



RESOLUTION

Date: May 4, 2010

Committee of Origin: Land Use

Re: 95 West 95th Street (Columbus Avenue.) Application [M 920493 (E) ZAM] to Department of City Planning by Columbus 95th 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 1st and 2nd 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: 40 In favor 0 Against 3 Abstentions 0 Present

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

The owner of 95 W. 95th Street has made an application pursuant to Section 78-06 of the Zoning Resolution for permission to construct a two-story mixed commercial/community facility structure to the lot line on the east side of Columbus Avenue between West 95th and 96th Streets, wrapping around on West 96th and 95th Streets. The structure would sit in front of the existing apartment building, fill in open space on Columbus Avenue, which presently leads to the entrance to the building, replace an existing stand-alone structure on the northeast corner of West 95th Street and Columbus Avenue, and provide landscaping seating and planting areas within the zoning lot for the use of tenants only.

In order to approve the proposed addition, the Community Board and the City Planning Commission must find, among other things, that “the enlargement...enhances the streetscape and the design promotes a harmonious relationship with the existing development and contiguous blocks within the large scale residential development” [Section 78-06(b)3(vii)]. For the following reasons Community Board 7 cannot make the required findings:

- The plans presented by the developer show a building which bears no relation architecturally, esthetically or in terms of building materials, to the residential tower. It looks tacked on rather than integrated into the existing structure.
- The proposed new facility blocks an existing attractive and functional pathway between the residential tower and the stand-alone building, which pathway provides an important and pleasing break in the blockfront. The concept of the stand-alone structure is repeated on the south side of Columbus Avenue and the relationship between the two would be destroyed. As importantly, a means of entrance and egress to the residential tower would be blocked, forcing tenants to enter through a walkway on West 95th Street.
- The design for the new structure calls for a large and completely non-contextual two-story addition wrapping around West 95th Street. The eastern portion of this structure will extend at the second floor over the entrance walkway to the residential tower. The structure is not cantilevered or extended, but is supported by columns. What is now an attractive l-shaped yard area extending both from West 95th Street and from midblock on Columbus Avenue, will become a cul de sac, entered only by passing under the second floor of the new structure.

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- Not only is there no “harmonious” relationship between the proposed structure and contiguous blocks in the urban renewal area, there is no relationship at all.
- The sidewalk between West 95th and 96th Streets is presently well planted with mature trees, running down the center of the sidewalk. These trees create a pleasant walking area and streetfront. Should the proposed development be approved these trees would have to be moved. As between having a row of trees running the length of the lot line on Columbus Avenue or having a two-story, non-harmonious addition, Community Board 7 prefers the former.

In addition to the findings required as to enhancement of streetscape, the applicable Zoning Resolution section provides that “significant adverse impacts resulting from {the proposed development} shall” be “avoided or minimized...”. Presently there are three commercial establishments on Columbus Avenue. These establish-

ments appear to have loyal followings and contribute significantly to neighborhood coherence. They are the “mom and pop” stores which preserve and strengthen neighborhoods. Any new development on the block is likely to attract a different type of commercial tenants, those able to pay what are likely to be enhanced rents. No realistic plan to mitigate or avoid this unwanted consequence has been presented.

The foregoing discussion addresses the developer’s plans as presented to Community Board 7’s Land Use Committee on April 21, 2010. We are advised that the developer has substantially revised its plans, but has done so too late for meaningful review pursuant to our committee system, and certainly too late for meaningful public participation. Any significant change in plans, of course, would fail procedurally because the Zoning Resolution requires that the City Planning Commission shall not grant any application pursuant to section 78-06 prior to 45 days after the application is referred to the affected community board. Clearly the application referred to the community board must be the application that is voted on by City Planning, not some significant revised plan never studied by the Community Board. Should City Planning refer a new or revised plan to the Community Board, it will be considered within the allotted 45 days from such referral.

THEREFORE, BE IT RESOLVED THAT Community Board 7/Manhattan disapproves the application by the owners of 95 West 95th Street for a proposed two story commercial/community facility between West 95th and 96th Streets on the east side of Columbus Avenue, and

BE IT FURTHER RESOLVED THAT in view of the findings in the resolution and the developer’s untimely submission of major modifications, Community Board 7/Manhattan requests that City Planning Commission restart the clock and abstain from a vote.