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**Gale A. Brewer, Borough President**

March 14, 2019

## **Recommendation on ULURP Application No. C 190235 ZMM HAM – Manhattanville Walkway 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 the acquisition and disposition of property located at Block 1967, Lot 5 (“Project Area”), an Urban Development Action Area designation (“UDAA”), and an Urban Development Action Area Project designation (“UDAAP”). The proposed actions are intended to facilitate the development of a pedestrian walkway (“Proposed Project”) in the neighborhood of Manhattanville, Manhattan Community District 9.

**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 in deteriorating condition are eligible to be designated as a 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). A UDAA and UDAAP designation provides incentives for private entities to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or a 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 (the tax incentives provisions 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 (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 New York City Charter limits HPD disposition of residential real property.

## **BACKGROUND**

### **Prior Discretionary Actions**

The Project Area was conveyed to Zora Neale Hurston Houses Limited Partnership, a subsidiary of Ecumenical Community Development Organization (“ECDO”), pursuant to a UDAAP approved by the City Council on December 11, 2001. The UDAAP approval authorized the disposition of eight multi-family buildings containing 93 dwelling units as part of HPD’s Neighborhood Redevelopment Program. The Project Area and the two buildings adjacent to the Project Area were part of the Neighborhood Redevelopment Program.

In 2012, the Project Area was included in the 90-block West Harlem rezoning. The rezoning was initiated in response to local residents’ concerns raised about future development during the 2007 Columbia University/Special Manhattanville Mixed-Use District review process (N 070496 ZRM). As part of the West Harlem rezoning, the Project Area was designated an MX-15 Mixed-Use District and rezoned from M1-1 to M1-5/R7-2, a zoning district that permits a broad-range of uses.

### **Site Description**

The Project Area is a 1,608 square foot, irregularly shaped, vacant lot located between two affordable housing buildings owned by Zora Neale Hurston Houses Limited Partnership. The lot is located at 437 West 126th Street. It is currently enclosed by a chain-linked fence and contains several articles of construction equipment.

As previously stated, the Project Area is located within a MX-15 Special Mixed-Use District and is zoned M1-5/R7-2. M1-5/R7-2 districts allow for light manufacturing, commercial and retail uses up to 5.0 FAR, residential development up to 3.44 FAR, and community facility uses up to 6.5 FAR. M1-5/R7-2 districts also permit the use of open space that is proposed in this application.

### **Project Description**

The Proposed Project is part of a holistic planning initiative that includes the redevelopment of the Taystee Bakery complex across the street from the Project Area. The Taystee Bakery redevelopment will result in a 250,000 square foot commercial center. The Proposed Project will consist of a landscaped walkway that will serve as open space for public and private use. Janus Property Company (“Janus”), a locally-based developer, owner and manager of commercial, mixed-use and affordable residential properties will develop the Project Area.

The Project Area has the potential to be used as an outdoor seating area for a local restaurant. It can also serve as the location of food stalls and other community services. The Project Area will be gated and closed after a set hour to promote safety. Janus will continue to manage the Proposed Project, as well as all of the lots that are involved in the Taystee Bakery redevelopment. They also intend to retain a landscape architect who will adopt a comprehensive

and uniform, planning vision and design for all the lots that they own in the Manhattanville Factory District.

As part of the disposition, HPD will restrict use of the Project Area and the Proposed Project to open space/recreational activities.

### **Area Context**

The Project Area is located in the West Harlem neighborhood of Community District 9. The neighborhood's general land use pattern includes a mix of residential and commercial uses and a limited amount of industrial uses. The area is characterized by medium density residential buildings with multi-family walkups as the predominant building type. The four 21-story buildings that make up the New York City Housing Authority ("NYCHA") General Grant Houses are located one block away from the Project Area.

The area to the east of the Project Area is predominantly zoned R7A, a contextual district that permits medium-density apartment buildings and community facility uses. R7A permits a Floor Area Ratio up to 4.0, with a base height of 40 to 65 feet, and a maximum building height of 80 feet. The area to the north and west of the Project Area is predominantly zoned R7-2, which permits an FAR of up to 3.44 with a base height of 60 feet before adhering to sky exposure plane regulations which governs the building's maximum allowable height.

The surrounding area is well served by transportation. The following bus lines are located within one block of the Project Area: M11, M60-SBS, M100, M101, M104, and the Bx15. The 1 train station at 125th Street is located one avenue west on Broadway. The A, B, C, & D train station at 125th Street is located one avenue east on St. Nicholas Avenue.

The area surrounding the Project Area is rich in open space. Saint Nicholas Park is located three blocks east between West 128th Street and West 141st Street. The northern entrance to Morningside Park, which runs from West 123rd Street south to Cathedral Parkway, is located three blocks south of the Project Area.

### **COMMUNITY BOARD RECOMMENDATION**

On Wednesday, January 23, 2019, Manhattan Community Board 9's ("CB9") Land Use Committee hosted a public hearing for members of the public and the Community Board to hear testimony from HPD and Janus Property regarding the development plans and the programmatic elements of the Proposed Project. Additionally, the CB9 Land Use Committee, after hearing from members of the public, voted 18 Yes, 0 No, and 0 Abstaining on a resolution to support the application with the following conditions: (1) once developed, the outdoor space will be available to community residents, (2) there will be unlimited access to the public during reasonable hours, (3) the space will be available to neighboring businesses and community residents in perpetuity, and (4) should there be any need for changes to the use of the Project Area, HPD will return to the Community Board for approval.

## **BOROUGH PRESIDENT'S COMMENTS**

The Proposed Project may be a small piece of the Manhattanville Factory District's overall re-development, but the scarcity of vacant and city-owned land in Manhattan creates a responsibility to advocate for the best possible use of every square inch. This is especially the case when City-owned land is being placed in private hands. Because the Proposed Project involves the transfer of a small undevelopable lot we must ensure that the community benefit is maximized. I believe the Proposed Project will do so, therefore, I am recommending approval of this application.

In 2011, the New York City Economic Development Corporation awarded Janus Properties, LLC the bid to rehabilitate the Taystee Bakery Complex located between West 125th and West 126th Streets and Amsterdam Avenue. The name of the project is CREATE @ Harlem Green and it is expected to result in a state-of-the-art commercial building, while preserving much of the Taystee Bakery façade. The building will have entrances on both 125th and 126th Streets, with a pathway from 125th Street leading to an open courtyard on 126th Street and will include ground floor uses that activate the streetscape. When completed, the \$100 million development will include 100,000 square feet of manufacturing space, 90,000 square feet of office space, 40,000 square feet of retail space, and 10,000 square feet of community facility space, and it is expected to create about 440 permanent jobs and 510 construction jobs. My staff and I visited the site recently and Janus and EDC should be congratulated for their work.

As previously noted above, the Proposed Project part of the revitalization of the Manhattanville Factory District's Taystee Bakery Complex that is located across the street from the Project Area. The Proposed Project is integral to the overall redevelopment of the area. It will open up and activate otherwise unused spaces and connect the Taystee Bakery Complex and the West 125th Street commercial corridor; and create a pedestrian pathway between West 126<sup>th</sup> and West 127<sup>th</sup> Streets. Creating open space at the Project Area also establishes continuity and connection within the complex by creating a pedestrian pathway between West 126th and West 127th Streets.

I have three concerns regarding public access and the future of the land. First, according to the application, there has been no determination regarding public hours of access. We have been told is that the hours will be determined based on safety concerns. However, we are not without a standard to base a decision. The New York City Department of Parks and Recreation ("DPR") have designated hours of accessibility to its parks and playgrounds in the vicinity. I recommend that the hours of access in the Project Area match those at the DPR.

My second concern relates to the amount of space that will be made permanently available to the public. It is my understanding that the Project Area could eventually be used as outdoor seating for a restaurant. I request that if a private use of any kind occupies the Project Area, a significant amount of space must remain available for pedestrians and others who wish to sit, rest, or congregate.

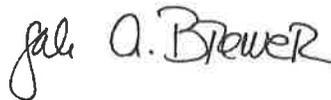
Third, this application is for a disposition of property to Janus which will become the fee simple owner. I strongly recommend that the City maintain a future interest in the property as it is

currently doing in other projects. While there are safeguards in place to prevent development of the property without HPD approval, a future interest offers greater assurance that long after any of us are around, the City will be in control of the Project Area should circumstances warrant it.

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

Therefore, I recommend the approval of Land Use Application No. C 190128 HAM – Manhattanville Walkway with the following conditions:

1. That the City ensure that members of the public have unimpeded access to the Project Area for a duration on par with similar open spaces operated by the Department of Parks and Recreation.
2. That there be suitable amount of open space permanently accessible by the public even during periods of private use
3. 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.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, slightly slanted style.

Gale A. Brewer  
Manhattan Borough President