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**Gale A. Brewer, Borough President**

August 18, 2021

**Recommendation on the ULURP Application No. 210428PPM  
Las Raices  
by New York City Department of Housing Preservation & Development**

**PROPOSED ACTIONS**

The New York City Department of Housing Preservation & Development (“HPD”, the “Applicant”) in partnership with developers Ascendant Neighborhood Development and MDG Construction is seeking a disposition of City-owned land in order to facilitate the development of four new affordable residential buildings with ground floor community facility space included in two of the buildings. The properties are located in the East Harlem neighborhood in Manhattan Community Board 11 (the “Proposed Developments”). The Proposed Developments are located on six lots, which are defined as follows (collectively “Project Area”):

- Development Site A – 303 East 102<sup>nd</sup> Street (Block 1674, Lot 104)
- Development Site B – 338 East 117<sup>th</sup> Street (Block 1688, Lot 34)
- Development Site C – 505-507 East 118<sup>th</sup> Street (Block 1815, Lots 5 & 6)
- Development Site D – 1761-1763 Park Avenue (Block 1771, Lots 1 & 2)

The Manhattan Borough President has a charter-mandated role in the Universal Land Use Review Process (“ULURP”) to make recommendations on land use applications that consider the land use and environmental impacts of a given development or action. Recently, similar applications for city disposition of city land have been opined on by the Borough President such as an approval with conditions of the Harlem Open Door Cluster (ULURP Application No. C200276 HAM) and an approval with conditions of HPD Haven Green Senior Housing (ULURP Application No. C 190184 HAM).

Development Site D is located within the East Harlem Corridor Special District, which was created to facilitate affordable housing, preserve existing neighborhood character, improve the pedestrian experience, and steward new job creating commercial and manufacturing space.

**BACKGROUND**

East Harlem was one of the first neighborhoods that was identified for a potential rezoning under Mayor Bill de Blasio’s Housing New York Plan which aimed to expand affordable housing opportunities throughout the City of New York.

In response to concerns about the potential impacts of a rezoning, a group of stakeholders including the Office of then-City Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11, Community Voices Heard, and the Manhattan Borough President’s Office, formed the East Harlem Neighborhood Plan Project Partners. After an extensive community engagement process, in 2016, that group produced the *East Harlem Neighborhood Plan* (“EHNP”)<sup>1</sup>, which highlighted the need for affordable housing among other concerns, including energy independence and resiliency, policing alternatives, the ability of seniors to age in place, support for local artists, youth empowerment, air quality, protecting cultural heritage, quality employment opportunities, protection of small businesses, public and open space, healthy food, NYCHA security and repairs, and affordable goods and services.

The final report emphasized that housing developed on public land “should be built with 100% affordable units, and that these units should be required to reach deep and varied levels of affordability up to 130% of AMI. The report also recommended that at least 20% of the units be at or below 30% of AMI. However, it also concluded that “[n]umerous community gardens are threatened and underresourced, and in some cases are not open or programmed for wider public use. Loss of these open spaces is a threat to the community.”

In October 2016, the New York City Department of City Planning (“DCP”) released The East Harlem Neighborhood Planning Study which identified needs for the neighborhood under the categories of affordable housing, economic development, community resources, and land use & zoning. This zoning framework identified potential zoning map and zoning text amendments along corridors in the East Harlem Neighborhood to help meet these needs.

Manhattan Community Board 11 issued a disapproval with conditions of the East Harlem rezoning on June 20, 2016 stressing a need for further emphasis on housing affordability and stability. On August 2, 2017, the Manhattan Borough President issued a disapproval of the application without conditions.

In 2017, the East Harlem Rezoning was approved by the City Planning Commission (“CPC”) and the City Council. These actions included a rezoning (L.U. No 773; C170358ZMM) which created the East Harlem Corridor Special District, a designation of Mandatory Inclusionary Housing (“MIH”) area (L.U. No 774; N170359ZRM), and an amendment to the Milbank Frawley Circle-East Urban Renewal Plan to address bulk and use regulations and the plan’s expiration date (L.U. No. 775; C170360HUM). The rezoning was voted on and approved by City Council on November 30, 2017. For the Proposed Developments, only Development Site D is affected by the East Harlem Corridor Special District and the designated MIH area.

Development Site D is also located within the Upper Park Avenue Urban Renewal Area, which was adopted in 1993 (C920660HUM), amended once in 2006 (C060502HUM), and expired in

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<sup>1</sup> East Harlem Community Partners. [The East Harlem Neighborhood Plan](#). February 2016.

2008. The intention of the urban renewal area was to restrict industrial development and encourage residential uses.

Sites that make up the Proposed Developments have also been subject to previous dispositions. Parts of Development Site A and Development Site B were previously approved for disposition by the CPC in 1982<sup>2</sup> and 1994<sup>3</sup> respectively.

CPC approved a rezoning on May 7, 2003<sup>4</sup> that included Development Site A, Development Site B, and Development Site C. In this action, C1-4 and C2-4 districts were removed from the existing R7-2 district; R7-2, C4-4, M1-4; M3-2 districts were changed to R7A, R7B, R7X, R8A, C4-4D, and M1-4 districts; and new C1-5 and C2-5 districts were added to the proposed R7A, R7X, and R8A districts. Specifically, Development Site A was rezoned from an R7-2 to an R8A district and Development Site B and Development Site C were rezoned from R7-2 to R7B districts. The purpose of the rezoning was to apply contextual zoning in order to maintain neighborhood character.

### **HPD NIHOP/NCP program**

In 2014, HPD released an RFQ for the New Infill Homeownership Opportunities Program (NIHOP) and Neighborhood Construction Program (NCP), which aimed to develop 100% affordable housing on 87 vacant City-owned lots. In February 2018 the selected developers were announced by HPD, including Ascendant Neighborhood Development and MDG Construction to build 4 developments in the East Harlem Neighborhood within Community District 11.

## **PROPOSED DEVELOPMENT**

### **Area Context**

The Project Area is located completely within Community District 11 in the East Harlem neighborhood of Manhattan. The four development sites are surrounded by areas primarily filled with residential, commercial, and community facility uses, interspersed with some industrial uses and parking.

Development Site A is located at 303 East 102<sup>nd</sup> Street, between First and Second Avenues on the north side of East 102<sup>nd</sup> Street on the First Avenue side. The area is primarily defined by mid-rise mixed-use buildings mostly ranging from 5-10 stories. The primary zoning districts in the surrounding area are R7A, R7-2, and R8A with C1-5 and C2-5 commercial overlays along First and Second Avenues. Nearby religious and institutional uses include The House of Prayer Pentecostal Church, the Church of the Resurrection, East Harlem Church and Community Center, East Ward Missionary Baptist Church, P.S. 38 Roberto Clemente School, Harlem Prep Middle School, and the East Harlem School. The site is well served by transit, with 4, 5, and 6

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<sup>2</sup> City Planning Commission. C 820574 PPM. April 12, 1982

<sup>3</sup> City Planning Commission. C 940219 PCM. September 13, 1994

<sup>4</sup> City Planning Commission. C 030234(A) ZMM. May 7, 2003

subway line service at the 103<sup>rd</sup> Street Station, Q subway line service at the 96<sup>th</sup> Street Station, and M15 and M15SBS bus service along First and Second Avenues.

Development Site B is located at 338 East 117<sup>th</sup> Street, between First and Second Avenues on the south side of East 117<sup>th</sup> Street. This area is primarily defined by mid- to high-rise mixed-use buildings, with most ranging from 5-10 stories. The primary zoning districts in the surrounding area are R7B, R7X and R9A, with C1-5 and C2-5 commercial overlays along First and Second Avenues. Nearby religious and institutional facilities in the area include the Greater Emmanuel Baptist Church, Iglesia Pentecostal Las Santa Ciudad Church, The Bowery Mission, and P.S. 155 William Paca School. The site is well served by transit, with 4, 5, and 6 subway line service at the 116<sup>th</sup> Street Station, M15 and M15SBS bus service along First and Second Avenues, and M116 along East 116<sup>th</sup> Street and First Avenue.

Development Site C is located at 505-507 East 118<sup>th</sup> Street, west of Pleasant Avenue on the north side of East 118<sup>th</sup> Street. This area is primary defined by mid-rise mixed-use buildings, with most ranging from 3-10 stories. The primary zoning districts in the surrounding area are R7A, R7-2, and R8A, with C1-5 and C2-5 commercial overlays along First and Second Avenues. Institutional, religious, and public uses in the area include Holy Rosary Church, Mt. Carmel-Holy Rosary School New York City Department of Parks and Recreation (“Parks”) sponsored Pleasant Village Community Garden adjacent to Development Site C, and Los Amigos Community Garden. The site is well served by transit with M15 and M15SBS bus service along First Avenue, and M116 bus service along First Avenue, Paladino Avenue, Pleasant Avenue, and East 116<sup>th</sup> Street.

Development Site D is located at 1761-1763 Park Avenue on the east side of Park Avenue between East 122<sup>nd</sup> Street and East 123<sup>rd</sup> Street. The area is primarily defined by 4-10 story low- and mid-rise residential buildings and commercial buildings. The primary zoning districts in the surrounding area are R7B, R7-2, R8, R10, and M1-6 with C2-4, C2-5, and C6-4 commercial overlays along Park Avenue and Lexington Avenue. Special districts in the area include the Special 125<sup>th</sup> Street District, the Special East Harlem Corridor District (“EHC”), and the Special Transit Land Use District (“TA”). Public facilities include the NYC Health + Hospitals Henry J. Carter Specialty Hospital and Nursing Facility, New York College of Podiatric Medicine, Northern Manhattan Rehab and Nursing Center, P.S. 79 Horan School, Marcus Garvey Park, and the Parks sponsored Jackie Robinson Community Garden adjacent to Development Site D. The site is well served by transit with 4, 5, and 6 subway line service at the 125<sup>th</sup> Street station, MetroNorth service at the Harlem-125<sup>th</sup> Street station, M101 and M103 bus service along Lexington and Third Avenues, M98 bus service along Lexington Avenue, 120<sup>th</sup> Street, and Park Avenue.

### **Site Description**

Development Site A is located at 303 East 102<sup>nd</sup> Street (Block 1674, Lot 104). It has an area of 1,898 square feet and is currently a vacant lot owned by HPD.

Development Site B is located at 338 East 117<sup>th</sup> Street (Block 1688, Lot 34). It has an area of 2,523 square feet and is currently a vacant lot owned by HPD.

Development Site C is located at 505-507 East 118<sup>th</sup> Street (Block 1815, Lots 5 and 6). It has an area of 4,827 square feet. The site is currently occupied by Pleasant Village Community Garden under a temporary license agreement between the NYC Parks GreenThumb program and HPD.

Development Site D is located at 1761 Park Avenue (Block 1771, Lots 1 and 2). It has an area of 4,583 square feet. The site is currently occupied by Jackie Robinson Community Garden under a temporary license agreement between the NYC Parks GreenThumb program and HPD.

### Project Description

In accordance with the result of the NIHOP/NCP selection process by HPD, Ascendant Neighborhood Development and MDG Construction are set to develop 83 units of affordable housing on the development sites. The unit mix and affordability levels are as follows:

Unit Size	Development Site A	Development Site B	Development Site C	Development Site D	Total Apartments	% of Total
Studio	4	1	5	11	21	25%
1-Bedroom	0	4	6	25	35	42%
2-Bedroom	2	0	4	16	22	27%
3-Bedroom	0	2	3	0	5	6%
Total	6	7	18	52	83	100%

Rent Restrictions	Development Site A	Development Site B	Development Site C	Development Site D	Total	% of Total
Formerly Homeless	1	1	2	8	12	14%
27% AMI	1	1	1	6	9	11%
37% AMI	1	1	1	6	9	11%
47% AMI	1	1	1	5	8	10%
57% AMI	0	0	1	8	9	11%
80% AMI	2	3	12	17	34	41%
Super Units	0	0	0	2	2	2%
Total	6	7	18	52	83	100%

Development Site A is anticipated to be 63 feet tall and contain 5 stories. The building would also include ground floor community facility space, a laundry room in the cellar, a green roof, and ground floor mural artwork.

Development Site B is anticipated to be 63 feet tall and contain 5 stories. The building would also include a ground floor laundry room, rear yard for residents, a green roof, and ground floor mural artwork.

Development Site C is anticipated to be 72 feet tall and contain 6 stories. The building would also include an elevator, laundry room on the 6th floor, rear yard for residents, a green roof, and ground floor mural artwork.

Development Site D is anticipated to be 125 feet tall and contain 14 stories. The building would also include 2 elevators, community facility space on the first two floors, rooftop terrace, and ground floor mural artwork.

All proposed buildings are allowed as-of-right under the existing zoning.

## **COMMUNITY BOARD RECOMMENDATIONS**

The Project Area is located within the jurisdiction of Manhattan Community Board 11. HPD, Ascendant Neighborhood Development, and MDG Construction presented their application to Community Board 11 on April 14th and July 7th, 2021.

During their July 13, 2021 meeting, Manhattan Community Board 11 voted to approve ULURP application No. 210428PPM with no conditions by a unanimous vote of 28 in favor, 0 opposed, and 0 abstentions.

## **BOROUGH PRESIDENT’S COMMENTS**

The construction and preservation of affordable housing is one of the most urgent issues facing the neighborhood of East Harlem. Since the 2017 East Harlem Rezoning, the neighborhood has faced additional development pressure and rents have increased. According to the Furman Center, the median rent for Manhattan Community District 11 increased from \$720 per month in 2006 to \$910 per month in 2019 and 24.7% of renter households in the district are considered severely rent burdened.<sup>5</sup>

Additionally, community groups and Manhattan Community Board 11 have indicated that affordable housing is an urgent priority. Community Board 11 indicated their support for the construction, preservation, and maintenance of affordable housing in their Statement on the FY 2022 Preliminary Budget document.<sup>6</sup> Also, the 2016 East Harlem Neighborhood Plan stressed the need for affordable housing and called for new units to be set at rent levels that are affordable to low-income residents. The plan advocated for City-owned sites to be utilized for 100% affordable housing.

These Proposed Developments are responsive to these needs, and are in accordance with the spirit of the 2016 *East Harlem Neighborhood Plan*. I commend HPD, Ascendant Neighborhood Development, and MDG Construction for committing to 100% affordable housing on these sites.

Development Sites A, B, and C all fall within the FEMA 100-year Flood Plain, and the neighborhood of East Harlem is especially vulnerable to sea-level rise. It is important that any

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<sup>5</sup> Furman Center. [East Harlem Neighborhood Profile](#).

<sup>6</sup> Community Board 11. [FY 2022 Preliminary Budget](#). January 15, 2021

new development in the neighborhood incorporate measures to protect residents and make buildings more resilient. I was pleased to note that flood proofing is planned as part of the Proposed Developments.

With any new development, activation at the street level is important, and therefore I support the stipulation that murals be created at the ground level of the Proposed Developments in partnership with Thrive Collective, and that new street lighting will be installed as part of the development of the sites. Ground floor community facility space will be included at 303 East 102<sup>nd</sup> St and 1761 Park Avenue. This will provide for engaging uses and programming, helping ensure that these sites will be an asset to the community.

My primary reservation is the impact on the two community gardens that occupy the lots at 505-507 East 118<sup>th</sup> Street and 1761 Park Avenue. The use of HPD-owned lots by Pleasant Village Community Garden and Jackie Robinson Community Garden was understood to be temporary from the beginning, but Pleasant Village Community Garden has used the space to expand programming and it is now an important part of the garden's operations. Among other activities, it is utilized to rear chickens, grow food, maintain composting activities, grow native pollinator plants, and hold educational programs. Both gardens are also expected to have new shadows as a result of the construction of the buildings. These shadows could change the growing conditions. The developer or HPD should commit to having further discussions with the gardeners to explore mitigation options.

As with any affordable housing project in the city, HPD and the developer should commit to a robust marketing process that guarantees that eligible community district residents will be informed in a timely manner about the availability of the new units.

Lastly, while there is some variation in the unit mix for this development, there is still a shortage of 3-bedroom units in the city.<sup>7</sup> According to a July 2019 article in City Limits, between 2014 and 2019, only 14,700 three-bedroom units were created out of 156,000 total units of affordable housing. While the Proposed Developments are compliant with relevant HPD term sheets, I strongly recommend that HPD prioritize family-sized units in future affordable housing projects.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

Therefore, the Manhattan Borough President recommends approval with conditions of ULURP application No. 210428PPM. I request that the Applicant commit to:

- Mitigation measures that enable Pleasant Village Community Garden and Jackie Robinson Community Garden to help gardens resume existing operations on the Development Sites;
- A robust marketing process, engaging local organizations in East Harlem to ensure equitable selection of tenants; and
- Exploring options to increase the number of 3-bedroom units in the Proposed Developments and future affordable housing projects.

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<sup>7</sup>City Limits. [“The Disappearing 3-Bedroom: Larger Families Have Few Affordable Options in NYC”](#). July 2, 2019

A handwritten signature in black ink that reads "gale A. Brewer". The signature is written in a cursive style with a large, looping initial "g" and a capital "A".

Gale A. Brewer  
Manhattan Borough President