

West 104th Street

BLOCK ASSOCIATION SPECIAL REPORT

JUNE 12, 2006

Editor: Nancy Lian

Rezoning Plan Passes Community Bd. 7; Tweaks, Hurdles Ahead *By Gil Tauber*

Community Board 7 passed a resolution recommending the rezoning of the bulk of the area from 97th to 110th Street between Riverside Drive and Central Park West on Tuesday evening, June 8. The rezoning would replace the present conventional zoning with so-called contextual zoning districts.

The principal effect of the proposed changes, if adopted, would be to limit building heights, preventing tall, slender towers such as the Ariel condominiums now being built on Broadway near 100th Street. A second important effect would be to limit the transfer of development rights (sometimes called air rights) from low buildings on one side of a block to a potential development site on another side of the same block. The huge size of the Ariel towers is in part due to such transfers.

To become effective, the recommended rezonings must be adopted by the City Planning Commission and approved by the City Council.

The basic measure of building bulk is floor area ratio (FAR), which is the ratio of a building's total floor area to the size of its lot. Under the existing zoning in our area, which dates back to the 1960s, all the blocks west of Amsterdam Avenue (except for a small area around Strauss Park) are zoned R8, which allows FARs of up to 6.02. Allowable height is governed by the "sky exposure plane," an imaginary surface that slants back from the street line. Under most circumstances, the maximum height of an R8 building is 17 stories, but it can go higher if the upper parts are set far back from the street, as is the case with the Ariel buildings.

The proposed zoning would replace most of the existing R8 zoning with two "contextual" zoning districts, identified by the fact that they have letter suffixes. Along Broadway, except for a small area around Straus Park; and along 106th Street between Central Park West and West End Avenue, the zoning would be changed to R8A, which allows an FAR of 6.02 and a maximum height of 120 feet. The base height, the initial height of

the building before the first setback, would be a minimum of 60 feet and a maximum of 85 feet.

Along the side streets, the existing zoning would be changed to R8B, in which the maximum FAR is 4.00 and the maximum building height is 75 feet. The base height is a minimum of 55 feet and a maximum of 60 feet, which is consistent with typical "brownstone" development. The additional 15 feet of height is allowed, but only after a 15 foot setback.

The fact that Broadway and the adjacent sidestreet frontages would be in different zoning districts would limit large-scale transfers of development rights of the kind used for the Ariel buildings. Development rights cannot be transferred across district boundaries. Along Broadway, the zoning could be increased R9A, which allows for higher buildings, if the site provides "inclusionary housing," which often allows a certain number of low-income units. On a wide street such as Broadway, R9A allows a Floor Area Ratio of 7.52 and a maximum height of 145 feet

The resolution also called for R8B zoning for the area from Amsterdam Avenue eastward, except for 106th Street and along Central Park West from 100th to 109th Streets. A request for an amended R8B designation for 106th Street to protect its brownstones was approved during the meeting.

The resolution postponed making any recommendation for the rezoning of Riverside Drive or West End Avenue. The pre-war apartment buildings on the Drive and West End are typically larger than would be allowed under the present R8 zoning. Of the remaining small buildings, some are protected by landmarking. These streets will be studied further and a recommendation made to the CB7 Board at its July 10 meeting.

NEXT STEPS

The CB 7 rezoning resolution must go through a City Planning Commission review before it is voted on again. Board members and speakers urged the community to support moving the resolution forward speedily by writing to Mayor Bloomberg. Even on a fast track, enactment can take a year.

**Write to: Mayor Michael Bloomberg, City Hall,
New York, NY 10007
or mbloomberg@cityhall.nyc.gov**