

RESOLUTION

Date: June 1, 2010

Committee of Origin: Land Use

Re: 95 West 95<sup>th</sup> Street (Columbus Avenue.) Application [M 920493 (E) ZAM] to Department of City Planning by Columbus 95<sup>th</sup> Street LLC requesting a modification of the previously approved Large Scale Residential Development (LSRD) within the former West Side Urban Renewal Area, to facilitate the enlargement of the 1<sup>st</sup> and 2<sup>nd</sup> stories of an existing 33-story mixed use building at the above referenced location, to utilize available floor area for commercial and community facility uses.

Full Board Vote: 29 In favor 4 Against 6 Abstentions 1 Present

The following facts and concerns were taken into account in arriving at our conclusion:

In 2008 Community Board 7/Manhattan approved an amendment to the text of the Zoning Resolution so as to allow community facility and retail development (within existing zoning envelopes) in buildings along Columbus and Amsterdam Avenues, within the former West Side Urban Renewal Area, with the purpose of enlivening certain dark and forbidding streetscapes; and

Columbus 95<sup>th</sup> Street LLC is applying for a modification of the previously approved Large Scale Residential Development (LSRD) within the former West Side Urban Renewal Area to facilitate the enlargement of the first and second stories of an existing 33-story mixed-use building at 95 West 95<sup>th</sup> Street, to utilize available floor area for commercial and community facility uses, pursuant to that recently approved text amendment, now 78-06b3 of the Zoning Resolution (ZR); and

Community Board 7/Manhattan agrees that the West 95<sup>th</sup> Street and West 96<sup>th</sup> Street frontages would benefit from lively street walls at the property line, but believes that much of the Columbus Avenue frontage works well now, with highly trafficked and popular local retail in place—and an unusual streetscape of tower and small building separated by an open area, also very popular in the neighborhood; and

ZR 78-06b3 requires that a successful request for modification must adhere to certain use and design restrictions, met by the applicant, and must also “[enhance] the streetscape and ... [promote] a harmonious relationship with the existing development and contiguous blocks within the large-scale residential development”; and

Retaining small, local (i.e., “mom-and-pop”) retail businesses is a very high priority for Community Board 7/Manhattan and the community it represents;

THEREFORE, BE IT RESOLVED that Community Board 7/Manhattan disapproves these portions of application [M 920493 (E) ZAM] to Department of City Planning by Columbus 95<sup>th</sup> Street LLC, for modification of the LSRD to facilitate enlargement

- along Columbus Avenue, between the south end of the tower building and the north end of the small building
- of the entrance overhang and second story on West 95<sup>th</sup> Street, east of the small building (Community Board 7/Manhattan notes that this overhang was reduced, but

not eliminated, between the committee and full board presentations of the application); and  
BE IT FURTHER RESOLVED that Community Board 7/Manhattan disapproves these additional portions of application [M 920493 (E) ZAM] to Department of City Planning by Columbus 95<sup>th</sup> Street LLC, for modification of the LSRD to facilitate enlargement

- along West 96<sup>th</sup> Street
- along the existing building frontages (tower and small building) Columbus Avenue
- along the existing building frontage (small building) of West 95<sup>th</sup> Street unless Columbus 95<sup>th</sup> Street LLC can demonstrate that it has accommodated its existing retail tenants in at least the following ways:
- designed the new retail space to accommodate businesses of the type of the existing retail tenants
- offered the existing retail tenants the right of first refusal for rental of the new commercial spaces, and provide Community Board 7/Manhattan documentation of these offers and of the responses from the existing retail tenants
- stage the construction to maximize the ability of the existing retail tenants to operate on the site throughout the construction period; and

BE IT FURTHER RESOLVED that, if the approvable portions of this project do go forward, the new second story of the expanded small building should be designed with the greatest possible transparency, to throw as much light and liveliness as possible on the open areas (i.e., between the expanded small building and the tower, as well as the entrance area) and that the open area be designed with increased plantings and greenery, rather than hardscape.