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Gale A. Brewer, Borough President

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RE: ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM – East Harlem Rezoning & ULURP Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, N 170368 ZCM– Sendero Verde

Testimony of Manhattan Borough President Gale A. Brewer to the Subcommittee on Zoning & Franchises, New York City Council

Good afternoon Chair Richards, Chair Greenfield, and members of the committee. I am Manhattan Borough President Gale A. Brewer and I am here to speak in opposition to the New York City Department of City Planning (“DCP”) application to rezone East Harlem, and to voice my conditional support of the Department of Housing Preservation and Development’s (“HPD”) application for Sendero Verde / East 111th Street.

First, I want to thank Speaker Mark-Viverito for her leadership and commitment to community planning, and for reaching out to my office to collaborate on the East Harlem Neighborhood Plan. With both of these applications, the Speaker has pushed the City for a different approach to neighborhood planning and has set new benchmarks on engagement and inclusiveness.

On the application to rezone East Harlem, I recommended a straight no. The DCP proposal shares broader goals with the East Harlem Neighborhood Plan (EHNP) on the need for required affordable housing, active street walls, and concentrated new commercial use along the viaduct to better utilize that area. I am grateful for DCP and their sister agencies’ involvement in the EHNP process and their subsequent meetings with local stakeholders to discuss next steps. The Administration invested an extraordinary amount of agency staff time in this effort. We understood that the community’s self-defined vision would be central to the final plans.

Unfortunately, at the end of the process, we felt that too much of that self-defined vision had been overlooked.

Neighborhood planning is difficult. The process of bringing disparate voices together is challenging, and requires trust-building and a deep knowledge of constituencies. It is clear to me that changes to the current zoning are necessary in East Harlem to address the changes and pressures the neighborhood is facing. New as-of-right development continues in East Harlem under the current zoning framework with no requirements for affordable housing. Rents continue to rise, threatening affordability and neighborhood cohesion. Doing nothing and allowing this to continue would be the wrong choice.

But to get an already destabilized community on board with more change, we must be able to clearly demonstrate that any final plan for East Harlem furthers responsible growth and smart investment that also protects the neighborhood's character and its current residents. The Administration's current plan calls for too much density, too much construction, and too many market-rate units, while not constructing enough units affordable to the existing population to offset the expected loss of rent-regulated units and the families they house. What is lacking are serious up-front housing preservation efforts and investments in infrastructure, public realm improvements and social services that address the community's needs.

We must plan appropriately to protect the current population before we allow for new significant growth. To accomplish this, the rezoning plan must seek to preserve existing affordable housing in two ways: first, in the rental market where we face the greatest threat of displacement; and second, through a long-term targeted financial commitment to repair and maintain existing NYCHA housing. Then, new development must create housing that is permanently affordable to neighborhood residents; the key is to limit the kind and location of market rate development that increases displacement. Finally, we must require that development respect the neighborhood's physical and cultural character.

The biggest challenge in these neighborhood rezonings is balancing the need for new development and its promise of mandatory affordable housing against the fears that too much

new development will accelerate gentrification and hasten displacement. That is why we agree with the EHNP and call for maximum density of R-9 or R-9A. The administration's option for height limits submitted as part of the A-text, which the City Planning Commission adopted, do not go far enough. However, the work done in conjunction with the A-text would also allow the Council to reduce the density and set appropriate heights along certain portions of Park and Third Avenues to R9 or R9-A. I appreciate the addition of this new tool to the application and urge the Council to use it for maximum benefit.

In the interest of time, I will touch on a few other points of disagreement with the Administration and refer you to my official recommendation, which has more details regarding these matters.

Issues that the Mayor's proposal does not address and where I have recommendations include:

- The narrowing of the rezoning boundaries from those proposed in the EHNP;
- More requirements in commercial corridors that support small business;
- A greater allowance of as-of right parking garages; and
- Mapping commercial overlays on New York City Public Housing Authority (NYCHA) campuses without further study and without development-specific discussions with public housing residents and local stakeholders.

I was also dismayed to see that the Landmarks Preservation Commission (LPC) had not provided a thorough response to the list of potential landmark sites identified by members of EHNP. Cultural and historic preservation were strongly prioritized by the steering committee and echoed by numerous residents in public meetings. The lack of progress on this issue indicates that the City did not recognize the unique physical and cultural landmarks that make East Harlem distinct from other city neighborhoods.

Finally, and admittedly difficult to address, is the need for commitments on how we can achieve deeper affordability in the planned affordable housing. The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on city-owned land. If we cannot do it there, success is less likely on private development.

A plan for East Harlem must do more to preserve neighborhood context, make detailed up-front commitments to affordable housing preservation, spread new development across a wider area, and address the many other needs that were identified by this community in the process that produced the East Harlem Neighborhood Plan.

Regarding Sendero Verde, after careful review, I believe the proposal put forward by HPD and the proposed development team is appropriate; however, my support for the application does come with specific concerns and conditions.

The East 111th Street site is already a location with profound importance to the fabric of East Harlem. Based on our conversations, I understand that HPD has always planned to develop affordable housing for this site, and given the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. The applicant and the proposed developer have outlined a compelling proposal and the concept plan as presented appears to be a genuine attempt to achieve elements of the EHNP.

That said, I believe more can be done to improve the project. While all the residential units will be income-restricted at the onset, 60% of the units are not permanently affordable. As someone who has dealt for years with the consequences of expiring affordability, as in the Mitchell-Lama program, City-owned land represents one of the few places where we can require permanent affordability and we must not let the opportunity slip away. Additionally, one of CB11's recommendations called for an East Harlem-based mission-driven organization to be part of the development team, with selection based on input from the Board, recommendations that were ignored. This kind of collaboration should not be ignored, but instead encouraged. I would urge HPD to heed these recommendations and make them standard practice as part of projects on public land.

Thank you in advance for giving me the chance to testify today.