

Borough President Recommendation

City Planning Commission
120 Broadway, 31st Floor, New York, NY 10271
Fax # (212) 720-3488

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 180249 HAM

Docket Description:

C 108249 HAM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development (HPD):

pursuant to Sections 197-c and 201 of the New York City Charter for

1. Pursuant to Article 16 of the General Municipal Law of New York State for
 - a. The designation of property located at 263-267 West 126th Street (Block 1932 Lots, 5, 7, 107), as an Urban Development Action Area Project; and
2. Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD; to facilitate an 8-story building containing residential, community facility and commercial space, Borough of Manhattan, Community District 10.

Borough of Manhattan, Community District 10.

(See Continued)

COMMUNITY BOARD NO:

10

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

Jale A. Brewer

BOROUGH PRESIDENT

May 31, 2018

DATE



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

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Gale A. Brewer, Borough President

May 31, 2018

Recommendation on ULURP Application No. C 180249 HAM - Balton Commons
by The New York City Department of Housing Preservation & Development

PROPOSED ACTIONS

The New York City Department of Housing Preservation & Development (“HPD” or “Applicant”) is seeking several proposed actions including an Urban Development Action Area Project designation (“UDAAP”) and project approval for Block 1932, Lots 5, 7, and 107 (“Project Area” or “Development Site”). HPD also seeks approval for the disposition of the Project Area to facilitate the development of a new seven-story mixed-use affordable housing development (“Proposed Development”) in the neighborhood of Central Harlem, Manhattan Community Board 10.

Urban Development Action Area and Urban Development Action Area Project Designation

Under Chapter 15, Section 381 of the City Charter, the City may acquire property “whenever required for any public or municipal use or purpose or for the promotion of public utility, comfort, health, enjoyment or adornment.”

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) and the Urban Renewal Law (Article 15 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 section 694(4), to receive a UDAA and/or UDAAP designation the City Planning Commission and the City Council must find that:

1. The present status of the area tends to impair or arrest the sound growth and development of the municipality;
2. The financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to section six hundred ninety six of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
3. The area designation is consistent with the policy and purposes stated in section six hundred ninety one of the Urban Development Action Area Act.

Disposition of city-owned Real Property

Section 197-c of the New York City Charter mandates that the disposition of all city-owned real property (other than 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 disposition to residential real property.

BACKGROUND

Prior Discretionary Actions

The Project Area has been included in three prior discretionary actions, none of which resulted in the disposition of the property.

In 1996, the Project Area was included in an application filed by the Department of Citywide Administrative Services (“DCAS”) (C 970139 PPM). The application sought the disposition of 17 city-owned properties, including the Project Area. On May 14, 1997 the application was disapproved by the City Council.

Four years later on April 3, 2000, DCAS filed another application seeking the disposition of 35 city-owned properties. The City Council approved the application with modifications. Twenty-five of the properties including the Project Area were removed from the list of properties disposed.

In 2007, an application was filed by the Economic Development Corporation (“EDC”) which sought an amendment to the Zoning Map and the disposition of the Project Area. The purpose of these actions was to facilitate the expansion of the adjacent Unity Funeral Chapel as well as a 15 space parking lot. The City Council approved the application in 2008, but unforeseen circumstances prevented the disposition from taking place.

Site Description

The Development Site is a 8,492 square foot parcel consisting of three lots. It is currently occupied by the Mandela Community Gardens which is licensed by the New York City Department of Parks and Recreation (“Parks”) as part of the Green Thumb program.

In 2015, Mandela Community Garden (“Mandela”) was registered with Green Thumb and a licensing agreement was signed with the understanding that the Garden’s tenancy on the current Project Area was temporary. It was expected that HPD intended to develop the site of the Garden at some point in the future, and when that time came, the Garden would relocate.

The gardeners cleared the vacant lots of the old black-top that blanketed the ground. They removed years of accumulated trash and debris and began planting regional wildflowers due to their self-sustaining nature. The garden has become a neighborhood attraction luring artists, celebrities, tourists, and residents especially during the warmer months.

On September 8, 2017 HPD, in accordance with Chapter 42 of Title 28 of the Rules of the City of New York, sent a letter to the garden’s main contact person informing them of several city-owned sites available for the garden’s relocation. Eight sites within a half mile of the current garden were listed. Some sites were admittedly occupied by other gardens that would accept additional members. Other sites were vacant lots. On average the sites were 1,500 square feet,

much smaller than the 8,000 square feet the garden currently occupies. The largest of the sites listed was just 2,492 square feet (Block 1953, Lot 29). But that site is a Green Thumb garden that is willing to accommodate additional participants. The gardeners at Mandela have not accepted any of the alternative sites to date.

Project Description

The Proposed Development will be a seven-story mixed-use building containing residential, commercial, and community facility uses. The building will be approximately 46,000 gross square feet, of which approximately 36,000 gross square feet will be residential. The street wall will be eight feet from the street line and the base height will rise to 55 feet 8 inches. It will have a maximum height of 75 feet.

The development will contain 36 income-restricted rental units and a superintendent unit. There will be a mixture of dwelling units. Based on the latest plans disclosed by the developer to members of my office it is expected that there will be 11 studios, 12 one-bedroom, 11 two-bedroom, and three three-bedroom apartments. The affordability range will be between 30 percent and 90 percent Area Median Income (“AMI”).

There will be approximately 5,800 square feet of commercial space and approximately 1,400 square feet of community facility space. The commercial space is intended to be used as a tech incubator by Silicon Harlem. The community facility space is intended to be used for Silicon Harlem’s App Youth Leadership Academy. Twelve hundred square feet is intended to be used as retail space.

The Proposed Development will be constructed with a passive house standard. It will incorporate continuous insulation through its entire envelope without any thermal bridging, high performance windows and doors.

Area Context

The Project Area is located on West 126th Street between Frederick Douglass Boulevard and Adam Clayton Powell Jr. Boulevard in the Central Harlem neighborhood in Manhattan Community Board 10. The area immediately surrounding the Development Site is characterized by low rise tenements, a parking lot, and the playground for P.S. 154 The Harriet Tubman Learning Center. The broader surrounding area consists of mixed-use developments which contain commercial office and institutional uses along major thoroughfares like West 125th Street, Adam Clayton Powell Jr. and Frederick Douglass Boulevards.

The lots immediately east of the Project Area are two three-story buildings. The building adjacent to the Project Area’s eastern boundary contains residential uses with a plumbing business on the ground floor. Trinity African Methodist Episcopal Church currently occupies the two-story building next door to the plumbing business. The school building for P.S. 154, The Harriet Tubman Learning Center, is three stories tall and fronts West 127th Street. Immediately west of the Project Area is a five-story Tenant Interim Lease (“TIL”) walk-up building with commercial use at the corner of West 126th Street and Frederick Douglass Boulevard.

On the block immediately south of the Project Area is the rear facing portion of the Apollo Theater. Directly west of the Apollo Theater is the surface parking lot for the Thomas Memorial Wesleyan Church. The church operates within a two-story building next door to the parking lot. On the southeast corner of Frederick Douglass Boulevard and West 126th Street, sits a one-story building which is currently occupied by a discount store. At the southwest corner of Adam Clayton Powell Jr. Boulevard and West 126th Street is the seven-story Alhambra Ballroom Office Building which is currently undergoing renovations.

The area surrounding the Development Site also contains high density institutional, commercial and residential uses. Across the street from Alhambra is the Adam Clayton Powell Jr. State Office Building which stands nineteen-stories tall. The St. Nicholas Houses, a fourteen-story, “tower in the park” style New York City Housing Authority (“NYCHA”) complex sits one block north of the Development Site and extends four blocks to West 131st Street.

The Project Area is well served by parks and outdoor space. St. Nicholas Park is three blocks northwest from the Development Site. It is approximately 23 acres stretching from West 128th Street to West 141st Street along St. Nicholas Avenue. Morningside Park is located southwest of the Project Area and it extends from West 123rd Street to West 110th Street along Morningside Avenue.

The Project Area is also within close proximity to several transit options. The 2 and 3 subway lines are available two blocks east of the Project Area at the elevated 125th Street station located on Broadway. The A, B, C, D subway lines are located one block west of the Project Area at West 125th Street and St. Nicholas Avenue. Three bus lines run east-west near the Project Area. The Bx15, M100, and M101 cross Manhattan via West 125th Street, one block south of the Project Area. The M10 and M03 bus lines travel north and south along Frederick Douglass Boulevard and St. Nicholas Avenue respectively. The 125th Street Metro North station is located on Park Avenue, five blocks east of the Project Area.

The area surrounding the Development Site is predominantly zoned for medium density residential, commercial, or mixed uses. The predominant zoning districts in the area are R7-2, R8 and R8 equivalent commercial zoning districts like the C4-4D zoning district located across the street from the Development Site. A portion of the 125th Street Special Purpose District is located one block south of the Project Area. The Project Area is also within the Upper Manhattan Empowerment Zone and FRESH Program Area boundaries.

COMMUNITY BOARD RECOMMENDATION

On Thursday, February 15, 2018 Manhattan Community Board 10’s (“CB10”) Land Use Committee heard from the applicant and other stakeholders related to this Land Use application. The development plans and the programmatic elements were presented. Additionally, the committee heard from members of the public. The Land Use committee then voted on a resolution to support the application. The vote was seven in the affirmative, one in the negative, no abstentions, and one recusal. The resolution to support the application was passed.

On Wednesday, April 4, 2018 CB10 held a General Board meeting and the matter was heard before the full board. Residents and other stakeholders testified. The full board then voted in support of the application with a vote was 27 in the affirmative, none in the negative, and no abstentions. On April 23, 2018, CB10 issued their formal recommendation in favor of the application and included a statement that they were pleased with the AMI bands proposed.

BOROUGH PRESIDENT’S COMMENTS

It is no secret that Manhattan has a huge need for affordable housing, and that this is especially true for low-income residents in Central Harlem and the surrounding neighborhoods within Manhattan Community District 10. Yet as the stock of city-owned land has dwindled, neighborhoods like Central Harlem are faced with difficult choices about how to use the open spaces that remain. For this site, I support the choice to build affordable housing.

Central Harlem is in need of well-paying jobs and affordable places to live. There are not enough rental units available at affordable rates, and the median income in Community District 10 is well below the City level. Rental vacancy rates are below 5 percent, the percentage that triggers a housing emergency. Based on the American Community Survey 2015, the median income in the community district was \$46,540 with 29 percent earning less than \$20,000 per year. As a result, 22 percent of households in the district are characterized as severely rent burdened and the situation does not seem to be improving with median asking rents rising above \$2,000 in recent years.

To address the state of housing in this community the City needs to facilitate 100 percent affordable developments like the one proposed here. Every unit in this proposed development will be income-restricted at income bands that reflect the income distribution of the neighborhood, and targeting the residents who need it most.

Community Board 10, with higher than average poverty and unemployment rates, is specifically in need of workforce development and skills training that will lead to good paying jobs. Technology is the fastest growing private sector industry in New York, providing good jobs at high wages. The City’s residents are in need of technology training in general and residents of Central Harlem have expressed need for more technology training in their community. The applicant has worked out an arrangement with Silicon Harlem to provide essential programming in the bulk of its commercial and community facility spaces. Specifically, the Apps Youth Leadership Academy will be serving community high school students, teaching them about entrepreneurialism, mobile app development and STEM related skills in technology. This will create paths for future economic independence and sustainability for the young people of Central Harlem. Moreover, it is a step toward the City’s promise to provide people from communities of color and minority-owned businesses opportunities in industries they have historically been kept out of.

The proposed development addresses a critical need that must be met and produces significant benefits for this community, and it is for these reasons I support this project.

Few benefits come without a price, however. And when city-owned land is being developed, it is crucially important to wring every possible community benefit out of that land, because it is not a renewable resource. Proposals for projects on city-owned land should either create win-win scenarios or should be so overwhelmingly one-sided that other options become inconceivable, and to my mind, this project does not yet meet that standard. So while I support affordable development at this site, I do have some hesitation about the specifics of this project.

None of the units in this proposed development will be permanently affordable, and the disposition of the land results in the City losing another portion of its most valuable asset. The site is also appropriate for a slightly larger development, and while I am hardly a supporter of bulk for its own sake, a larger development carries specific, significant benefits in this case. If a portion of the block at this site were rezoned from its current R7-2 designation (with C2-4 Commercial overlay) to an R7D or C4-5D (an R7D-equivalent commercial district), then the Mandatory Inclusionary Housing (“MIH”) program’s requirements could be triggered, guaranteeing permanent affordability for some of the development’s housing units. Additionally, a C4-5D zoning district designation would allow greater flexibility in commercial uses and more commercial floor area.

The C4-5D has a height limit that is appropriate given the surrounding building context and zoning designations. With MIH, the building would not be permitted to be built greater than 110 feet. That is approximately three stories more than the seven-story building proposed here. It is my opinion that it would not be out of context for the area. Each building at St. Nicholas Houses, one block north of the site, stands 12 stories tall. To the northwest is The Balton, an affordable housing development that also stands at 12 stories. Meanwhile, future development across the street from the Development Site could one day stand as tall as 140 feet, since it is zoned as an R8A-equivalent commercial zoning district (C4-4D).

A rezoning would not only create a more robust development, it would also set the standard for a small incremental increase in building density on any future upzoning likely to take place in the future on this block. The increase in residential and commercial FAR provided by a C4-5D or R7D district provides a slight incremental increase in building density while ensuring that future development on the soft sites surrounding the Development Site will contain the benefit of permanent affordable housing. As described above, the area surrounding the Development Site contains very low rise developments, some as low as a single story. P.S. 154 possesses significant development rights and my fear is that their development rights could end up in an adjacent property owner’s hands.

The City must also consider including a future interest in the land. A remainder or reversion interest in the land like the one included in the Inwood Library project should be included in every disposition of city-owned land. It creates another mechanism for the City to ensure that the units in this and every future development on city-owned land remain affordable in perpetuity. We cannot dispose of city-owned land for housing that is not permanently affordable.

Mandela Garden

Finally, the work of Green Thumb and the gardeners at the Mandela Community Garden should be celebrated. What was accomplished on the site was incredible. I strongly urge the City to find a new, permanent site where the gardeners may relocate, one that is more appropriate than the locations previously offered.

The Project Area was a blight on the neighborhood for decades before the Mandéla gardeners arrived. The lots were covered with a patchwork of busted black-top, broken bottles, trash and sprawling weeds. In just a few months, the black-top was lifted and removed, the land was cleared, seeds were planted, and a community of volunteers was formed with an increasing number of names being added to the list every month.

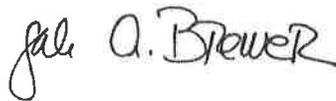
The choice for the community gardeners to relocate has been presented in such a way as to suggest that it is only the gardeners who will be affected. But it isn't just gardeners who are affected by their displacement. They may be the garden's greatest advocates, but the loss of the Mandela Garden will be felt by all its neighbors, all the residents who passed through or volunteered, and took a break from the hustle and bustle of urban life.

Therefore, I urge the City to find a new permanent location where they can create a space very much like the one they made on 126th Street.

THE BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend the approval of Land Use Application No. C 180249 HAM - Balton Commons with the following conditions:

1. That the City finds a permanent site for the Mandela Community Garden that meets their needs.
2. That the City maintains a future interest in the property using a mechanism similar to that which is being proposed in the Inwood Library proposal.



Gale A. Brewer
Manhattan Borough President



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Few benefits come without a price, however. And when city-owned land is being developed, it is crucially important to wring every possible community benefit out of that land, because it is not a renewable resource. Proposals for projects on city-owned land should either create win-win scenarios or should be so overwhelmingly one-sided that other options become inconceivable, and to my mind, this project does not yet meet that standard. So while I support affordable development at this site, I do have some hesitation about the specifics of this project.

None of the units in this proposed development will be permanently affordable, and the disposition of the land results in the City losing another portion of its most valuable asset. The site is also appropriate for a slightly larger development, and while I am hardly a supporter of bulk for its own sake, a larger development carries specific, significant benefits in this case. If a portion of the block at this site were rezoned from its current R7-2 designation (with C2-4 Commercial overlay) to an R7D or C4-5D (an R7D-equivalent commercial district), then the Mandatory Inclusionary Housing (“MIH”) program’s requirements could be triggered, guaranteeing permanent affordability for some of the development’s housing units. Additionally, a C4-5D zoning district designation would allow greater flexibility in commercial uses and more commercial floor area.

The C4-5D has a height limit that is appropriate given the surrounding building context and zoning designations. With MIH, the building would not be permitted to be built greater than 110 feet. That is approximately three stories more than the seven-story building proposed here. It is my opinion that it would not be out of context for the area. Each building at St. Nicholas Houses, one block north of the site, stands 12 stories tall. To the northwest is The Balton, an affordable housing development that also stands at 12 stories. Meanwhile, future development across the street from the Development Site could one day stand as tall as 140 feet, since it is zoned as an R8A-equivalent commercial zoning district (C4-4D).

A rezoning would not only create a more robust development, it would also set the standard for a small incremental increase in building density on any future upzoning likely to take place in the future on this block. The increase in residential and commercial FAR provided by a C4-5D or R7D district provides a slight incremental increase in building density while ensuring that future development on the soft sites surrounding the Development Site will contain the benefit of permanent affordable housing. As described above, the area surrounding the Development Site contains very low rise developments, some as low as a single story. P.S. 154 possesses significant development rights and my fear is that their development rights could end up in an adjacent property owner’s hands.

The City must also consider including a future interest in the land. A remainder or reversion interest in the land like the one included in the Inwood Library project should be included in every disposition of city-owned land. It creates another mechanism for the City to ensure that the units in this and every future development on city-owned land remain affordable in perpetuity. We cannot dispose of city-owned land for housing that is not permanently affordable.

Mandela Garden

Finally, the work of Green Thumb and the gardeners at the Mandela Community Garden should be celebrated. What was accomplished on the site was incredible. I strongly urge the City to find a new, permanent site where the gardeners may relocate, one that is more appropriate than the locations previously offered.

The Project Area was a blight on the neighborhood for decades before the Mandela gardeners arrived. The lots were covered with a patchwork of busted black-top, broken bottles, trash and sprawling weeds. In just a few months, the black-top was lifted and removed, the land was cleared, seeds were planted, and a community of volunteers was formed with an increasing number of names being added to the list every month.

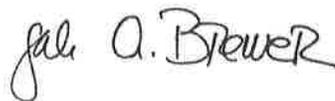
The choice for the community gardeners to relocate has been presented in such a way as to suggest that it is only the gardeners who will be affected. But it isn't just gardeners who are affected by their displacement. They may be the garden's greatest advocates, but the loss of the Mandela Garden will be felt by all its neighbors, all the residents who passed through or volunteered, and took a break from the hustle and bustle of urban life.

Therefore, I urge the City to find a new permanent location where they can create a space very much like the one they made on 126th Street.

THE BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, I recommend the approval of Land Use Application No. C 180249 HAM - Balton Commons with the following conditions:

1. That the City finds a permanent site for the Mandela Community Garden that meets their needs.
2. That the City maintains a future interest in the property using a mechanism similar to that which is being proposed in the Inwood Library proposal.



Gale A. Brewer
Manhattan Borough President