendment will allow the Applicant to seek a special permit to facilitate the construction of the Proposed Development, which does not comply with the rear yard and lot coverage requirements of the Zoning Resolution

3. A special permit pursuant to ZR §74-681 to allow for the Proposed Development within and over a railroad right-of-way.

A portion of the Proposed Development will be located over a railroad right-of-way. Pursuant to ZR §22-41, railroad or transit air space may be developed or used only for a permitted use accessory to the railroad or transit right-of-way or yard, or a use permitted by the City Planning Commission as set forth in ZR §74-681.

Since the use of the Proposed Development is not an accessory use to the right-of-way, the applicant seeks a special permit pursuant to ZR §74-681 to allow such portion to be included in the lot area of the Proposed Development. Amtrak the grantee of the transit right-of-way, has authorized the filing of the ZR §74-681 special permit application.

4. A special permit pursuant to newly amended ZR §104-60 to allow for the construction of the Proposed Development, which does not comply with the rear yard and lot coverage requirements of the Zoning Resolution.

Within the proposed R7-2 Residence District within a C2-4 Commercial District overlay:

a) Pursuant to ZR §§23-47 and 35-50, above the first story of the Proposed Development, a thirty foot rear yard is required at every rear lot line of the Project Area beyond 100 feet of the intersection of West 135th Street and Twelfth Avenue.

b) For buildings within the proposed R7-2 Residence District, constructed pursuant to the Quality Housing Program, pursuant to ZR §23-153, the maximum lot coverage beyond 100 feet of the intersection of West 135th Street and Twelfth Avenue, is sixty-five (65) percent.

Due to the narrowness of the Development Site, a feasible building with a complying rear yard and a complying lot coverage cannot be constructed. The applicant seeks a special permit pursuant to the newly amended ZR §104-60 to allow the City Planning Commission to permit the modification of the applicable bulk regulations, except floor area ratio regulations for zoning lots that are eligible for the ZR §78-681 (development within or over a railroad or transit right-of-way or yard).

Conclusion

The Project Area has a history of failed commercial uses. In order to create a viable use for the Project Area, it is clear that the planning of the Project Area must be reevaluated. As described above, there is a clear land use justification for the proposed R7-2 Residence District within a C2-4 Commercial District overlay, within the "Other Area" of the Special Manhatanville District.

The Proposed Actions will facilitate the construction of a 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 will be a benefit for the neighboring area, an area where there are few viable sites which can be improved to satisfy the City's need for residences, especially those residences which contain affordable units. Finally, according to the Environmental Assessment Statements, the Proposed Action will be consistent with New York City public policies and no adverse impacts are anticipated by the Proposed Actions.