

Borough President Recommendation

City Planning Commission
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 170269 PCM and C 170270 HCM

Docket Description:

C 170269 PCM

IN THE MATTER OF an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters; and

C 170270 HCM

IN THE MATTER OF an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the review of a proposed 16th Amendment to the Harlem-East Harlem Urban Renewal Plan:

Borough of Manhattan, Community District 11.

COMMUNITY BOARD NO:

11

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

May 23, 2017
DATE



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THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

May 23, 2017

**Recommendation on ULURP Application Nos. C 170269 PCM and C 170270 HCM
By the NYC Department of Sanitation, the NYC Department of Citywide Administrative
Services, and the NYC Department of Housing Preservation & Development**

PROPOSED ACTIONS

The city of New York's Department of Sanitation (DSNY), along with the Department of Citywide Administrative Services (DCAS) are seeking approval of multiple land use actions to facilitate the development of a new district garage facility for Manhattan Community District 11, the Manhattan Lot Cleaning Unit (LCU) and the LCU Headquarters at 207-17 East 127th Street (Block 1792, Lot 5 and part of Lot 28) in the East Harlem neighborhood, Community Board 11 (CB11) in the Borough of Manhattan.

The actions include: 1) Site Selection of a public facility (P2016M0200) and the acquisition of real property (acquisition terms to be determined) by DCAS; and 2) an Amendment to the Harlem-East Harlem Urban Renewal Plan for uses permitted on the site.

Site Selection and Acquisition of Real Property for City Facilities

The New York City Charter mandates that the "acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease be subject to the Uniform Land Use Procedure. While no specific findings must be met to make a property eligible for acquisition pursuant to Section 197-c, site selection and acquisition of a city facility must be analyzed pursuant to the New York City Charter's "Criteria for the Location of City Facilities" as adopted by the City Planning Commission.

The 1989 City Charter required the City Planning Commission to "adopt criteria to further the fair distribution of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites." The Criteria for the Location of City Facilities has been in effect since 1991, and they are applied whenever the city sites a new facility by purchase or new lease.

The Criteria are intended to be part of a fair and open process with significant and early community involvement. While the Fair Share Criteria do not dictate any particular outcome, the sponsoring agency and the City Planning Commission must consider the Fair Share Criteria in siting facilities to assist in balancing a number of factors, such as community needs for services;

efficient and cost-effective delivery of those services; effects on community stability and revitalization; and broad geographic distribution of facilities. Certain criteria (set forth in Article 4.1) apply to all facility siting or expansions, while additional criteria (set forth in Article 5.1) apply to the siting or expansion of “local or neighborhood facilities.” Other criteria are to be considered for the siting of a “regional or citywide facility” (Article 6.1).

Amendments to an Urban Renewal Plan

The City has designated the Harlem-East Harlem Urban Renewal Area (“HEHURA”) as an urban renewal area and established the Harlem-East Harlem Urban Renewal Plan (“HEHURP”) pursuant to Article 15 of the General Municipal Law (“Urban Renewal Law”). The Department of Housing Preservation and Development (“HPD”) represents the City in carrying out the provisions of the Urban Renewal Law pursuant to §502(5) of the Urban Renewal Law and §1802(6)(e) of the Charter. The City originally designated the HEHURA and approved the HEHURP in 1968. The HEHURP was last amended in 2008 (Fifteenth Amendment) and expires in December, 2020. Any changes must be reviewed by the City Council.

PROJECT DESCRIPTION

The Department of Sanitation (DSNY) and Department of Citywide Administrative Services (DCAS) propose to acquire Lot 5 and part of Lot 28 of Block 1792 for the development of a new DSNY facility. The purpose of the ‘Proposed Project’ will be to relocate the Manhattan District 11 Garage (M11), the Manhattan Lot Cleaning Unit (LCU) and the LCU Headquarters, all of which are located in aged facilities within District 11.

Background

As mandated in the City Charter, DSNY operates a district garage for each of the 59 Community Districts throughout the city. Community District boundaries are coterminous with DSNY service district boundaries. Where feasible, for operational efficiency DSNY seeks to locate its district garages within the corresponding Community Districts they serve. The M11 Garage is currently located in the southeast section of Manhattan (MN) Community District 11 (CD11). The proposed site would relocate to the northeast part of the MN CD 11. The Proposed Project will consolidate the M11 Garage operations with LCU offices and allow the City to vacate garage facilities at East 99th Street and LCU office facilities at East 123rd Street.

Current M11 Garage Operations at 343 E 99th Street

The M11 garage located at 343 East 99th Street (Block 1671, Lot 20) in Manhattan CD 11 is unsuitable for the needs of its workers and to carry out the necessary operations required for the DSNY to meet its mandate. The building is currently under the jurisdiction of the New York City Health and Hospitals Corporation, but no portion of that building is currently used by it. The garage building, constructed in 1920, has been occupied by the DSNY since 1968. In 1988, the exterior wall of the building was deemed unsafe and a search for a new site was conducted. The garage was never relocated, however, and the building has continued to be occupied by the DSNY. Currently, the building is undersized, and cannot accommodate all of the assigned

equipment and vehicles indoors and the second floor slab is deteriorating and unable to support the equipment parking. The DSNY's need to relocate and acquire an alternative sight is further exacerbated by the fact that the required structural renovations cannot be performed without DSNY vacating the building. As a result of the building's current conditions and the constraints they create, DSNY equipment is often parked on the surrounding streets during the day, creating conflict with both the hospital and surrounding residential community. Collection trucks have nowhere else to park except on the street thereby taking public parking spaces in the surrounding area.

Additionally, the current garage facility does not conform to the zoning or existing uses in the area. Within a 400 foot radius of the existing facility there are residential, recreational, institutional, and educational uses.

Lot Cleaning Unit Headquarters and Manhattan Lot Cleaning Unit

DSNY LCU Headquarters is a Division of the Bureau of Cleaning, which is responsible for the assignment of equipment and personnel. LCU Headquarters directs and monitors the cleaning of abandoned lots and structures throughout the City, and the Manhattan LCU provides this service specifically within the borough of Manhattan. LCU Headquarters and Manhattan LCU personnel are currently located at 177 East 123rd Street (Block 1772, Lot 31) between Third Avenue and Lexington Ave. The building was constructed in 1925. It is privately owned and leased, and comprises three stories of approximately 27,819 sq. ft. The building contains offices, lockers, and showers for LCU personnel. Seven City-owned lots, totaling 19,502 sq. ft. located at 157, 159, 161, 163, 165, and 175 East 123rd Street are used for equipment parking for the adjacent building. Only the personnel from the LCU Headquarters and Manhattan LCU building would be relocated. The DSNY will maintain use of the City-owned lots for LCU equipment parking. These include Block 1772, Lots 23, 24, 25, 26, 28, 29 and 30.

East Harlem Neighborhood Plan

The East Harlem Neighborhood Plan ("EHNP" or "Plan") is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Mark-Vivierito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a yearlong process with no less than eight large public meetings, approximately 40 policy discussion, numerous calls and meetings with city agencies and on the ground canvassing for person-to-person survey collection. The culmination of this work resulted in a final report with over 230 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood.

The most relevant components of the East Harlem Neighborhood Plan to the current land use application rest in the plan's chapter entitled, "Transportation, Environment & Energy." The plan expresses the objective of improving air quality in East Harlem by reducing congestion and mitigating vehicular emissions. To accomplish this objective, the plan cites several recommendations crafted as a result of the planning process. Two of those recommendations are the relocation of the M10 sanitation garage from 110 East 131st Street to a more suitable location

within the community district it serves and the relocation of the M11 Sanitation Garage from 343 East 99th Street to a more suitable location. The plan conspicuously comments on the problematic nature of the current M11 location due to its proximity to both healthcare and residential buildings.

The instant site is identified in the plan's land use and zoning chapter as a project in the neighborhood's land use pipeline. While the plan makes no specific recommendation about the current land use application and project proposal, silence on the matter should not be taken to mean indifference. In fact, community stakeholders have been very active in communicating their thoughts about the proposed project. A vision for the community of East Harlem has been carefully and thoughtfully crafted, and the disposition of this land use application and the recommendation made by this office must be guided by that vision.

Area Context

The East Harlem Neighborhood is north of the Upper East Side and generally bounded by East 96th Street to the south, Fifth Avenue to the west, East 142nd Street to the north and the Harlem River to the east. The major commercial corridors in the area are along 116th Street and 125th Street, and Second and Third Avenue.

Located in the northeastern section of CB11, the project site is surrounded by a rich and diverse mix of land uses, building types, natural resources, and cultural and historical sites. The land uses within a half-mile radius of the Proposed Project Site, include residential, industrial, religious, educational and recreational uses. Community facility uses in the immediate area include parks, a public school, a charter school, a private school, a job center, a benefits center, a senior center, and a day-care facility.

The block on which the property is located contains a diverse group of community stakeholders, institutions and commercial entities. The site borders a lot to the immediate east that contains at-grade parking for Potamkin Hyundai and Mitsubishi auto dealerships' vehicles. Directly west of the site there are two lots which are home to the True Church of God on Third Avenue, and King's Academy, a private school, which fronts Third Avenue from East 127th to East 128th Streets.

Directly south of the site The New York Proton Center, a state of the art cancer treatment facility, is under construction and is expected to be completed within the year. South east of the site, less than one half-block away, lies the 126th Street Bus Depot and future site for the East Harlem African Burial Ground memorial and mix-use development.

East Harlem is home to parks, playgrounds, and community gardens that provide recreational opportunity to the neighborhood's residents. The neighborhood is flanked by two city-wide parks, Central Park and Randall's Island, as well as two neighborhood parks, Marcus Garvey Park on the western border of the community district spanning East 120th Street and East 124th Street and Thomas Jefferson Park on the district's eastern border from East 111th Street to East 114th Street. Harlem River Park is directly north of the project site and the Crack is Wack Playground is directly east of Second Avenue between 127th Street and the Harlem River Drive.

Harlem River Park soccer field shares the eastern corner of that same block with the Chevrolet Cadillac of Harlem dealership, and a now-vacant MTA bus storage building. Harlem River Park is accessible from a pedestrian footbridge (Third Avenue Bridge), providing access from the north side of East 128th Street between Third Avenue and Lexington Avenue. Additionally, people can enter the park from East 128th Street closer to Second Avenue. East Harlem also has access to an active and publicly accessible waterfront at the Harlem River.

To the south of the Project Site within the one-half mile radius, the zoning is predominantly residential (R7B, R7A, R8A, and R9). There is a C4-4D commercial zone along Third Avenue from East 125th Street down to East 117th Street and an M1-1 manufacturing zone along Park Avenue between East 124th to East 120th Streets. In 2008, the City approved the Special 125th Street District, within which C4-4D general commercial districts were mapped along portions of East 125th Street (Martin Luther King Jr. Boulevard). To the northwest of the Project Site, west of Lexington Avenue, the zoning is predominantly R7-2. Within a 600 foot radius, the primary existing building characteristics consist of commercial/office space, public institutions/facilities, and multi-family elevator buildings. Despite adjacent residential zoning, there is little residential use within the predetermined radius. The area between East 112th Street and East 115th Street from Lenox Avenue to 1st Avenue, however, is home to four New York City Housing Authority developments built between the 1940s through the 1960s.

The area is well served by local transit with the 4, 5, and 6 subway lines, which stop along Lexington Avenue at East 103rd Street, East 110th Street, East 116th Street, and East 125th Street. The Second Avenue Subway will also service the neighborhood once completed. The line will stretch 8.5 miles along the length of Manhattan's East Side, from 125th Street in Harlem to Hanover Square in Lower Manhattan. In addition, a track connection to the existing 63rd Street F train and the N, Q, R Broadway Lines will allow a second subway line to provide direct service from East Harlem and the Upper East Side to West Midtown via the Broadway express tracks. Local Manhattan buses include the M15, M35, M60, M98, M100, M101, M103, as well as Bronx Express bus Bx15, for the East Harlem neighborhood. There is also a Metro North Railroad station at 125th Street and Park Avenue. Nearby major vehicular thoroughfares include, in order of proximity to the site, Second Avenue, the Harlem River Drive, East 125th Street (aka Dr. Martin Luther King Jr. Boulevard), the Willis Avenue Bridge, the Robert F. Kennedy Bridge (aka the Triboro Bridge), the Third Avenue Bridge, Park Avenue, and the Major Deegan Expressway (aka I-87).

There are also a number of cultural institutions located within East Harlem, such as La Marqueta, El Museo del Barrio, the Museum of the City of New York, Mount Sinai Center, and the New York Academy of Medicine. The East River Plaza, along the FDR between East 116th and 119th Streets, is a major commercial center in the area, consisting of national chain stores such as Target and Costco.

Development Site and Project Site

The Project Site consists of 207-17 East 127th Street, (Block 1792 Lot 5 and part of Lot 28), in the neighborhood of East Harlem, Community District 11, in the Borough of Manhattan. It consists of a combined total of 48,152 sq. ft. Lot 5 is a through-lot with an area of 44,352 sq. ft.,

and has street frontage of 241 feet on East 127th Street and 154.2 feet on East 128th Street, with a depth of 199.08 feet between street property lines. The portion of Lot 28 that will be used for electric vehicle charging/parking is 3,800 sq. ft.

The Development Site consists of approximately 119,560 sq. ft. of space comprising an existing three-story building with cellar and rooftop parking of approximately 91,478 sq. ft., approximately 3,800 sq. ft. of outdoor parking space, and approximately 24,282 sq. ft. of adjacent land on which a new building, comprising approximately 8,750 sq. ft. of space will be constructed. The building currently houses the Mitsubishi/Hyundai dealership and a vendor for Access-A-Ride para-transit operations and is located along the eastern side of the Project Site, with the main building entrances off of East 128th Street, and additional service entries off of 127th Street. The western side of the building incorporates a one-way vehicular ramp that provides automobiles/SUVs full access to all the floors in the building, including the cellar used for parking and the roof, where vehicle inventory is stored. Office areas and support areas are located along the eastern side of the building. Vehicular service and parking areas are provided on each level between the vehicular access ramp and the office areas. The larger spaces towards the north-east corner of the building are currently used as automotive dealership showroom spaces. According to the Department of Buildings' records, the building was constructed in 2004 and is 58 feet tall. Part of the site is currently used as a vehicle storage lot for Access-A-Ride vans and employee vehicles operating between 4:00AM and 12:00AM. The Potamkin Hyundai and Mitsubishi Access-A-Ride office service operates daily from 7:30 AM to 6:00 PM.

Proposed Project

The proposed project would end a multi-decade long wait by the DSNY and its M11 workers who have been serving the community from a facility that was deemed unsuitable in 1988. The proposal would create a new home with modern amenities for the DSNY personnel, the LCU personnel, and equipment that serve the community of East Harlem. The project would consist of a newly constructed building, an alteration to a pre-existing building, and the use of a 3,800 sq. ft. parking lot to accommodate vehicle storage and equipment. The property owner would retrofit the existing building to accommodate DSNY employee support staff, offices and small vehicle and accessory parking. The owner will also construct an approximately 8,750 sq. ft. one-story building addition for DSNY vehicle maintenance and repairs and washing and storage.

The maximum allowable FAR is 2.0 with a maximum base height of 60 feet before setback. In M3-1 districts, one parking space is required for each 300 sq. ft. of office space. The storage and mechanics uses trigger an additional parking requirement of 1 space per 2,000 sq. ft. or 1 space per 3 employees, whichever will require a lesser number of spaces. In total, DSNY's proposed 26,873 sq. ft. of office space will require 90 spaces and the storage and mechanics space will trigger one additional parking space. Up to 91 accessory spaces will be provided and a 14-foot fence with 30-foot wide roll-up doors will screen the site.

The new garage addition will be one story. The wash bay (enclosed) would be 1,870 sq. ft., while the mechanic's bay for two trucks would be 2,995 sq. ft.; winter vehicle storage for four salt spreaders and two loaders will occupy another 3000 sq. ft. Collection truck storage would be at grade outdoors, with up to 24 large vehicle parking spaces. The garage complex would have a

4,000 gallon underground diesel fuel storage tank and dispenser, and aboveground tanks in the cellar for motor oil, waste oil and hydraulic oil (1,000 gallons each). The facility would be operational by late 2017/early 2018, following an approximately 15-18-month construction period. DSNY trucks would access the site from East 128th Street and exit through a curb cut on East 127th Street. Employees and light duty vehicles would access the Project Site from existing curb cuts along East 127th Street, with egress also from East 127th Street.

Proposed Actions

The proposed project would relocate the DSNY M11 facility from its current location at 343 East 99th Street and the LCU located at 177 East 123rd Street to a new facility at 207-17 East 127th Street. To facilitate this development, the following actions are required:

Site Selection of a Public Facility and Acquisition of Real Property by DCAS

The site selection and acquisition of real property for the purpose of a city facility requires an analysis pursuant to the City Planning Commission's Criteria for the Location of City Facilities (hereafter referred to as the "Fair Share Analysis")

The Fair Share Analysis considers both the siting of the Manhattan 11 District Garage under the "local facility" criteria of Article 5 and the siting of the personnel for LCU Headquarters and LCU Manhattan under the "regional/citywide facility" criteria of Article 6. In particular, a study area of one-half mile radius from the site was used for the purposes of the Fair Share Criteria to identify regional/citywide facilities within that radius that provide similar services to the LCU Headquarters and its Manhattan office. This allowed for consideration of whether the proposed facility would cause an adverse concentration of facilities that do not primarily serve the neighborhood.

For years the community of East Harlem has been home to two DSNY district garages raising concerns about the fair distribution of city facilities. In their application, the DSNY stated that there has been community consultation in the development of this proposal, that the geographic distribution of similar facilities was considered, the objective of providing efficient and cost-effective delivery of services has been assessed, and the goal of minimizing impacts on the surrounding neighborhoods has been evaluated. After applying the stated siting criteria and considering certain alternatives, the DSNY believes that the Project Site best achieves the City's objectives for siting and meets the Fair Share Criteria. Additionally, CB11 has noted disapproval with the Project Site's proximity to the current M10 garage, but expressed a willingness to house both garages under the same roof if the proper facility was provided

Amendment to the Harlem-East Harlem Urban Renewal Plan

To facilitate this project, the City would amend the Harlem-East Harlem Urban Renewal Plan (HEHURP) to modify certain project site boundaries and change the use of Site 16B from "material recycling facility" to "light industrial uses." The city may amend the HEHURP at any time pursuant to General Municipal Law §§ 504, 505 and The New York City Charter §§ 197-c, 197-d.

The City has no plans for a material recycling facility at this location and HPD has prepared HEHURP amendment documents to accompany the DSNY ULURP application to the CPC which will make a determination as to the disposition of this component on the instant application.

COMMUNITY BOARD RECOMMENDATION

At its full board meeting on April 18, 2017, Manhattan Community Board 11 (CB11) passed a resolution disapproving the instant land use application for site selection and acquisition of 207-17 East 127th Street (Block 1792, Lot 5 and p/o Lot 28) for the purpose of relocating the DSNY M11 garage and the Manhattan Lot Cleaning Unit and Headquarters. The resolution was passed overwhelmingly in favor of disapproval of the proposed project with 27 in favor of disapproval, 1 opposed, and 2 abstentions.

The resolution echoed a long standing position against the site location as well as the proposed development design. It referred to letters written by CB11 to the DSNY Commissioner. The first, a letter to then DSNY Commissioner Thomas J. Doherty in 2013, the community board raised many of its issues with the proposed site and requested the opportunity to work with the DSNY in locating a more suitable location. The community board reiterated their position in another letter to current DSNY Commissioner Kathryn Garcia. In that letter, dated May 2, 2016, the community board not only restated their position regarding the issues surrounding the 207 127th Street site, but also expressed a willingness to continue housing the District 10 garage (M10) in a multi-district garage somewhere else in the East Harlem community. The resolution also characterized the current proposal as an indication of the “city’s lack of concerted investment in the East Harlem community.”

In addition, the resolution cited the presence of the Community Board 10 (CB10) DSNY garage within CB11 boundaries as a violation of the Fair Share Mandate, the health and environmental effects of the project, and the request to have the DSNY construct a new facility with the most advanced indoor air filtration system that meets LEED Gold standards, and zero emissions sanitation trucks. The resolution concluded with a statement to the Mayor’s Office seeking inclusion in the project’s decision-making process and the requisite funds necessary to construct a facility similar to the one recently constructed on Spring Street for the DSNY M1/2/5 districts.

BOROUGH PRESIDENT COMMENTS

East Harlem residents and the hardworking men and women of the Sanitation Department deserve a better garage. But given the stakeholder conversations my office has held, the views of Manhattan Community Board 11, and the lack of planning and investment to date I am concerned that we are being asked to accept a bad deal in an effort to surge ahead of the current untenable position we find ourselves in at 99th Street.

In 1988, the exterior wall of 343 East 99th Street was compromised and the Department of Sanitation sought a site to relocate its Manhattan 11 (M11) garage, the garage that serves the community of East Harlem. It is nearly three decades since that event and throughout that period no action was taken to provide the workers of M11 and the community of East Harlem with a suitable facility. Instead, the workers at M11 have been forced to serve the people of East Harlem from a decrepit building with permanent scaffolds supporting the exterior wall and a second floor slab that has been deemed structurally unsound. The residents of the community in turn have had to suffer through the site of collection trucks sitting on their streets just feet from the Metropolitan Hospital and surrounding residences. But while this office is in support of the city's efforts to relocate the M11 facility, the current proposal to move their operations to 207 East 127th Street contains serious issues that demonstrate a lack of consideration and appreciation for the service M11 workers provide and the needs and desires of the community of East Harlem.

In an effort to gain a comprehensive understanding of the proposal and evaluate its appropriateness, my office met with the Department of Sanitation (DSNY), the Department of Citywide Administrative Services (DCAS), the owner of the Development Site, Alan Potamkin. We listened to Community Board 11, residents and community groups like the East Harlem Neighborhood Block Association. We also visited the 99th Street garage as well as the new state of the art garage located on Spring Street. Based on the conversations with DSNY and DCAS and our visit to the current M11 garage, we learned that the need for relocation is urgent. We also learned that there are practical constraints on constructing a facility that parallels garage facilities recently developed that serve other Manhattan communities. We heard from neighborhood residents that they felt unheard about their grave concerns surrounding the location of the site, the design of the proposed facility, and the immediate impact of the project on the surrounding neighborhood.

The current relocation plan highlights the pitfalls of releasing city assets without long term planning or community involvement. As a result of the disposition of the Project Site to the Potamkin Development Co. in 2002, the city finds itself in the compromising position to lease land it once owned so that it can provide necessary services to the East Harlem community and provide a safe work environment for the sanitation workers and personnel operating out of the current M11 garage. As a result, a self-inflicted limitation is imposed on its ability to create a garage that meets the laudable standards of other newly developed and proposed garages in other neighborhoods in the city. After conversations with the DSNY we learned that a facility like the M11/2/5 facility on Spring St. requires a building footprint of 80,000 sq. ft. The instant Project Site is only approximately 48,000 sq. ft., just above half the necessary footprint. We spoke with Mr. Potamkin about the potential of expanding the Project Site boundaries either through sale or lease and it was expressed to us in unequivocal terms that there was no possibility of either of those two scenarios.

Furthermore, the lease agreement does not contain an early termination right which would permit the city to terminate the lease prior to the 20 years term. The opportunity to terminate the lease prior to 20 years might create a path to developing a multi-district garage somewhere else in the district or an adjacent district at some point in the future. It would have the effect of using the proposed site as a temporary solution to an urgent need, a more palatable proposition. What we are instead left to contend with is a situation whereby the city will be paying rent on land it once

owned for a period of twenty years. There should be a shared sentiment that such policy is unacceptable and certainly unsustainable.

The location of the proposed site presents many of the same issues associated with the current garage location. As a result, it does not create a compelling basis for the DSNY's choice as the new garage's destination. It is in many ways similarly situated to that of the current M11 garage on 99th Street. This point has been made by the community board as early as 2013. This office shares the community board's feelings about the issues surrounding the proposed location. Currently, the M11 garage sits adjacent to residential buildings and is across the street from Metropolitan Hospital. The current proposed site offers no difference in this regard and in many ways it leaves the community worse off than the current situation.

The immediate area is mixed use in nature with development proposals that will further investment and residential density nearby. The proposed site abuts two lots occupied by a church, The True Church of God and its affiliated school, The King's Academy. To the southwest there is another church, United Moravian Church. Directly south of the site is the location of the aforementioned New York Proton Center. Less than one block away is the location of the African Burial ground, a future memorial and cultural center with a related mixed use development (See Land Use Application Nos. C 170275 ZMM, N170276 ZRM, C 170278 PPM).

Additionally, it should be noted that East Harlem is currently the home of the Community District 10 garage located at 130th Street and Park Avenue. By relocating the M11 garage to 207 127th Street, East Harlem will house two DSNY garages within five blocks of each other within their community. These facts, when viewed in the aggregate, lead to the conclusion that the proposed garage location offers no improvement from the current 99th Street location.

Since there is no unique benefit to the proposed site, I am asking that the DSNY work creatively to identify a new site for the M11 garage. Several sites were identified as potential candidates as part of the "Fair Share Analysis" noted previously. One such site is worth exploring further. The lot located at 2137 First Avenue (Block 1682, Lot 11) offers many of the requisite attributes the DSNY needs to construct a fully enclosed state of the art sanitation garage and it appears to have the capacity to house more than one community district. The site is, however, currently owned by Con Edison and a great portion of the lot is currently used for employee parking while the remainder of the lot lying on the eastern portion of the block along First Avenue contains two low density buildings for Con Edison personnel. Locating the M11 garage on this site would require either a purchase or long term lease. The DSNY previously considered the site for its M8 garage and alternatively as a multi-district garage housing M8 and M11. Con Edison, the owner of the site, has continually declined the DSNY's request to consider the site because it is viewed as a key asset in meeting the city's future energy needs and is the focus of their planning.

According to the DSNY, Con Edison has plans to develop the site. However, no information was provided as to whether the site could be considered as a temporary location for M11 to operate from while it continues its search for a permanent location. My office has recently reached out to the Real Estate Department for Con Edison to discuss the potential of this site. At the current time our recommendation requests the DSNY obtain more information about the

extent of Con Edison's plans and the possibility for creative solutions to any challenges present in acquiring the site.

Lastly, even if the site planning was appropriate and all alternative locations fully vetted and exhausted, I would remain concerned about the lack of equity paid to design of the facility. Despite the issues identified regarding the proposed location, one prevailing message that has been delivered by the community board and other neighborhood residents repeatedly in conversation and testimony is that the location could be accepted if the facility mirrors the garages recently developed and proposed in other areas of the city. The M1/2/5 garage located at Hudson Square should serve as the model for all sanitation garages in the future. It represents a genuine sensitivity to community concerns by ensuring the operations of the facility are completely contained and insulated. Its architectural design is innovative and sensitive to the surrounding environment. Measures were taken to decrease the overall bulk of the building and turn what might otherwise be an eye-sore into an aesthetically appealing work of art. The M1/2/5 garage serves approximately 300,000 residents in some of the city's most affluent neighborhoods. The same effort, care, and concern must be demonstrated for the people of East Harlem, and they should receive a facility that is equally appealing and sensitive to their desires and concerns. The current proposal does not reflect such an effort.

I would ask that the City Planning Commission in coordination with the relevant city agencies pursue conversations for temporary and permanent sites for the District 11 garage and ensure design and quality parity with other facilities in the Borough of Manhattan once such location or locations are secured.

BOROUGH PRESIDENT RECOMMENDATION

Therefore, the Manhattan Borough President recommends disapproval of ULURP Application Nos. C 170269 PCM and C 170270 HCM until presented with a fully designed garage on an appropriate site or a temporary facility that meets the Fair Share Criteria as efforts continue on the former.



Gale A. Brewer
Manhattan Borough President

