

**Borough President
Recommendation**

City Planning Commission
22 Reade Street, New York, NY 10007
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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 170275 ZMM, N 170276 ZRM, C 170093 MMM, and C 170278 PPM - East 126th Street Depot Harlem Burial Site

Docket Description:

C 170275 ZMM

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, changing from an M1-2 District to an C6-3 District property bounded by East 127th Street, First Avenue, East 126th Street, and Second Avenue*, as shown on a diagram (for illustrative purposes only) dated February 21, 2017.

*Note: Second Avenue between East 126th Street and East 127th Street is proposed to be narrowed under a concurrent related application (C 170093 MMM) for an amendment of the City Map.

Borough of Manhattan, Community District 11.

(See Continued)

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

John A. Brewer
BOROUGH PRESIDENT

June 2, 2017
DATE

N 170276 ZRM

IN THE MATTER OF an application submitted by the New York City Economic Development Corporation pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F, for the purpose of establishing a Mandatory Inclusionary Housing area.

C 170093 MMM

IN THE MATTER OF an application, submitted by The New York City Economic Development Corporation pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of a portion of Second Avenue between East 126th Street and East 127th Street;
- the delineation of a sidewalk easement;
- the adjustment of grades and block dimensions necessitated thereby;

in accordance with Map No. 30251 dated February 17, 2017 and signed by the Borough President.

C 170278 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of New York City Charter, for the disposition of one city-owned property located at 2460 Second Avenue (Block 1803, Lot 1), pursuant to zoning.



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

June 2, 2017

**Recommendation on ULURP Application Nos. 170275 ZMM, 170278 PPM, 170093 MMM -
126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground
Memorial Project**

PROPOSED ACTIONS

The City of New York is proposing a series of land use actions to facilitate the redevelopment of a City owned site in East Harlem. The New York City Economic Development Corporation (NYCEDC) seeks approval of multi-land use actions to facilitate a series of developments on a full block site bounded by Second Avenue, East 126th Street, (Block 1803, Lot 1) in the East Harlem Neighborhood, Community Board 11 (CB11) within the Borough of Manhattan.

The actions include: (1) a zoning map amendment from the existing M1-2 light manufacturing district to a C6-3 general central commercial district; (2) a zoning text amendment to map the project site as a Mandatory Inclusionary Housing Area; (3) a City Map change to narrow a portion of Second Avenue from 174 feet to a width of no less than 125 feet; and (4) the disposition of real property.

Amendment to the Zoning Map and to the Zoning Resolution

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.

Changes to the City Map

A change to the City Map is sought to narrow a portion of Second Avenue from 174 feet to a width of no less than 125 feet (plus an easement for sidewalk purposes, if needed) and the application seeks conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to Administrative Code of the City of New York § 4-105 and the General City Law § 29.

The Disposition of Real Property

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

The NYCEDC is proposing to redevelop a city-owned full block site in East Harlem at 2460 Second Avenue, (Block 1803, Lot 1) and a city owned portion of Second Avenue (comprising 9,792 sq ft). The proposed project will be a mixed-use development with permanently affordable housing, residential, commercial uses, and community facilities. The cornerstone of the project will be a living memorial and cultural center to honor and commemorate the significant social, economic and cultural history of the Harlem African burial ground and its descendant community. The project is expected to be completed by 2022.

Background

The Project Site is the location of consecrated land on one of the island of Manhattan’s earliest European settlements. The Village of Harlem was established on the Lenape tribal site in 1658. Two years later the Reformed Low Dutch Church of Harlem (RLDCH) was founded and within five years of its formation its first church was constructed on or near the southeastern portion of the Project Site. A newer stone church building at a location farther south replaced the original building in 1686 but the RLDCH established cemeteries on land adjoining the site of the original church’s separate burial grounds, one for settlers of European descent, and one for enslaved people of African descent were created on portions of current Block 1803. The latter at some point became known as the “Negro Burying Ground” and later also became a resting place for free people of African descent. According to church records, the Harlem African Burial Ground received burials from various African-American church congregations and remained active until at least 1856. While records indicate that the remains of the settlers of European descent were moved and reinterred at Woodlawn Cemetery in the Bronx, there is no record of the removal of the remains of those buried in the Harlem African Burial Ground; it is believed that the remains of persons of African descent were left on the site as it redeveloped.

After its sale in the 1850’s the site experienced a succession of uses and developments, that were incongruent to the cemetery and the graves that remained. Beginning in the 1870s, a “picnic park” variously known as Sulzer’s Harlem River Park and Harlem River Casino operated as a popular beer garden type of facility. It encompassed most of the block including the historic burial ground site. This facility remained on the Project Site until about 1919, having been rebuilt following a 1907 fire. The eastern portion of the block, along First Avenue, was under separate ownership and at one point was occupied by a lumber yard. In the 1920s, a movie studio replaced Sulzer’s Harlem River Park and also incorporated the portion of the block along First Avenue. The movie studio, originally occupied by Cosmopolitan Pictures and the International Film Service Company (both owned by William Randolph Hearst), and later by Metro-Goldwyn-Mayer (MGM), remained until the 1930s.

In 1945, the Project Site was bought by the Third Avenue Transit Corporation for redevelopment as a bus depot, which opened in 1947. Following a series of consolidations and public takeover

of bus services during the 1950s and '60s, the City took ownership of the bus depot and it was operated by MTA New York City Transit (NYCT) until the agency recently relocated its operations to the expanded Mother Clara Hale Bus Depot on Lenox Avenue and W. 146th Street.

Since the sale of the Harlem African Burial Ground site in the 1850's the land underwent a series of adjustments to the block dimensions. Originally a waterfront property, the northeastern portion of the Project Site was originally part of the Harlem River. By 1870, the shoreline was filled in, expanding the block to First Avenue as delineated in the 1811 Commissioners' Plan. During the 1940s, two City Map Changes related to the establishment of the Harlem River Drive on the City Map adjusted street lines adjoining the block, resulting in the present block boundaries. In 1941 the boundary of the northeast corner of the block was adjusted by rounding off the corner to accommodate the Drive's right-of-way. A second City Map Change in 1946 further adjusted the boundary at the northeast corner and also widened the right-of-way of Second Avenue adjoining the block for two purposes: to create northbound vehicular lanes providing access to the northbound Harlem River Drive for vehicles entering Manhattan via the RFK Triborough Bridge; and to create the bus parking area adjoining the bus depot building, i.e., what is now the Demapping Area. With the mapping of these areas, they were acquired by the City.

East Harlem African Burial Ground Task Force

The East Harlem African Burial Ground Task Force was formed in 2009 by a group of concerned citizens that have united to help the Elmendorf Reformed Church restore and memorialize the Harlem African Burial ground and protect the site from further redevelopment without public acknowledgement and honoring of the deceased.

The stated goals of the East Harlem African Burial ground are to "reclaim, preserve, and recognize this sacred cemetery," in light of the proposed redevelopment project.³ The main priorities of the task force are to honor the dead, reclaim history, promote and protect the site. They support the development of a public memorial so it can be explored and shared with the public, and offer acknowledgement to the historic contributions of enslaved and free African-Americans to the economy, infrastructure and society.

The board is co-chaired by Reverend Dr. Patricia A. Singletary, Pastor of Elmendorf Reformed Church and Melissa Mark-Viverito, the New York City Council Speaker.

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 Manhattan Borough President Gale A. Brewer 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.

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 avenues. It is a vibrant, culturally rich community, but like many New York City neighborhoods faces challenges, with many residents in need of affordable housing, economic opportunities, and community facilities and services.

Located on 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 & historical sites. The land uses within a half-mile radius of the Proposed Project Site, include residential, industrial, religious, educational and recreational uses. Public and public-type private “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 Project Site is situated in a triangular-shaped area bounded by man-made and natural boundaries including East 125th Street and the ramps of the RFK Triborough Bridge on the south, the elevated MTA Metro-North rail viaduct above Park Avenue on the west, and the Harlem River and the Harlem River Drive on the northeast. This area is sometimes referred to as “East Harlem Triangle” and that term is used here to describe the area surrounding the Project Site. The Willis Avenue and Third Avenue Bridges and related roadway ramps are also located within this area. These transportation facilities provide direct transportation connections to the other boroughs.

The block directly northwest of the project site hosts a diverse group of community stakeholders, institutions and commercial entities. That block is the site of the Potamkin auto mall. It contains at-grade parking for Potamkin Hyundai and Mitsubishi auto dealerships’ vehicles. Directly west of the auto mall there are two lots which serve as the 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 west 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.

Parks and Open Space

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 Harlem River Drive. Harlem River Park soccer field shares the eastern corner of that same block with the Chevrolet Cadillac of Harlem dealership. Harlem River Park is accessible from a pedestrian footbridge

along the 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.

Other nearby parks and recreation facilities that serve the community include Wagner Houses Pool and Recreation Area and Othmar Ammann Playground, in the area bounded by the RFK Triborough Bridge Entry Ramp, First Avenue, East 124th Street, and Second Avenue on Block 1801; and Dream Street Park, located at 223 East 124th Street, midblock between Second and Third Avenues. Triboro Plaza, a park owned and operated by the New York City Department of Parks and Recreation (NYC Parks) is located adjacent to Triborough Bridge entry and exit roads, which extend parallel to and bracket East 125th Street between First and Second Avenues on Blocks 1801 and 1802.

Randall's Island, home of a major regional park, is located directly across the Harlem River from the 600-foot radius area. Access to the 256-acre Randall's Island Park is provided via the RFK Triborough Bridge pedestrian and bicycle path, accessible via East 125th Street, and the M35 bus route; the closest stops to the Project Site are located at Second Avenue, eastbound on East 124th Street and westbound on East 126th Street.

Zoning

The M1-2 light manufacturing (high performance) district mapped on the Project Site also extends southward to include the properties with frontage on the south side of East 126th Street (northern half of Block 1801). To the south of the Project Site within the one-half mile radius, the zoning is predominantly medium to high density 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 (125), 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 study 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 (NYCHA) developments built between the 1940s through the 1960s.

In addition to the Special 125th Street District, the Special Transit Land Use District (TA), is mapped along the Second Avenue corridor, on both sides of the avenue extending south from the south side of East 126th Street to the north side of East 120th Street. As such, the Project Site is not located in the TA District, but other properties in the 600-foot radius area are within the TA Special District and subject to its requirements. The TA Special District relates development along Second Avenue to the future Second Avenue subway line. This is achieved via a certification process when sites in the district undergo development.

Transit

The area is well served by local transit with the 4, 5, and 6 subway lines. Local stops include East 103rd Street, East 110th Street, East 116th Street, and East 125th Street along Lexington Avenue with an express stop at East 125th Street. The Second Avenue Subway will also be able to 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, 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 Triborough Bridge), the Third Avenue Bridge, Park Avenue, and the Major Deegan Expressway (aka I-87).

Cultural Institutions

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 East 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 approximately 115,502-square feet proposed project area, referred to as the Project Site to maintain consistency with other project documents, is located in East Harlem, Manhattan CD 11. The full-block Project Site is bounded by narrow east-west streets and wide north-south avenues. However, given the Project Site's proximity to the Harlem River Drive, RFK Triborough Bridge, Willis Avenue, and entry and exit ramps connecting those facilities with the street grid, the layout of streets adjoining the Project Site is highly unusual and does not reflect the standard Manhattan grid plan or standard vehicle circulation patterns.

The Project Site consists of two properties, the full-block bounded by East 127th Street to the north, First Avenue to the east, East 126th Street to the south, and Second Avenue to the west, which is occupied by the MTA's 126th Street Bus Depot, and an adjoining paved area used for bus parking that was mapped as part of a Second Avenue widening in 1946. This property would be demapped as part of the Proposed Project and reincorporated into the block.

The 126th Street Bus Depot Lot, existing Block 1803, Lot 1, is an approximately 105,710-square foot City-owned property. It is irregularly shaped, resembling a rectangle with one corner—the northeast corner—rounded off. This is due to its location at the edge of the Manhattan rectilinear street grid adjacent to the right-of-way of the Harlem River Drive, which follows the shape of the Harlem River's curving shoreline. The property has 199.83 feet of frontage on Second Avenue and 541 feet of frontage on East 126th Street. The First Avenue frontage extends 129.26 feet north from, and perpendicular to, East 126th Street. At that point, the boundary curves at a radius arc of 300 feet for a distance of 105 feet. The East 127th Street frontage extends 463.98 feet east

from, and perpendicular to, Second Avenue. At that point, the frontage meets the curved boundary described above.

The Demapping Area was mapped as part of the Second Avenue widening in 1946 and acquired by the City. It is physically separated from the street bed by curbs and a sidewalk with street trees, and has been used by the 126th Street Bus Depot primarily as a parking lot for buses. It provides access to building vehicular entrances on the western side of the 126th Street Bus Depot. As such, the Demapping Area functioned as a western extension to the 126th Street Bus Depot Lot. It has a total north-south length of 199.83 feet and will measure 49 feet (east-west) in width, for a total area of 9,792 square feet. Prior to 1946, when the Second Avenue right-of-way was widened, this area was part of Block 1803, Lot 1. As part of the Proposed Project, this area would be reincorporated into Block 1803.

There are no above-ground visual indications of the historic Harlem African Burial Ground that had once occupied portions of the eastern part of the Project Site, but a recent archaeological investigation across four test trenches placed within the 126th Street Bus Depot footprint uncovered disarticulated human remains (defined as remains that are not oriented as they would have been in their original burial configuration) in one of the trenches, confirming the likely presence of the historic Harlem African Burial Ground.

Proposed Project

There is no specific development proposal under consideration at this time for the Project Site that would be implemented pursuant to this application and the related land use applications. However, the current application was submitted with the intention of creating an outdoor and indoor memorial and cultural center dedicated to the African Burial Ground. It will be the centerpiece of a project that will also include a large mixed use development consisting of affordable housing and commercial uses.

A Request for Proposals (RFP) soliciting proposals for development of the Project Site would be issued only after this application and the related land use actions are approved. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would depend on the RFP responses. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures. Additionally, because the Project Site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program.

Based on site conditions and the uses and densities permitted under the proposed C6-3 (MIH) zoning, the applicant and the lead agency for environmental review identified a reasonable worst-case development scenario (RWCDs). The RWCDs assumes the Proposed Project would result in approximately 655,215 gross square feet (gsf) (624,014 zoning square feet (zsf) (5.40 FAR)) of residential development (comprising approximately 730 dwelling units of which 50 percent would be affordable to households earning at or below 80 percent AMI); approximately 315,000 gsf (300,000 zsf (2.60 FAR)) of commercial uses (including retail and office uses); approximately 30,000 gsf (28,571 zsf (0.25 FAR)) of community facility uses, including an

approximately 15,000 gsf (14,286 zsf (0.12 FAR)) historical and cultural facility as part of the memorial; 300 accessory parking spaces occupying approximately 90,000 gsf; and approximately 18,000 sf of outdoor, unbuilt memorial space.

The RWCDs would include a total of approximately 952,585 zsf, representing a built FAR of 8.25 on the 115,502-sf Project Site. Overall, including accessory parking areas that would not be higher than 23 feet above the base plane elevation, the Project Site would have a total of 1,090,215 gsf of building area (or 1,000,215 gsf of building area excluding accessory parking).

In order to capture the upper range of development possible on the Project Site, a preliminary massing scenario for the RWCDs was developed by the applicant for environmental review purposes. The massing reflects a scenario that maximizes the permitted FAR, is consistent with the RWCDs land use breakdown, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. The RWCDs massing assumes two separate buildings. The larger of the two RWCDs buildings would occupy the western portion of the Project Site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, East 126th Street, and East 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDs buildings would occupy the eastern portion of the Project Site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, East 126th Street, and East 127th Street, and would have a maximum building height of 211 feet (19 stories). The larger of the two buildings would include 300 accessory parking spaces, which is expected to be accessed via vehicle entry/exit(s) on East 126th Street. All parking and loading, and associated curb cuts would be in accordance with the applicable C6-3 (MIH) zoning requirements.

Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022.

Proposed Actions

The proposed project would create an outdoor memorial and indoor cultural center commemorating the Harlem African Burial Ground in addition to a mixed use development containing affordable housing and commercial use. To facilitate this development, the following actions are required:

Zoning Map Change

A Zoning Map Amendment to Zoning Sectional Map 6b requires approval by the CPC. This would change the zoning on the Project Site (Block 1803, Lot 1 and the adjacent Demapping Area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district.

As a result of the proposed C6-3 district, residential use (Use Groups 1 and 2), which is not permitted by the existing M1-2 zoning, would be permitted on the Project Site. Additionally, most commercial uses (Use Groups 5 to 12) would continue to be allowed. However, low coverage/open uses (Use Group 13) and boating and related uses (Use Group 14) permitted

under M1-2 would no longer be allowed. A broader range of community facility uses (Use Groups 3 and 4) would be allowed under C6-3 as compared to M1-2 (Use Group 4 only). Semi-industrial general commercial (Use Group 16) and light manufacturing uses (Use Group 17), which are currently allowed under M1-2, would not be permitted.

The overall permitted density on the Project Site would also change. The maximum permitted FARs for the Project Site under C6-3 (MIH) would be 8.0, 6.0, and 10.0 for residential, commercial, and community facility uses, respectively. In contrast, M1-2 allows maximum permitted FARs of 2.0 and 4.8 for commercial/manufacturing and community facility, respectively.

Proposed Actions

City Map Change

The city seeks a change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of 125 feet for a total of 9,791.67 sq. ft. and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to §4-105 of the Administrative Code of the City of New York. The mapping action will also allow for the adjustment of legal grades necessitated by this change.

A city map change is subject to the city's Uniform Land Use Review Procedure (ULURP) and as such shall be reviewed by the Borough President and a recommendation issued based on the interests of the people in the Borough. In addition, the Office of the Borough President has the responsibility to ensure the technical accuracy of such map prior to certification into public review.

Disposition of City-Owned Property

In accordance with Section 197-c(10) of the New York City Charter, the City seeks disposition approval of Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and a portion of Second Avenue between East 126th Street and East 127th Street to be demapped (approximately 9,792 sf). The total Project Site that the City seeks to dispose of is approximately 115,502 sf. The NYCEDC intends to issue an RFP for the Project Site. The City will dispose of this site to the New York City Land Development Corporation, which will then dispose of the site to the developer selected through the RFP process.

Zoning Text Amendment

Complementary to the zoning map amendment allowing for a change in use and 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.

As discussed above, although a specific development project would not be formulated until after the completion of the approval process, it is projected that the Project Site would be developed with a new mixed-use development pursuant to the design envelope allowed by these actions and by conditions specified in the conveyance of the property including requirements for the provision of the Harlem African Burial Ground outdoor memorial and indoor historical and cultural facility.

COMMUNITY BOARD'S RECOMMENDATION

The first official comment made by Manhattan Community Board 11 (CB11) was on the Draft Scope of Work (DSOW) on October 21, 2016. At that time, CB11 recommended 50% of total units should be permanently affordable. The Board included as part of their comments on the DSOW that:

- The permanency of the units be included as a restriction to the deed;
- That community preference within the CB11 catchment zone be enforced;
- An affordability tier should be established that reaches the lowest income tiers possible and
- That the eventual developer of the site establish a fund to keep apartments in the surrounding area affordable.

Additionally, CB11 echoes the needs represented by the Harlem African Burial Ground Task Force who also submitted testimony which was made available with supporting documentation on their website.¹

At its Full Board meeting on April 18, 2017, CB 11 passed a favorable resolution with conditions in support of the application. In their comments submitted to the Department of City Planning, CB11's approval was contingent on the conditions that the applicant:

1. Ensure the project honors and commemorates the sacred and significant social, economic and cultural history of the Harlem African Burial Ground;
2. Follows closely the recommendations and design guidelines outlined by the Harlem African Burial Ground Task Force;
3. Provides an official role for CB11 to continue to
 - a. inform the development of an RFP for the project site,
 - b. have a meaningful role in the selection of the developer; and inform the final design and resulting uses of the project;
4. Continues to explore scenarios that would allow all housing onsite to be 100 percent affordable, as reflected in recommendations put out by both CB11 and East Harlem Neighborhood Plan (EHNP);
5. Ensures that a portion of the project's residential units be designated for, and affordable, to seniors;
6. Gives preference to not-for-profit affordable housing developers, in the event that the land is disposed of for \$1.00;
7. Requires the selected developer to fund a "First-Source Hiring" plan and meet CB11's percentage benchmarks for MWBE and local hiring to maximize local workforce participation, job training, and placement associated with the project, both preconstruction and post construction;

¹ <https://www.habgtaskforce.org/>

8. Requires the selected developer to commit to working with the Building Service Union for a developer-funded training program that would select East Harlem residents and train them for permanent union jobs;
9. Explore potential partnerships with both national and local cultural and educational institutions for funding for the cultural space and ensuring its sustainability;
10. Ensures that the selected developer has a contingency plan if additional human remains are found on the project site;
11. In addition to the aforementioned commitments, ensures that CB11 will have an equal role to the Councilperson in crafting any Points of Agreement related to the project site.

At the full board meeting 26 voted in favor, 1 opposed, and 2 abstentions.

BOROUGH PRESIDENT COMMENTS

It is not the regular practice of this office to recommend the approval of a land use project with so much unknown about the final product, the built structure, the programmatic elements, and the financial components. As noted above, the project site is situated in a remarkably isolated location. A remedy to this issue is a significant challenge and at the time this recommendation is being written there are no concrete remedies for how the many challenges surrounding the project site will be cured. This community's unwavering dedication to the mission of protecting and preserving their culture should be honored with an appropriate site plan for this project and every effort should be made by the city and its surrogates to assist in developing partnerships and obtaining permanent revenue streams to ensure the sustainability of the memorial and cultural center proposed. My office has met with several of the stakeholders involved in this project and we have been assured that the appropriate actions will be taken. Despite the concerns I have surrounding much of the unknown in actual site plan and programming in this project, I recognize that this project is the result of a lengthy collaborative effort on behalf of the community, local elected officials and city agencies. For that reason I am supportive of this project.

As previously noted, there is no specific proposal under consideration at this time for the Project Site. A Request for Proposals soliciting proposals for development of the Project Site would be issued only after this application and the related land use applications are approved. That places the residents of East Harlem in a vulnerable and precarious position. It also places this office in the peculiar position of approving this application without knowing what the final product will be. Generally, this would be unacceptable, and as a matter of policy under other circumstances this office might have no choice but to disapprove this application. However, the circumstances surrounding this project are distinct and unusual. This project is the result of a thoughtful and inclusive planning process driven by City Council Speaker Melissa Mark-Viverito and the NYCEDC. The Harlem African Burial Task Force was created in conjunction with the East 126th Street Bus Depot Task Force to develop goals for the site's redevelopment and advocate for recognition of the site's cultural significance in the history of the city. Additionally, this will not be the last time this office will opine on this project. Pursuant to Section 384(b)(4) of the City Charter, the disposition of land to the EDC to facilitate this project requires approval by the majority of the members of the Manhattan Borough Board. Therefore, this office will have

another opportunity to evaluate and offer our opinion on this project after details of the proposal will have been presented. Because of these circumstances, in this case, we believe approval of this project is warranted despite the level of uncertainty at the present moment.

The success of this project will require the concerted effort of the city and the community until it is complete. The city must continue to engage with East Harlem residents, the Harlem African Burial Ground Task Force (“HABGTF”), and Community Board 11. The administration must continue to listen and incorporate community input. And we must all remain watchful to ensure the project’s goals and objectives are realized.

It would be remiss of me if I did not take a moment to highlight one important fact about this project. One of the city’s greatest assets is the land that it owns. We have seen in recent proposals what can happen if this asset is squandered. This project has the potential to serve as a prime example of what can be achieved with city land and some creativity. We have before us a rare opportunity to preserve, protect, and honor Harlem’s past while simultaneously develop for current and future needs. There are far fewer limitations to our ability to achieve essential goals for this community, and the city in general, as a result of the fact that the project site is city owned.

While the memorial and cultural center will be a crowning achievement, the affordable housing component of this project has the potential to be a precious byproduct of the great historical discovery made on this site. My office continues to stand in support of the Mayor’s goal of providing 200,000 dwelling units of affordable housing. My office has met with representatives from the NYCEDC and we have spoken with Lord Cultural Resources, a consultant that was hired to assist in developing financial and programmatic elements of the plan in conjunction with the HABGTF. What we have learned is that there is somewhat of a balancing act that takes place between maximizing the number of affordable units with the lowest income bands and ensuring that the building itself, and in this case the memorial and cultural center, is sustainable. For the building and the memorial and cultural center to remain self-sustaining and operational there must be enough revenue generated by the residential units. Therefore, we have been told that there may be a scenario where there are less total number of affordable housing units so that the lowest income bands can be created in significant numbers and another scenario where the total number of affordable housing units generated is 100% or close to 100% but the lowest income bands are much less represented. We currently understand that there is a commitment on behalf of the city to create at least 20% of the residential units at 30% AMI. My office asks that all resources be expended and alternatives exhausted to ensure 100% of the units in this development are made affordable with the lowest income bands created in significant numbers in perpetuity.

To ensure the longevity of this project and honor the site and the community residents who have worked tirelessly to bring attention to its history several efforts should be made. There should be commitments made by city and state agencies, collaborative partnerships with state and national parks and historic preservation offices, as well as efforts to secure private contributions from the country’s charitable funds and organizations to offset capital and operational costs. The city and state should commit to financing the capital costs for the memorial and cultural center. Empire State Development (ESD) grants should be sought for construction while NYCEDC will also

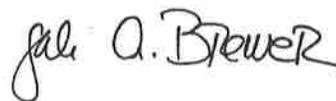
have to shoulder a significant percentage of these costs as well. Operational costs are often the most difficult to offset because most grant opportunities focus on programming rather than operating cost. Therefore, efforts must be made to attain support that is both diverse and comprehensive. One example of this came to light during a conversation with representatives of the National Parks Service (NPS) earlier this month. During that conversation it was suggested that the city pursue “Affiliated Area” status. Affiliated Areas are not parks, nor are they owned or administered by the federal government, but through a cooperative agreement the affiliated site receives technical assistance and some financial aid from NPS. It is also important that the city and the HABGTF broaden the network to assure a larger base of support for grant applications in the future. Outreach to nonprofit and educational organizations with related focus to the Harlem African Burial Ground can lead to commitments of additional support. Private fundraising will be essential and there are several private entities with a record of providing funds for projects similar to this one. Lastly, the HABGTF should continue to pursue having the site placed on the state and national Registers of Historic Places. Placement on the state and national registers would create opportunities for tax credits and preservation grants.

I remain concerned but also encouraged that with a concerted effort that is relentless and creative this project will be a success. I ask that the city continue to work with the HABGTF and CB11 to develop strategies that preserve the integrity of this project and make it self-sustaining.

BOROUGH PRESIDENT RECOMMENDATIONS

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. 170275 ZMM, N 170276 ZRM, 170278 PPM, and 170093 MMM with the following conditions:

- 1. Honor the commitment to ensuring the project honors and commemorates the Harlem African Burial Ground;**
- 2. Follow through on its commitment to exhaust all possibilities in providing 100% affordability with at least 20% of the residential units affordable at 30% AMI;**
- 3. Provide an official role for CB11 to continue to inform the development of an RFP for the project site, have a meaningful role in the selection of the developer, and inform the final design and resulting uses of the project;**
- 4. Provide preference to Not-for-profit affordable housing developers;**
- 5. Continue to work with the HABGTF in developing design guidelines and other recommendations for the site;**
- 6. Explore diverse funding sources on a local, state, and national level to ensure the project’s sustainability;**
- 7. Conduct outreach to nonprofit and educational organizations with related focus to the Harlem African Burial Ground.**



Gale A. Brewer
Manhattan Borough President