

# Borough President Recommendation

**City Planning Commission**  
**22 Reade Street, New York, NY 10007**  
**Fax # (212) 720-3356**

## 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.

Application:

Docket Description:

**IN THE MATTER OF** an application submitted by The Department of Housing Preservation and Development

- 1) Pursuant to Article 16 of the General Municipal Law of New York State, HPD seeks designation of City-owned property as an Urban Development Action Area ("UDAA") and approval for the project as an Urban Development Action Area Project ("UDAAP").
- 2) Pursuant to Section 197-c of the New York City Charter, HPD seeks approval for the disposition of said property to a developer to be selected by HPD

To facilitate the development of a building containing approximately 123 affordable housing units, community facility, retail, and open space.

COMMUNITY BOARD NO:

2

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



Gale A. Brewer  
BOROUGH PRESIDENT

2/26/2019  
DATE



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

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**Gale A. Brewer, Borough President**

February 26, 2019

## **Recommendation on ULURP Application No. C 190184 HAM, HPD Haven Green Senior Housing, by Department of Housing Preservation and Development**

### **PROPOSED ACTIONS**

The New York City Department of Housing Preservation and Development (“HPD” or “the applicant”) and its proposed development team of Pennrose, RiseBoro Community Partnership (“RiseBoro”), and Habitat for Humanity NYC (“Habitat NYC”) (collectively, the “Development Team”), seek the approval of a land use action to facilitate the proposed development of a seven-story, mixed-use affordable housing project at 199-207 Elizabeth Street (the “development site”) in NoLIta, Manhattan Community District 2. The development site is located on Block 493, Lot 30.

Pursuant to Article 16 of the General Municipal Law of New York State, HPD seeks designation of City-owned property as an Urban Development Action Area (“UDAA”) and approval for the project as an Urban Development Action Area Project (“UDAAP”). In addition, pursuant to Section 197-c of the New York City Charter, HPD seeks approval for the disposition of said property to the Development Team, who will develop and also manage all aspects of the building.

### **PROJECT DESCRIPTION**

The development site, Block 493, Lot 30, is an unimproved city-owned lot bounded by Spring Street to the south, Prince Street to the north, Mott Street to the west and Elizabeth Street to the east. The site is an L-shaped through lot, approximately 20,110 square feet in area with 136 feet of frontage on Elizabeth Street and 80 feet of frontage on Mott Street. The lot is located in a C6-2 district and is on a narrow street.

HPD seeks to develop an 82,120 square foot building that will contain 77,600 zoning square feet of residential floor area, 11,200 square feet of community facility floor area, and 4,400 square feet of commercial floor area. The proposed development will be located on City-owned land at 199-207 Elizabeth Street, which is presently vacant land that is leased by an adjacent property owner. The proposed building will be seven-stories tall, approximately 75 feet in height, with a street wall of approximately 115 feet. There will also be approximately 6,700 square feet of green space that will be open to the public, accessible on Elizabeth Street via a covered breezeway and on Mott Street via a gated entrance.

## **C 190184 HAM HPD Haven Green Senior Housing**

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The residential portion of the building will consist of 123 studio apartments for seniors and 1 two-bedroom superintendent's unit. All of the units will be for households earning 60% of Area Median Income (AMI) or below. Thirty-seven units will be set aside for formerly homeless households earning less than 30% AMI; 35 units will be for households earning 30% AMI; 25 units will be for households earning 40% AMI; and 26 units will be for households earning 60% AMI.

The community facility floor area will consist of office space for Development Team member Habitat NYC. The organization will move from their current location into the building and run their daily operations from the site. Additionally, conference room space that is part of the community facility portion of the building will be made available to the community for meetings and events.

The ground-floor retail space along Elizabeth Street will be partitioned into small-scale storefronts. The retail spaces will be leased at market rates, and revenues generated will contribute to the operation of the overall development.

The proposed development will be built to Passive House construction standards. Passive House is a method of construction that uses extensive insulation and highly efficient building systems, which results in a very small amount of energy needed to properly cool, heat, and ventilate the building. The project will also implement solar energy panels and cogeneration to generate energy for heating and power, which will result in reduced strain on our energy grid.

### *Background*

According to the applicant, the City of New York, on June 12, 1981, conveyed part of Lot 41 on Block 493, to the Little Italy Restoration Association ("LIRA") for the development of a mixed-use development containing low income residential units and commercial space. The unimproved portion of this lot (now known as Lot 30), remained under City ownership and was planned as a public recreational area to be managed by LIRA, pursuant to a license agreement.

In February 1991, the unused portion of the lot was leased to a neighboring property owner (209 Elizabeth Street, Block 493, Lot 21). The lot was leased to a private party on a month-to-month basis by the New York City Department of Citywide Administrative Services ("DCAS"). The lease specifies that the premises shall be used for "storage of sculpture and any as-of right use." The lease stipulated that the tenant must vacate upon 30 days written notice from the City.

In October 2012, Lot 41 was subdivided into two lots: Lot 41, containing the LIRA building, and Lot 30, the development site. The City identified the site in 2013 as a future affordable housing site; in 2016, HPD issued a competitive Request for Proposals ("RFP") to develop affordable housing for seniors, including an open space on the development site that would be open to the public. HPD designated the Development Team in December 2017.

*Area Context*

The development site is located in the NoLiTa neighborhood, Community District 2 in the Borough of Manhattan. The surrounding area consists of four- to seven-story residential buildings that are predominately old-law tenements, which generally lack elevators, with ground floor retail. Taller, mixed-use buildings can be found on the surrounding wider streets of Bowery, Kenmare, and Chrystie streets.

The predominant zoning in the surrounding area is C6-2, with M1-5B and C6-1 zoning areas nearby. The development site is located within the Special Little Italy District (“SLID”), Preservation Area “A.” This designation supersedes C6-2 bulk requirements and allows for a maximum 4.1 FAR with a maximum height of seven-stories or 75 feet (whichever is less). The SLID requires a minimum 10-foot setback at six stories or 65 feet (whichever is less), and limits lot coverage to 60%. The development site is also within the Chinatown and Little Italy Historic District on the National Register of Historic Places. The development site is within two blocks of several New York City landmark-designated buildings in the area including Old St. Patrick’s Cathedral (264 Mulberry Street), Fourteenth Ward Industrial School building (256 Mott Street), Young Men’s Institute (222 Bowery), and the Bowery Mission (227 Bowery). The development site is also located within a FRESH (Food Retail Expansion to Support Health) eligible area, where financial and zoning incentives are offered to encourage the development of markets providing fresh food. There are two medical centers very close to the to the development site. Judson Health Center (34 Spring Street) is approximately 500 feet from the development site and Cabrini Medical Center (179 Mulberry Street) is approximately 0.2 miles (1,054 feet) from the development site.

The development site is near open space such as DeSalvio Playground, located 528 feet from the development site. The playground is currently undergoing renovation and will be reopened soon. The development site is also near the Chrystie Street median, which extends seven blocks from East Houston to Canal Street. The median includes planted open space with a bicycle greenway, seating, and Sara Roosevelt Park, which has play areas, ball courts and fields. The development site is located 0.2 miles (1,056 feet) from the park. The development site is also near two community gardens owned by the City of New York and managed by New York City Department of Parks and Recreation. Liz Christy Community Garden, the first community garden in New York City, is located on East Houston between the Bowery and 2<sup>nd</sup> Avenue, approximately 0.3 miles (1,584 feet) away from the development site. First Street Garden, located on 1<sup>st</sup> Street and 2<sup>nd</sup> Avenue, is also 0.3 miles from the development site.

The development site and surrounding area is well-served by public transit. The Spring Street 6 train station is located two blocks west of the development site. The Prince Street R & W train station is located five blocks west of the development site. The Bowery J & Z train station is located two blocks southwest of the development site. The Broadway-Lafayette B/D/F & M train

station (also the Bleecker Street 6 train) is located two blocks north and three blocks west of the development site. This train station also has wheelchair accessible access to the trains via elevator. The M1, M21, M55, and M103 buses also provide transit options in the area.

### **Proposed Actions**

The applicant seeks the following approvals to facilitate the proposed development:

1. Designation of City-owned property as an Urban Development Action Area (“UDAA”) and approval for the project as an Urban Development Action Area Project (“UDAAP”)
2. In addition, the applicant seeks approval for the disposition of said property to the Development Team, which will also manage all aspects of the development

### **COMMUNITY BOARD’S RECOMMENDATION**

At its Full Board meeting on January 24, 2019, Manhattan Community Board 2 voted to recommend disapproval with conditions of the application by a vote of 30 in favor, 7 opposed and 4 abstentions.

### **BOROUGH PRESIDENT COMMENTS**

As New York City grows and changes, land use pressures become more acute. Access to open green space and access to safe affordable housing for our most vulnerable populations are two of the most pressing issues in our city. As land becomes scarce, addressing these problems becomes more difficult.

Lack of adequate open green space and housing are not only issues of land use but of public health. Access to open space provides opportunities for physical activity and social interaction, which contributes to better health outcomes for residents<sup>1</sup>. Homelessness can create or exacerbate chronic mental and physical health conditions.<sup>2</sup> The lack of housing that accommodates the limited mobility of seniors can contribute to isolation and reduced access to services that could allow them to live more independently. Rising costs of living also burden seniors, who are often on fixed incomes. Seniors should not be subject to choosing housing over food and medication due to rising rents.

According to New York City’s City Environmental Quality Review (CEQR), New York City’s optimal open space goal is 2.5 acres of open space per 1,000 residents, including 0.5 acres of passive open space and 2.0 acres of active open space. The area in which the development is

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<sup>1</sup> Gies, Erica. “The Health Benefits of Parks: How Parks Help Keep Americans and Their Communities Fit and Healthy” [http://cloud.tpl.org/pubs/benefits\\_HealthBenefitsReport.pdf](http://cloud.tpl.org/pubs/benefits_HealthBenefitsReport.pdf)

<sup>2</sup> [http://www.nhchc.org/wp-content/uploads/2011/09/Hln\\_health\\_factsheet\\_Jan10.pdf](http://www.nhchc.org/wp-content/uploads/2011/09/Hln_health_factsheet_Jan10.pdf)

being cited has been acknowledged as an area that is underserved by open space, with presently 0.153 acres per 1,000 residents.<sup>3</sup>

There is a senior housing crisis in this city. There are over 100,000 seniors on waiting lists for senior housing and the average wait for a unit on these lists is seven years.<sup>4</sup> According to a May 2018 report from the New York City Department for the Aging (DFTA), the population of New York City residents aged 60 and over will grow from 1.25 million in the year 2000 to 1.86 million by 2040.<sup>5</sup> Additionally, according to the February 15, 2019 Department of Homeless Services (DHS) daily report, 60,965 adults and children were in shelters throughout our city. This is unacceptable. As our senior population increases, we must allocate more resources - both land and subsidy - to the development of quality affordable housing that accommodates the needs of an aging population.

Given the needs for both accessible green open space and affordable housing, it is imperative that we seek solutions that will address both issues. The Elizabeth Street Garden, in the five years since the proposed development was announced, has grown to become a cherished community resource as an accessible open green space. However, there is a growing need for affordable housing throughout the city and especially within Community Board 2, which has only seen 93 units of affordable housing built since 2014.<sup>6</sup> While it is not ideal, we must compromise and find a solution that addresses the need for affordable housing while preserving as much public open space as possible.

Haven Green will create 123 affordable housing units for seniors earning no more than 60% of area median income. Thirty-seven of these units will be set-aside for formerly homeless New Yorkers coming from the shelter system, earning less than 30% of area median income.

The seven-story building will have elevators, providing a much-needed amenity that will allow seniors, who often have mobility issues, to live more independently. Developing a building in an area that is well-served by public transit will enhance the lives of the residents, allowing them to travel to medical appointments with ease.

Haven Green will also provide 6,700 square feet of green open space. This is considerably less than the current Elizabeth Street Garden site and will decrease the open space ratio to 0.149 acres

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<sup>3</sup> Haven Green Environmental Assessment Statement:

<http://www.nyc.gov/html/mancb2/downloads/pdf/bulletinboard/Haven%20Green%20Environmental%20Assessment%20Statement.pdf>

<sup>4</sup> <https://www.politico.com/states/new-york/city-hall/story/2016/02/the-senior-housing-crisis-031725>

<sup>5</sup> <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/Plan2025-092018.pdf>

<sup>6</sup> Housing New York Map:

<https://www.arcgis.com/apps/webappviewer/index.html?id=192d198f84e04b8896e6b9cad8760f22>

per 1000 residents.<sup>7</sup> However, the open space that will remain is still significant and will provide access to the public, consistent hours of operation, and community-led programming to ensure public green space for the entire community.

The building will meet Passive House construction standards, which will result in a more efficient building that consumes less energy and has lower maintenance and utility costs. RiseBoro has extensive Passive House experience and has committed to sustainable construction with their existing and future projects. Low maintenance costs can ensure sustained affordability over the life of developments; we should continue to support affordable housing developers who build sustainably.

In addition to housing, services will be provided on site for building residents and also to the community as a whole. Habitat NYC's office will also occupy 11,200 square feet in the building, more than half of which will be located in the cellar of the building. This is consistent with other affordable housing developments within the city where non-profits occupy community facility space for their operations. Habitat NYC's mission is to build and preserve owner-occupied homes throughout New York City. Habitat NYC, RiseBoro, and SAGE will also provide assistance with entitlements and benefits, wellness activities, and other educational programming such as computer classes and homeownership education. These organizations have decades of experience in housing development, advocacy, and providing a vast array of services that benefit the communities in which they operate.

We have met with the Elizabeth Street Garden and Friends of Elizabeth Street Garden. I appreciate all they have done in the past few years to make the garden a valuable community asset, providing much needed open space programming, as well as attracting visitors from around the world. Their efforts to preserve the garden in its current state have garnered widespread support and through community organizing and engagement they have been able to galvanize the neighborhood around this important community asset. I have received 3,097 emails regarding the garden and I understand the need for open space in this particular area. The applicant is also well aware of this and I believe they should continue to work towards a building that maximizes the amount of open space and the number of units that can exist on the site in order to meet both needs for open space and affordable housing. This may impact other uses and programming in the building, but must be considered as the need for open space in this area is critical.

There have been other City-owned sites offered up as alternates to the Elizabeth Street Garden site. Unfortunately, our housing crisis and growing senior population do not allow for an either/or scenario: we must build permanently affordable housing wherever feasible while also

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<sup>7</sup> Haven Green Environmental Assessment Statement:

<http://www.nyc.gov/html/mancb2/downloads/pdf/bulletinboard/Haven%20Green%20Environmental%20Assessment%20Statement.pdf>

maximizing open space on these sites for additional public benefit. There have also been recommendations to increase the amount of open space via a follow-up zoning text amendment that could allow for a height increase. However, breaking the height cap in the Special Little Italy District in this instance may lead to increased community tensions without achieving a workable compromise.

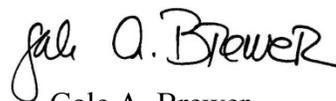
As City-owned land become scarcer, it is imperative that we maximize community benefits when we transfer our resources for private development. It is not enough that Haven Green will provide affordable housing for 60 years while maintaining some open space for the community. We need to ensure that these benefits are retained permanently. I believe the only way this can be achieved is by mapping the open space around Haven Green as parkland and requiring that the New York City Department of Parks and Recreation manage the space to ensure public access. The housing units should also be permanently affordable; the land disposition agreement, regulatory agreement, and all other relevant legal documents should require that Haven Green remain an affordable housing development serving low-income seniors and formerly homeless in perpetuity.

Additionally, the community facility space should always be tenanted by a not-for-profit that performs community development and local services, as does Habitat NYC. This should also be memorialized in the land disposition agreement, regulatory agreement, and all other relevant legal documents. This space should never be rented to for-profit community facility uses.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval with conditions of ULURP Application No. C 190184 HAM provided that the applicant:**

- 1. Make a more serious effort to design the building in order to generate at least 30% more open space than currently designed. This should be done in a way that does not compromise the number of affordable units currently planned for the site and does not require breaking the height cap of the special district;**
- 2. Requires permanent affordability of all housing units;**
- 3. Requires all community facility space within the building provide services to the community in perpetuity;**
- 4. Enters into an agreement with the New York City Parks Department so that the public open space is mapped as parkland and managed by the Parks Department; &**
- 5. Continues community engagement and participatory design to ensure the open space will reflect the needs of the surrounding community.**



Gale A. Brewer

Manhattan Borough President