

# Borough President Recommendation

**City Planning Commission**  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
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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: 200140PPM

### Docket Description:

**IN THE MATTER OF** an application by the NYC Department of Housing Preservation and Development (HPD) to dispose of City-owned property on Block 1243, Lot 57 to facilitate the development of a new twenty-three story mixed-use affordable housing development on the Upper West Side in CD 7, Manhattan.

COMMUNITY BOARD NO: 7

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*

1/21/2020

\_\_\_\_\_  
BOROUGH PRESIDENT

\_\_\_\_\_  
DATE



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**Gale A. Brewer, Borough President**

January 21, 2020

**Recommendation on ULURP Application No. 200140 PPM  
266 West 96<sup>th</sup> Street  
By New York City Department of Housing Preservation and Development**

**PROPOSED ACTIONS**

The New York City Department of Housing Preservation and Development (“HPD” or the “Applicant”) is seeking the disposition of a city-owned property located at 266 West 96<sup>th</sup> Street (Block 1243, Lot 57). This property, along with two adjacent parcels located to the west, are proposed to be re-developed into a mixed-use building which would be 23 stories in height and contain approximately 171 residential units (“Proposed Building” or “Project Site”). The city-owned parcel is currently occupied by a decommissioned four story MTA electrical substation and the other two parcels are occupied by a two story building occupied by the Salvation Army (Block 1243, Lot 59) and a two story building occupied by the NAACP Roy Wilkins Center (Block 1243, Lot 60). The Project Site is located in the Upper West Side neighborhood of Manhattan Community District 7.

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 need to be made to make a property eligible for disposition under Section 197-c, § 1802 (6) (j) of the City Charter limits HPD to the disposition of residential real property.

**BACKGROUND**

**Area Context**

This portion of the Upper West Side contains a mix of residential and commercial uses, with Broadway and Columbus Avenues serving as the main commercial corridors. The area is primarily zoned R10A, although there are some R8 districts, particularly above West 97<sup>th</sup> Street. Below West 96<sup>th</sup> Street Broadway is zoned C4-6A, while above West 97<sup>th</sup> Street it is zoned R9A with a C1-5 overlay. The portion of Broadway adjacent to the Project Site is located within a Special Enhanced Commercial District. That special district has the goal of fostering “the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages” along the avenue<sup>1</sup>. In addition, the Project Site is immediately to the east of the Riverside-West End Historic District Extension II.

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<sup>1</sup> [ZR § 132-00](#)

The Project Site is one half block away from the West 96<sup>th</sup> Street train station, which provides access to the 1, 2, and 3, subway lines. There is also a West 96<sup>th</sup> Street station four blocks to the east, which provides access to the B and C subway lines. The M96 bus provides crosstown service, and stops in front of the Project Site, while the M104 bus provides uptown and downtown service and runs along Broadway. The Project Site is two blocks from a ramp system that connects to the Henry Hudson Parkway.

The Project Site is approximately two blocks away from Riverside Park and a half mile from Central Park. P.S. 75, the Emily Dickinson School, is located approximately one block from the Project Site.

### **Actions Regarding Project Site**

Originally built in 1904, the MTA electrical substation at 266 West 96<sup>th</sup> Street became obsolete as transit began to rely on newer technology. On June 11, 1990, the City Planning Commission voted in favor of Application No. C 900431 PPM, filed by the City's Division of Real Property ("DRP", the predecessor to the Department of Citywide Administrative Services). That action approved the disposition of the electrical substation. On July 19, 1990, the Board of Estimate also voted to approve the disposition. Both votes outlined a series of conditions<sup>2</sup>:

1. That the New York City Division of Real Property (DRP) inform in writing all concerned agencies including the Office of Management and Budget (OMB) of the proposed disposition of this property and convene a meeting to discuss any possible use of space in any new development on this site for social service purposes;
2. That if any agency expresses an interest in utilizing space in any new development on this site for a public use, and funding for such a use is available, that the feasibility of such a use be fully explored by DRP; and
3. That upon DRP review of any such interest, a summary be drafted and circulated to all concerned agencies including the City Planning Commission.

Upon receiving approval from the Board of Estimate, DRP attempted to sell the substation, along with the two adjacent properties that comprise the Project Site. DRP was not successful in identifying a buyer and the Salvation Army and NAACP buildings continued their respective uses, while the MTA substation remained vacant.

The Applicant proposes to dispose of the site without the restrictions outlined in 1990. If approved, this application would supersede the Board of Estimate action.

### **Site Description**

The Project Site is located on the south side of West 96<sup>th</sup> Street, bound by West End Avenue and Broadway, and is in an R10A district, which allows a base FAR of 10.0. R10A districts also

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<sup>2</sup> [CPC Report dated June 11, 1990](#)

require that buildings have a base height of 125 to 150 feet and an overall building height no greater than 210 feet. Through the Inclusionary Housing Program the FAR can be increased to 12.0. Similarly, the base height allowance can be raised to 125 to 155 feet while the overall building height can be raised to a maximum of 235 feet.

The Salvation Army and NAACP buildings are both two story buildings. The electrical substation is four stories tall. The individual lot areas are outlined below.

**Table 1: Project Site Square Footage**

<b>Lot</b>	<b>Use</b>	<b>Lot SF</b>	<b>Percentage</b>
57	MTA Substation	5,034	48.4%
59	Salvation Army	2,518	24.2%
60	NAACP	2,850	27.4%
		<b>10,402</b>	<b>100.0%</b>

**PROPOSED PROJECT**

The applicant proposes to build a 23 story tower on the site, which will include approximately 171 residential units and approximately 10,500 square feet of community facility use. The building would include 68 permanently affordable units—39.8 percent of the total residential units. The Salvation Army, a current occupant on the site, would occupy approximately 6,500 square feet of the community facility space, which is approximately 1,000 square feet smaller than their current space on the site. Exact use of the Salvation Army is to be determined, but the organization is considering continuing the operation of their donation center. The NAACP has elected not to return to the site and would consolidate their operations within their existing offices.

The table below outlines the residential unit distribution by size and AMI.

**Table 2: Unit Distribution by Unit Size and AMI**

	<b>Compact</b>	<b>1 &amp; 2 Bedrooms</b>	<b>3 Bedrooms</b>	<b>Total</b>	<b>Percentage of Total Units</b>
50%	5	5	0	10	5.8%
70%	15	14	0	29	17.%
130%	15	14	0	29	17.%
Market Rate	45	50	8	103	60.2%
	<b>80</b>	<b>83</b>	<b>8</b>	<b>171</b>	<b>100%</b>

Of the 171 residential units, 80 would be compact studio apartments, which would range in size from 266 square feet to 378 square feet. Additionally, the affordable units will have a 50% community preference.

Approximately 41,850 zoning square feet would be dedicated to the affordable housing component of the Proposed Building. This percentage represents 36% of the total residential zoning square footage.

The Project site would be tested and remediated according to the standards of the New York State's Brownfield Cleanup Program. That program gives developers the opportunity to receive tax credits in exchange for the remediation of their site. Additionally, the proposed building is expected to receive an as-of-right 421-a tax abatement.

### **COMMUNITY BOARD RESOLUTION**

On December 17, 2019, Community Board 7 passed a resolution recommending approval of the application, with conditions. At the public hearing, the Board expressed a desire for more deeply affordable housing and a concern that the compact units would not be appropriate for residents, particularly for seniors. The Board's conditions included outreach to local residents—particularly seniors—to ensure that they are aware of the availability of the proposed affordable units. The Board also requested the formation of a community construction coordination committee.

The Board also included in its resolution two "strong recommendations." The first outlined a change in the housing program that would designate at least 75 percent of the affordable units for households and individuals earning less than 100% AMI. These units, the Board suggested, should be distributed across the different unit sizes.

### **BOROUGH PRESIDENT'S COMMENTS**

While the City Charter does not outline any particular findings or requirements for the disposition of City-owned property, I have long believed that when city-owned land is redeveloped into housing, that housing should be 100% affordable. When Manhattan Community Board 7 first voted on the matter of disposition of the site in question in March 1990, it noted both the lack of public sites on the Upper West Side and the fact that this site presented an opportunity to provide social services in the community. 30 years later, both of those conditions remain true. The Upper West Side has been substantially developed, and the City of New York finds itself in the midst of an affordable housing crisis. We need significant investment in affordable housing—a social benefit that this site can provide. We cannot forego an opportunity to build more affordable housing, especially on a city-owned site that will be receiving a variety of financial benefits, including an HPD project subsidy, a property tax abatement, and funding through the Brownfield Cleanup program. For those reasons, I find the Applicant's proposal to make affordable only 36% of the residential square footage unacceptable.

The lack of deeply affordable housing in the Proposed Building is also of concern to me. 43% of the affordable units would go to households and individuals earning 130% AMI, or about \$138,000 a year for a family of four. Furthermore, fifteen of the compact units would be set at 130% AMI, making those units accessible only to *individuals* earning up to \$97,000 a year. With

so few development sites left on the Upper West Side, I am disappointed to see that this proposal does not include a more significant deeply affordable component.

The Proposed Building meets the Inclusionary Housing requirements for bedroom mix, which mandate that at least half of the affordable units be one and two bedroom units. However, the Applicant proposes that all eight of the three-bedroom units in the building be market rate units. Additionally, 35 of the compact units would be designated as affordable, representing 51% of the total number of affordable units. In comparison, only 44% of the market rate units would be compact units. These figures seem to represent a decision to place a higher value on the *quantity* of affordable housing units instead of providing appropriately sized units that may better meet the needs of New Yorkers. I do not believe that the proposed unit size distribution is in the spirit of treating the affordable component of the Proposed Building in the same manner as the market rate component.

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

Therefore, the Manhattan Borough President recommends **disapproval** of ULURP Application No. 200140 PPM unless the Applicant meets the following conditions:

1. **Quantity of Affordable Units:** Given the benefits that the proposed building is expected to receive, including the ability to purchase the building for a nominal fee, HPD subsidy, a property tax abatement, and tax credits through the Brownfield program, I believe that *a minimum of 65% of the units in the project should be affordable;*
2. **Depth of Affordability:** More units should be made accessible to lower income households. At least half of the affordable units should be affordable to households earning up to 60% AMI, with the remaining units available to households earning up to 130% AMI; and
3. **Size of Residential Units:** compact units should comprise no more than 15% of the total number of units in the project.



Gale A. Brewer  
Manhattan Borough President