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Recommendation on ULURP Application Nos. C 170050 ZMM, C 170051 HAM and N 170052 ZRM – The Robeson
By New York City Department of Housing Preservation and Development

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development (“HPD” or “the Applicant”) seeks approval of multiple land use actions to facilitate the development of a 10-story mixed-use building at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36) in the Central Harlem neighborhood, Community Board 10 (CB 10) in the Borough of Manhattan.

The actions include: 1) a zoning map change to a higher-density contextual residential district and the reduction of the commercial overlay, 2) a text amendment to apply the city’s Mandatory Inclusionary Housing (MIH) program, and 3) the designation of city-owned property as an Urban Development Action Area (UDAA), the approval of the project as an Urban Development Action Area Project (UDAAP), and the disposition of such property to a developer to be selected by HPD.

Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

City-owned properties that are no longer in use or are in deteriorated or deteriorating condition are eligible to be designated as UDAA and UDAAP, pursuant to the Urban Development Area Act (Article 16 of the State General Municipal Law). UDAA and UDAAP provide incentives for private entities to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or UDAAP designation the City Planning Commission and the City Council must find that:

- (a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;

- (b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to [the tax incentives provisions of the Urban Development Action Area Act] ... is necessary to enable the project to be undertaken; and
- (c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

Section 197-c of the New York City Charter mandates that the disposition of all city-owned real property (other than the lease of office space) be subject to the Uniform Land Use Review Procedure (“ULURP”). While no specific findings must be met to make a property eligible for disposition under Section 197-c, Section 1802(6)(j) of the Charter limits HPD to the disposition of residential real property.

PROJECT DESCRIPTION

HPD seeks to develop a 10-story building, approximately 110 feet in height, totaling 82,419 square feet. The Development Site will contain approximately 72,155 square feet of residential floor area, approximately 7,555 square feet of commercial floor area, and 2,600 square feet of community facility floor area for a total FAR of 7.17. The project will include affordable units pursuant to the MIH program. The proposed building includes frontage along the western edge of Lenox Avenue and along the southern edge of West 131st Street.

Background

The intention of the applicant is to convey ownership to the future developer of the site, Lemor Realty Corporation. Lemor is a New York State MWBE Certified Real Estate and Property Management firm that purports to have an extensive history of development and management of residential and commercial properties in Upper Manhattan. The company’s website includes information about their work with HPD since 1995 with references to its previous participation in the Neighborhood Entrepreneurship Program and Third Party Transfer Program.¹

The Development Site is comprised of both city-owned and privately-owned property. The city-owned lots are located on Block 1915 and include Lots 32, 33 and 36. The city-owned lots were vested to the city in 1990, 1981 and 1977 respectively. In July 1998 the city-owned lots were included in a disposition application by the Department of Citywide Administrative Services (DCAS) to encourage development on these sites. Both the Community Board and Borough President recommendations as part of the ULURP process included specific conditions for the aforementioned city-owned sites to force future development to reflect the nearby contextual building typology and response to the local 197-a plan. The City Planning Commission approved the disposition of the city-owned lots as an assemblage with no conditions as part of a larger 11

¹ Lemor Realty Corporation website, <http://www.lemordev.com/about-us/>

site package in March 2000.² That decision was later amended by the City Council in May 24, 2000 to remove 9 sites from the disposition application including the aforementioned city-owned sites.

In August 2005 the city-owned lots were rolled into a larger 21 site RFP as part of former Mayor Bloomberg's New Housing Marketplace Initiative under the Cornerstone Program. The Cornerstone Program was created to address needed rental and homeownership opportunities with a preference for proposals that promoted a range of affordability levels and sustainable design.³ Despite a developer being selected to pursue a development plan for these lots no actions were taken beyond applicant selection. The lots have remained unimproved since that time.

Area Context

The neighborhood surrounding the project area is comprised of strong residential and commercial elements and a variety of building types. Low density townhouses in the midblock contrast with larger multifamily, mixed-use buildings on Lenox Avenue. On Lenox Avenue there is a small retail overlay to 135th Street where Lenox Terrace is located; it is a large tower complex in a park style mixed-use development that consists mostly of tall multi-family buildings set back from the street. At Lenox Avenue and 135th Street, the New York Public Library's Schomburg Center for Research in Black Culture occupies the northwest corner and NYC Health + Hospitals/Harlem Health Center the northeast corner. To the east of the project site is the New York City Housing Authority's Saint Nicholas Houses.

A number of educational institutions border the Project Site. It sits in Manhattan Community Education Council 5, bound by 155th Street (beginning of Washington Heights) to the north, Fifth Avenue to the east; 110th Street and Central Park to the south, and to the west generally bordered by Morningside, St. Nicholas, Bradhurst, and Edgecombe Avenues. To the northwest of the development is PS 175, PS 092, The Eagle Academy for Young Men of Harlem, and Kappa IV. To the northeast is PS 197. To the east is PS 133 and to the south is PS 154. High schools within close proximity to the project site lie to the north east and include Thurgood Marshall Academy for Learning and Social Change, Knowledge and Power Preparatory Academy (KAPPA) IV, and Mott Hall High School.

In 1961, the area was predominantly zoned as R7-2, which has a maximum residential FAR of 4.0 and a maximum community facility FAR of 6.5. The commercial zoning compliments the medium density zoning with a C1-5 overlay district (maximum commercial FAR of 2.0), along Lenox Avenue until West 135th Street. To the south of the development is the 125th Street corridor, which is mainly commercial, but a rezoning earlier in the decade permitted additional bulk and uses.

² C 990008 PPM, City Planning Commission Report available at <http://www1.nyc.gov/assets/planning/download/pdf/about/cpc/990008.pdf>

³ "Cornerstone RFP Program", HPD, <https://www1.nyc.gov/assets/hpd/downloads/pdf/Cornerstone-RFP.pdf>

The area is well served by public transportation. The Project Site is between the 125th Street and 135th Street stations along the Metropolitan Transportation Authority's 7th Avenue Subway Line. Both stations are served by the 2 train, providing access to The Bronx, Manhattan, and Brooklyn; and the 3 train that originates in Central Harlem and provides service downtown and to Brooklyn. Both lines run express in Manhattan below West 96th Street. The site is also a short distance away from the 135th Street station at the foot of St. Nicholas Park, with service from the C and B lines that connect to A and D express train service at 125th Street and St. Nicholas Avenue. Lenox Avenue is served by the M102 and M7 New York City Transit (NYCT) Bus lines that provide service downtown to the East and West sides of Manhattan respectively. The Bx33 runs along West 135th Street with service to Port Morris in The Bronx. The 125th Street corridor serves as a major crosstown line for NYCT bus service, featuring the M60 Select Bus Service line that provides the only direct link from Harlem to the LaGuardia International Airport in East Elmhurst.

The Project Site is also served by New York Police Department's (NYPD) 32nd Precinct, located on 135th Street between Frederick Douglass Boulevard and Adam Clayton Powell Jr. Boulevard. The Fire Department of New York's (FDNY) Engine 59, Ladder 30 Firehouse is nearby on West 133rd Street between Lenox Avenue and Adam Clayton Powell Boulevard.

Project Area and Project Site

The Project Area includes the development site (Lots 32, 33, 34, 35, and 36) and a portion or all of 4 privately-owned lots (Lots 28, 29, 31 and 37). The Project Area is approximately 19,985 square feet with approximately 32,000 square feet of built floor area on Lots 28, 29, and 31 and four vacant lots (Lots 32,33, 34, 35, 36, and 37). There are 5 standing buildings within the project area. On Lot 29 there is a 6-story mixed-use building built on or before 1910; this building exceeds the permitted bulk requirements. That building is occupied and contains at least 23 rent-stabilized units.⁴ On Lot 31 there is a house of worship occupied by Christ Temple Deliverance Church, a Baptist congregation whose building was built on or before 1910. On Lot 28 is four-story one and two family building with two identified residential units built in 1899. Lot 28 is reflective of other Italianate brownstone architecture located in the project area and on other mid-blocks in Central Harlem. The buildings on Lot 34 and 35 are currently vacant. Lot 34 was formerly a 3-story mixed-use building that was purchased in 2012 by 411 Lenox Realty Inc, a subsidiary of the developer, Lemor Realty Corporation. Lot 35 is owned by New Hope Spring Grove Downtown Baptist Church of Christ and the developer is in contract to purchase this lot. Both vacant buildings on Lots 34 and 35 will need to be demolished for the project to move forward.

⁴ Rent stabilization is due to an existing J51 tax abatement noted on the building's Property Tax Bill Quarterly Statement for December 16, 2016.

The development site includes Lots 32, 33, 34, 35 and 36 and begins at the intersection of West 131st Street and Lenox Avenue and extends 127 feet to the south along Lenox Avenue, continuing 90 feet west of Lenox Avenue, then extends north towards West 131st Street and then back towards West 131st and Lenox Avenue. The Development Site comprises approximately 11,454 sq ft of lot area. The current zoning district for the Development Site is a medium density residential district, R7- 2 and a C2-4 commercial overlay which permits up to 2.0 FAR in commercial use. Only the three-vacant city-owned lots will seek UDAAP designation (Lots 32, 33, 36).

Proposed Project

This project will create a new mixed-use development that addresses the need for a new house of worship for the New Hope Spring Grove congregation and the need for more affordable housing units for the Central Harlem neighborhood. The proposed 10-story building, with a height of approximately 110 feet, will contain approximately 79 affordable rental units, 22 of which will be permanently affordable.

To facilitate this development the applicant is seeking a change of the existing R7-2 zoning district to R8A. The application also includes a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) overlay and requesting that Option 2 requirements are applied to the site. Under the proposed R8A, the total zoning floor area of the Proposed Development will be approximately 82,419 square feet, including approximately 72,155 square feet residential zoning floor area, approximately 7,555 square feet commercial zoning floor area, and approximately 2,439 square feet of community facility zoning floor area. Pursuant to the provisions of MIH, the Proposed Development will be permitted a total FAR of 7.2. The anticipated total FAR of the Proposed Development will be 7.17.

Per conversations with the applicant, the building's rent structure will provide three tiers of affordability. Each tier will include a range of apartment sizes from studios to 3-bedrooms. The breakdown is as follows: 25% of units or 20 units will be targeted for families at 57% AMI; 23% or 18 units at 80% of AMI; and 50% or 40 units at 130% AMI. The unit size mix will contain (16) studio units, (25) 1-bedroom units, (32) 2-bedroom units, and (6) 3-bedroom units. Pursuant MIH 22 units out of the 79 units will be permanently affordable while the remaining 57 units will be affordable for 30 years per the terms of HPD's M²/Mixed-Middle-Income Program. Below in Figures 1 and 2 you will find the expected rents and income limits for the units in the proposed development:

Figure 1: Approximate Income Limits for M2/Mixed-Middle-Income Program

Incomes	57% AMI	80% AMI	130% AMI
Studio	\$36,195	\$43,500	\$70,720
1-Bedroom	\$38,760	\$54,375	\$88,400
2-Bedroom	\$46,512	\$65,250	\$106,080
3-Bedroom	\$53,723	\$75,400	N/A

Figure 2: Approximate Rents for M2/Mixed-Middle-Income Program

Rents	57% AMI	80% AMI	130% AMI	Market Rent*
Studio	\$864	\$1,047	\$1,728	\$1,800
1-Bedroom	\$928	\$1,318	\$2,169	\$2,350
2-Bedroom	\$1,120	\$1,589	\$2,610	\$3,000
3-Bedroom	\$1,288	\$1,830	N/A	\$3,700

**Market Rent in new or renovated buildings similar amenities is approximately 140-150% of AMI and as high as \$3,000 for a 1-bedroom*

Source: NYC Department of Housing Preservation and Development, M² Incomes & Rents

The submitted plans split the proposed ground floor commercial zoning floor area into two spaces, 2000 square feet and 5555 square feet respectively. Both commercial spaces have planned their entrances along Lenox Avenue. The approximately 2,439 square feet of community facility zoning floor area will also be subdivided into two spaces 1,759 square feet and 680 square feet respectively. Both community facility spaces have planned their entrances along West 131st Street, east of the proposed building lobby. The larger of the two sections will be used by New Hope Spring Grove Downtown Baptist Church of Christ for their worship and social service programs. The smaller space will become additional office space for Street Corner Resources, a local gang-violence prevention program, which will be renting this space to complement their main office. The main office is in contract to be located within a proposed development at 225 West 140th Street, subject to a related and concurrent application under ULURP (C 170048 HAM).

While the certification materials did not include cellar plans, this office has learned that there will be an additional 4,075 square feet of accessory commercial space in the cellar, currently labeled as miscellaneous storage accessory to the ground floor uses, and 1931 square feet of accessory community facility space split between Street Corners and New Hope, 796 square feet and 1,207 square feet respectively. The church’s unit is expected to be converted into a separate condo so that New Hope will be the full owner of their space and Street Corners Resources will only be asked to pay \$1 per year for their space.

Proposed Actions

The proposed affordable housing development will create approximately 79 affordable rental units, of which 22 will be permanently affordable under the MIH program. In order to facilitate the development of this city-owned property, the following actions are required by HPD:

Zoning Map Change (C 170050 ZMM)

The applicants propose a zoning map change to Zoning Sectional Map No. 6a from an existing R7-2 district with a C2-4 commercial overlay 100 feet in depth along Lenox Avenue to an R8A district with a C2-4 overlay that only extends 90 feet from Lenox Avenue.

The applicant asserts that the increased residential density that is permitted by the change from R7-2 to R8A with the application of the MIH overlay, an increase from 4.0 residential FAR to 7.20, will allow for a project that maximizes the unit count total and value of merging the privately-owned and city-owned lots. The design and massing of the building is proposed to be consistent with other building forms in the R8A districts along Frederick Douglass Boulevard, Adam Clayton Powell Boulevard and Lenox Avenue, north of West 127th Street.

Zoning Text Amendment (N 170052 ZRM)

Complementary to the zoning map amendment allowing for an increase to the permitted residential floor area ratio, a zoning text amendment to modify Appendix F of the Zoning Resolution to apply Mandatory Inclusionary Housing requirements to the site is required. The applicant is also requesting that the City Planning Commission and City Council apply Option 2 requirements to the site. This would require that the development dedicate no less than 30% of the residential floor area to households earning up to 80% Area Median Income (“AMI”), with no unit targeted at a level exceeding 130 percent of AMI.

Urban Development Action Area and Urban Development Action Area Project (C 170051 HAM)

HPD seeks designation of city-owned property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, 36) as an Urban Development Action Area (“UDAA”) and approval for the mixed-use project as an Urban Development Action Area Project (“UDAAP”). The property is located on the southwest corner of the intersection of West 131st Street and Lenox Avenue. In addition, HPD seeks approval for the disposition of said property to a developer selected by HPD. The developer is expected to be Lemor Realty Corporation.

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on November, 2, 2016, Manhattan Community Board 10 (10) passed a favorable resolution with conditions in support of the zoning map and text change and UDAAP designation. Previous to the full board vote, on September 15, 2016 and October 20, 2016, CB 10’s Land Use Committee heard from HPD, representatives from Lemor Realty Company, representatives of the 130th Street and 131st Street Block Associations, and members of the public about concerns regarding this project.

As a result of those discussions, CB10’s favorable resolution was made contingent upon reducing the height of the building from 10 stories to 9 or 8 stories if additional subsidy was available to maintain the affordability of the units, moving the church entrance to Lenox Avenue from West 131st Street⁵, and limiting any commercial tenants on West 131st Street to professional/non-retail tenants. The vote tally within the land use committee was 10 in favor, 0

⁵ CB10’s position on reducing the height was contingent upon 130th Street and 131st Street Block Association representatives securing additional revenue from city agencies, elected officials, and/or additional sources to offset the projected loss of revenue due to the proposed reduction in height. If gap funding could not be secured the developer would have the community board’s support to proceed with a 10-story project.

opposed, and 0 abstentions. At the full board meeting 24 voted in favor, 3 opposed and 1 abstained.

BOROUGH PRESIDENT COMMENTS

The Borough President has consistently stated that any city-owned property being sold or disposed of for housing should go to 100% permanently affordable housing. The Robeson, while laudable for illustrating a path forward on blighted parcels of land and the creation of affordable housing and community space for a wonderful organization, unfortunately does not go far enough on permanency. A 30-year agreement is insufficient.

The Borough President first raised her concern about permanent affordability during the public review process for the Mandatory Inclusionary Housing Program. She has testified on the NYCHA NextGeneration plan, and for the MTA Bus Depot/Harlem Burial Ground at 126th Street, reiterating that city owned property must go to affordable housing that is permanent. Pending approval, Lexington Gardens II, a recent application by HPD for the development of over 390 units on city-owned land in East Harlem, also centers on this concern. Each project that comes through ULURP offers its own benefits and challenges. The Borough President believes that the housing built on city-owned land should be permanently affordable.

Additionally, the conditions the Community Board raised in its resolution have not yet been responded to by HPD. All options should be examined before the project is approved. We must ensure that the project contains a percentage of permanent affordable housing that is equal to the percentage of contributing city-owned property.

BOROUGH PRESIDENT RECOMMENDATION

Therefore, the Manhattan Borough President recommends disapproval of ULURP Application Nos. C 170050 ZMM, C 170051 HAM, and N 170052 ZRM unless:

- 1. Additional subsidies are obtained to meet the conditions set forth by the Community Board; and**
- 2. The percentage of permanently affordable units of housing should be made equal to the percentage of city-owned property at the Robeson and Leroy sites.**



Gale A. Brewer
Manhattan Borough President