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Gale A. Brewer, Borough President

October 11, 2017

RE: ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM – East Harlem Rezoning & ULURP Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, N 170368 ZCM– Sendero Verde

Testimony of Manhattan Borough President Gale A. Brewer to the Subcommittee on Zoning & Franchises, New York City Council

Good afternoon Chair Richards, Chair Greenfield, and members of the committee. I am Manhattan Borough President Gale A. Brewer and I am here to speak in opposition to the New York City Department of City Planning (“DCP”) application to rezone East Harlem, and to voice my conditional support of the Department of Housing Preservation and Development’s (“HPD”) application for Sendero Verde / East 111th Street.

First, I want to thank Speaker Mark-Viverito for her leadership and commitment to community planning, and for reaching out to my office to collaborate on the East Harlem Neighborhood Plan. With both of these applications, the Speaker has pushed the City for a different approach to neighborhood planning and has set new benchmarks on engagement and inclusiveness.

On the application to rezone East Harlem, I recommended a straight no. The DCP proposal shares broader goals with the East Harlem Neighborhood Plan (EHNP) on the need for required affordable housing, active street walls, and concentrated new commercial use along the viaduct to better utilize that area. I am grateful for DCP and their sister agencies’ involvement in the EHNP process and their subsequent meetings with local stakeholders to discuss next steps. The Administration invested an extraordinary amount of agency staff time in this effort. We understood that the community’s self-defined vision would be central to the final plans.

Unfortunately, at the end of the process, we felt that too much of that self-defined vision had been overlooked.

Neighborhood planning is difficult. The process of bringing disparate voices together is challenging, and requires trust-building and a deep knowledge of constituencies. It is clear to me that changes to the current zoning are necessary in East Harlem to address the changes and pressures the neighborhood is facing. New as-of-right development continues in East Harlem under the current zoning framework with no requirements for affordable housing. Rents continue to rise, threatening affordability and neighborhood cohesion. Doing nothing and allowing this to continue would be the wrong choice.

But to get an already destabilized community on board with more change, we must be able to clearly demonstrate that any final plan for East Harlem furthers responsible growth and smart investment that also protects the neighborhood's character and its current residents. The Administration's current plan calls for too much density, too much construction, and too many market-rate units, while not constructing enough units affordable to the existing population to offset the expected loss of rent-regulated units and the families they house. What is lacking are serious up-front housing preservation efforts and investments in infrastructure, public realm improvements and social services that address the community's needs.

We must plan appropriately to protect the current population before we allow for new significant growth. To accomplish this, the rezoning plan must seek to preserve existing affordable housing in two ways: first, in the rental market where we face the greatest threat of displacement; and second, through a long-term targeted financial commitment to repair and maintain existing NYCHA housing. Then, new development must create housing that is permanently affordable to neighborhood residents; the key is to limit the kind and location of market rate development that increases displacement. Finally, we must require that development respect the neighborhood's physical and cultural character.

The biggest challenge in these neighborhood rezonings is balancing the need for new development and its promise of mandatory affordable housing against the fears that too much

new development will accelerate gentrification and hasten displacement. That is why we agree with the EHNP and call for maximum density of R-9 or R-9A. The administration's option for height limits submitted as part of the A-text, which the City Planning Commission adopted, do not go far enough. However, the work done in conjunction with the A-text would also allow the Council to reduce the density and set appropriate heights along certain portions of Park and Third Avenues to R9 or R9-A. I appreciate the addition of this new tool to the application and urge the Council to use it for maximum benefit.

In the interest of time, I will touch on a few other points of disagreement with the Administration and refer you to my official recommendation, which has more details regarding these matters.

Issues that the Mayor's proposal does not address and where I have recommendations include:

- The narrowing of the rezoning boundaries from those proposed in the EHNP;
- More requirements in commercial corridors that support small business;
- A greater allowance of as-of right parking garages; and
- Mapping commercial overlays on New York City Public Housing Authority (NYCHA) campuses without further study and without development-specific discussions with public housing residents and local stakeholders.

I was also dismayed to see that the Landmarks Preservation Commission (LPC) had not provided a thorough response to the list of potential landmark sites identified by members of EHNP.

Cultural and historic preservation were strongly prioritized by the steering committee and echoed by numerous residents in public meetings. The lack of progress on this issue indicates that the City did not recognize the unique physical and cultural landmarks that make East Harlem distinct from other city neighborhoods.

Finally, and admittedly difficult to address, is the need for commitments on how we can achieve deeper affordability in the planned affordable housing. The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on city-owned land. If we cannot do it there, success is less likely on private development.

A plan for East Harlem must do more to preserve neighborhood context, make detailed up-front commitments to affordable housing preservation, spread new development across a wider area, and address the many other needs that were identified by this community in the process that produced the East Harlem Neighborhood Plan.

Regarding Sendero Verde, after careful review, I believe the proposal put forward by HPD and the proposed development team is appropriate; however, my support for the application does come with specific concerns and conditions.

The East 111th Street site is already a location with profound importance to the fabric of East Harlem. Based on our conversations, I understand that HPD has always planned to develop affordable housing for this site, and given the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. The applicant and the proposed developer have outlined a compelling proposal and the concept plan as presented appears to be a genuine attempt to achieve elements of the EHNP.

That said, I believe more can be done to improve the project. While all the residential units will be income-restricted at the onset, 60% of the units are not permanently affordable. As someone who has dealt for years with the consequences of expiring affordability, as in the Mitchell-Lama program, City-owned land represents one of the few places where we can require permanent affordability and we must not let the opportunity slip away. Additionally, one of CB11's recommendations called for an East Harlem-based mission-driven organization to be part of the development team, with selection based on input from the Board, recommendations that were ignored. This kind of collaboration should not be ignored, but instead encouraged. I would urge HPD to heed these recommendations and make them standard practice as part of projects on public land.

Thank you in advance for giving me the chance to testify today.



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Gale A. Brewer, Borough President

August 2, 2017

Recommendation on ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning

Summary of Recommendation

The East Harlem Neighborhood Plan (EHNP) is a community driven plan for the redevelopment of East Harlem produced after an almost two-year process with input from hundreds of community stakeholders. It calls for:

- (1) An extensive and upfront effort to preserve affordable housing;
- (2) A maximum residential density of R9 or R9A on certain avenues to preserve neighborhood character;
- (3) A broad rezoning area stretching all the way down to East 96th Street to ensure that the development needed to create adequate affordable housing is not so concentrated that it puts existing neighborhood context at risk;
- (4) A plan for setting aside no less than 20 percent of the new affordable housing to be for residents earning at or below 30 percent of Area Median Income (AMI);
- (5) Addressing a number of community needs including preservation of cultural and historic resources, NYCHA funding, and resources for youth and seniors.

The Administration's ULURP application addressed here, while intended to create and preserve affordable housing falls short of the community plan in a number of significant ways. Additionally, Manhattan Community Board 11 in a show of faith with the extraordinary process that was the EHNP, issued a recommendation with conditions to improve the rezoning framework but significant progress has not been made in satisfying those conditions.

This application:

- (1) Fails to provide a significant enough upfront preservation effort to stem the loss of existing affordable housing in East Harlem;
- (2) Rezones significant swaths of Park Avenue and Third Avenue to the maximum residential density of R10;
- (3) Shrinks the boundaries of the rezoning to exclude East 96th Street to East 104th Street necessitating the higher densities on Park and Third Avenues;
- (4) Fails to demonstrate that the target of 20 percent of newly developed affordable housing will be affordable to East Harlem residents earning below 30 percent of AMI;
- and

(5) Does not address many of the needs identified by the community, including a viable cultural and historic building landmark plan.

I support an East Harlem rezoning, but I cannot support the administration's ULURP application. I support most of what is contained in the EHNP, although it is not perfect. When I supported the administration's mandatory inclusionary housing program two years ago, I recognized that somewhat higher density would be required in order to build large amounts of new affordable housing. But the degree of density would have to be consistent with neighborhood context and community input. Here, the community gave extensive, thoughtful, and informed input, but the administration could not see its way to support significant elements of the community's recommendations, which forces me to recommend a disapproval of the application.

Introduction

Residents of East Harlem are frightened by and angry about the prospect of tenant displacement caused by widespread and rapid gentrification. By all measures, it appears that East Harlem has been and continues to be one of the most quickly gentrifying neighborhoods in New York City. It is one of the neighborhoods in the City where rents are increasing most rapidly¹ and affordable housing is being lost at a fast pace². According to the East Harlem Neighborhood Plan (EHNP), there are 46,000 households in East Harlem and over a quarter of them have severe housing needs that include those who spend more than half their income on rent, those entering homeless shelters, and those living in extreme overcrowding. The neighborhood is losing close to 300 units of affordable housing from rent protections and regulations every year with the rate of loss increasing substantially each year. If nothing is done (or if what is done does not adequately address the problem) we leave 12,000 households that currently remain in need of affordable housing or housing that they can afford.³

In the meantime, new as-of-right development continues in East Harlem under the current zoning framework and with no requirements for affordable housing. Through the purchase of existing buildings, new owners are pricing their apartments to take advantage of a hot market. The average costs per square foot of multifamily buildings in the neighborhood rose to \$416 in 2016, an 8 percent increase from 2015. This year development sites are going for over \$200 per-buildable-square-foot, a 25 percent increase from 2015.⁴

¹ Kolomatsky, Michael, "South Bronx Rent Increases Greatest in the City". *NY Times*, March 3, 2017. Retrieved from <https://www.nytimes.com/2017/03/03/realestate/south-bronx-rent-increases-greatest-in-the-city.html>

² Clark, Dartunorro, "East Harlem's Affordable Housing 'Under Threat,' Report Warns". *DNA Info*, August 16, 2016. Retrieved from <https://www.dnainfo.com/new-york/20160812/east-harlem/east-harlems-affordable-housing-under-threat-report-warns>

³ This number represents the "total serve housing need" for East Harlem which includes those entering homeless shelters, households severely rent-burdened and those units that are severely overcrowded. More information, including the data sets used, can be found in the EHNP, pg 85
http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

⁴ *East Harlem: A.K.A. "The Neighborhood Hood" - Market Report, Quarter 1 2017* GFI Realty Services, LLC pg. 7
Retrieved from http://gfcap.com/wp-content/uploads/2017/03/Marketing-Report_Q1_2017_Final.pdf

In these circumstances, doing nothing is not an option - unless we want to see accelerating large-scale displacement of East Harlem residents. To prevent this, our first priority is to preserve as much existing affordable housing as possible. Second, we need to ensure that new development creates housing that is affordable to neighborhood residents and to limit market rate development that speeds up displacement. Finally, we must, as I have always maintained, require that development respect the neighborhood character.

In March 2015, I joined Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and Community Voices Heard as a project partner for the EHNP steering committee. The process involved 21 stakeholders, 8 public visioning workshops, and over 40 meetings. Approximately 1,500 East Harlem residents helped inform over 260 recommendations that covered 12 key topics areas. It was not an easy process, and all the Steering Committee partners worked hard to overcome the significant fears over adverse impacts on the part of stakeholder organizations and community members. The City knows this because the Department of City Planning (DCP) was present at most meetings and public forums.

That process culminated in the East Harlem Neighborhood Plan (EHNP) (www.eastharlemplan.nyc), a comprehensive roadmap for the redevelopment and future growth of the community. The plan is designed to carefully balance the goals of preserving and developing affordable housing, protecting neighborhood character and affording sufficient opportunity for development. That plan includes:

- An array of preservation actions including substantial funding for tenant legal services and organizing, and an East Harlem anti-harassment/anti-eviction district similar to the Special Clinton District to deter and remedy abusive practices by landlords; and a land trust and other mechanisms to preserve distressed and warehoused properties for affordable housing;
- Boundaries that stretch farther south on the Avenues – in some cases to the upper East 90s -- than the boundaries in the DCP proposal, so that greater density as well as affordable housing opportunities could be spread over a larger area and significant luxury housing pressure above East 96th Street might be tempered with mandatory inclusionary housing;
- No greater density than an R9 or R9A District on Avenues and wide streets to preserve neighborhood character and ensure that additional density is not being utilized predominantly for taller luxury housing that puts additional pressures on rents and strains preservation efforts; and
- A minimum requirement that 20 percent of the affordable housing added be for income brackets at or below 30 percent of AMI, with specific commitments to go even lower, so that they would be available to East Harlem residents and so that the affordable housing component of the rezoning would not further exacerbate displacement.

Even with these well-considered and carefully balanced recommendations, crafted to maximize benefit to the East Harlem community, there was concern among community stakeholders that significant new development would increase housing pressure on residents without providing sufficient housing opportunities that would be available to them.

When the DCP certified this application, it was obvious that there were some major differences that we hoped could be resolved. But at this point, despite the community planning process they participated in, the administration has not made sufficient progress in resolving these differences.

Separate from the zoning - but almost equally important - are the policy, capital, and programmatic recommendations in the EHNP that were made to offset impacts from any proposed rezoning. While the administration committed to some significant items, key priorities that were outlined by the EHNP steering committee still remain unaddressed and even more are awaiting further discussion.

Perhaps the most significant of all the issues continues to be density. Not only has the administration insisted on keeping large swaths of Third Avenue and Park Avenue with an R10 zoning designation, they have included a loosening of the tower-on-a-base rules so that even taller building heights can be achieved. These building forms -- much more appropriate for luxury high-rise buildings than for building affordable housing -- only further feed the community's fears that the proposal is tipping the balance too far in favor of market-rate development. It is the opposite of how we should be adjusting this proposal.

In addition, the administration has failed to commit to an up front and rigorous housing preservation program for the neighborhood. The City's plan for housing preservation in East Harlem remains in draft form and has been criticized for not being tailored enough for East Harlem. To feel confident about the preservation program it would need to:

- Permanently increase enforcement and building sweeps by HPD in East Harlem;
- Integrate more mission-driven developers and community land trusts into city sponsored new development on city-owned land;
- Rely on those same partners to rehabilitate distressed and abandoned properties for use as affordable housing; and
- Create an anti-eviction/anti-harassment district modeled on the Clinton Special District.

Another place where the Administration and the EHNP diverge from one another is on the appropriate boundaries of the rezoning. As part of the EHNP process, the facilitators and steering committee members had difficult conversations with the public about the tradeoffs between density and affordable housing. The final position in the EHNP represented a compromise that would trigger the minimum amount of additional density required to create new affordable housing but spread out that new bulk throughout the neighborhood so that no specific corridor would be overly burdened with a drastic change in scale or pressure from new users. The City's application narrows the boundaries - leaving out the area west of Second Avenue and below East 104th Street - and calls for the maximum residential density allowed on swaths of Park Avenue and Third Avenue. Rezoning proposals at the start maximize their scope for the purpose of environmental review; but the City's unwillingness to compromise from that maximum is not reasonable or in the best interest of the community.

East Harlem needs new affordable housing, but the distribution and concentration of new development should reflect the recommendations that came out of the EHNP process in which so many local participants sought to balance growth and preservation.

Finally, and admittedly difficult to address, is the need for commitments on how we can achieve deeper affordability in the planned affordable housing. The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on City-owned land. If we cannot do it there, success is less likely on private development. Thus, from the community's perspective, their fears of too much luxury development are compounded by fears that even the affordable development will remain out of reach.

Each one of these failings alone, while significant, might not be fatal. But in the aggregate, given the enormous study and work of the EHNP, a failure to address and incorporate the community's concerns and recommendations puts the proposed proposal at odds with the community planning process.

What follows below is my recommendation on the City's proposed application for the rezoning of East Harlem. Because the factors I have outlined are so essential to an acceptable rezoning, this recommendation is a recommendation to disapprove.

BOROUGH PRESIDENT'S COMMENTS

After careful review, the application in its current form still does not represent a plan that I believe ensures a better future for East Harlem and for that reason I cannot support it. While the application shares broader themes with the EHNP about the need for required affordable housing, active street walls, and concentrating new commercial use along the viaduct to better utilize that area, there remain significant points of disagreement.

As Borough President, I came into office determined to challenge the top-down planning framework that drove many neighborhood-rezoning efforts. Instead, I have worked for decision-making models that approach planning from the bottom-up.

For Manhattan Community Board 11, which encompasses the East Harlem neighborhood, the loss of affordable housing and corollary need for new affordable housing development, the increased market-rate development, the increasing occurrences of tenant harassment, and the displacement of existing residents motivated discussions and repeated efforts to plan comprehensively. The Board, with the help of Civitas and the Regional Planning Association, launched several studies to understand the various housing problems of their community and come up with solutions. Other advocacy organizations such as Picture the Homeless undertook their own analysis and focused on underutilized and warehoused properties, which they believed could contribute to replenishing a diminishing affordable housing stock if activated and put into the hands of nonprofit developers and/or community land trusts.

With the announcement of Mayor de Blasio's housing plan in 2015 and its focus on East Harlem, the East Harlem Neighborhood Plan Steering Committee, convened by City Council Speaker Melissa Mark-Viverito, came together to respond with a bottom-up plan for the future of the community. Two years of in-depth analysis, engagement, research, organizing, and consensus

building produced a plan and a process that has been recognized nationally as the gold standard for other neighborhoods to replicate. In the end, we believed that the Plan was a fair and comprehensive strategy for achieving critical neighborhood investments.

The EHNP was submitted to the administration in February 2016. The City made its proposal in the fall of 2016, and while there were some significant differences, members of the EHNP believed these differences could be resolved. My office and the rest of the members of the EHNP spoke to the Administration early about our disagreement with this application's proposed densities along portions of Park and Third Avenues. We also voiced our concern that there were no specifics on how the potential gap between the affordability of the lower-income housing proposed to be developed and the incomes of the current residents would be addressed.

Unfortunately, months of meetings did little to resolve differences on the environmental analysis, the geographic boundaries, and additional density proposed by the City. Given the difficulty involved in coming to the consensus in the EHNP, the failure to make headway on significant differences with the administration led us to conclude that the City's proposal is inappropriate.

Land use applications for the redevelopment of East Harlem constitute only one piece of the neighborhood plan necessary to achieve the complement of preservation and growth the neighborhood desperately needs and has been promised. The Mayor's 10-year housing plan commits to aggressive preservation strategies including legal services, other anti-harassment programs and funding for rehabilitation of existing housing. The allocations of dedicated pools of capital for rezoning areas through the Neighborhood Fund (administered by EDC), the Rezoning fund (administered by DEP), and the Housing and Acquisition Funds (separate entities, both administered by HPD)⁵ and the mayor's statements and housing plan created an expectation that neighborhoods subject to these rezonings could expect an upfront, targeted and aggressive preservation program in conjunction with any rezoning proposal.⁶

While there are some City-wide programs and strategies available for housing preservation, the programs are not comprehensive, sufficiently funded or tailored to meet the preservation challenges of the East Harlem community. East Harlem is a community in which three-quarters of all housing is regulated in some form, units are rapidly being deregulated and landlords are warehousing properties subject to regulations. What is more, some 28 percent of residents live in distressed NYCHA properties. So there is a clear need for more aggressive and tailored strategies.

In addition, the EHNP sets forth numerous other capital and programmatic investments needed to ensure the success of the neighborhood rezoning as contemplated in the Administration's housing plan. While some of these have been addressed, others, discussed below, have not. All of these programmatic and capital needs-related recommendations have been available to the

⁵ *Capital Spending & Neighborhood Rezoning: More Than \$1.6 Billion Planned for New Infrastructure Funds*. New York City Independent Budget Office, May 2015. Retrieved from <http://www.ibo.nyc.ny.us/iboreports/capital-spending-neighborhood-rezoning-more-than-1.6billion-planned-new-infrastructure-funds-may2015.pdf>

⁶ *Housing New York: A Five-Borough, Ten-Year Plan*. Office of the Mayor, May 2015. Retrieved from <https://shnny.org/images/uploads/NYC-2014-housing-plan.pdf>

administration for over a year and a half and could have been incorporated into commitments accompanying this rezoning proposal.

To separate the land use elements from the programmatic and capital-needs elements of the plan would yield an inadequate analysis of the merits of the proposal and so for our review we consider the work done on both the zoning and community commitments together.

We begin with what, in my opinion, should come before, and continue throughout and beyond the period of any rezoning – the preservation effort. Then, a discussion of the proposals for the development of new affordable housing is laid out, followed by a discussion of the need for additional support for NYCHA developments. Next, this recommendation covers the land use issues of rezoning boundaries, density, and other zoning issues. And finally we address other programmatic and infrastructure efforts to strengthen the East Harlem Community. We are left with an incomplete picture of what the impact of this application will be and how we can ensure the better future for the community promised by the applicant. Ultimately, the current proposal falls short in both the land use and the programmatic categories:

Affordable Housing

Housing Preservation Plan

If we are concerned about affordable housing for the residents of East Harlem, then protecting the existing housing stock is essential. Approximately 75 percent of East Harlem residents live in regulated housing.⁷ Given that East Harlem has lost approximately 3,444 units of affordable housing since 2007 and is estimated to lose 3,666 units over the next 13 years,⁸ this proposal needs to lead with a robust preservation strategy because new construction alone is insufficient.

A central idea behind all of the administration's neighborhood rezonings is to create opportunities for new development that include significant amounts of required affordable housing in areas that are experiencing major development pressures. A plan to preserve affordable units is essential to ensure that these plans actually result in a net gain of affordable housing and not merely an attempt to tread water against strong currents of incoming market rate housing and outgoing regulated units.

The City has put forward a draft of their preservation plan for East Harlem with goals to preserve and develop affordable housing, reduce barriers to applying for affordable housing and increase economic opportunities along-side their planned housing investments. The draft report provides important details about the housing crisis in East Harlem, the impact of as-of-right development in a strong real estate market on stability in the neighborhood and why government intervention is necessary to stave off further harm. The analysis goes on to outline several existing and some new programs that correspond to the aforementioned goals. But this housing preservation plan

⁷ *Draft East Harlem Housing Plan. Office of Neighborhood Strategies, NYC HPD*, pg. 5. May 1, 2017. Retrieved from <http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan-draft.pdf>

⁸ The data is based on CB11 analysis, using RPA affordable housing database, John Krauss rent stabilization data, and NYC PLUTO database. pg 83 http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

falls short from what the EHNP and other stakeholders requested to have in place prior to the push for more density.

A draft housing plan that has been crafted and circulated to the public is a laudable step forward but its status as a “draft” highlights its failure as an upfront and aggressive strategy. Strategies to forcefully root out existing harassment and poor building conditions, which will only be exacerbated with the incentive to develop even with new affordable housing requirements, need to be underway now.

As part of their analysis of conditions on the ground, the HPD’s Office of Enforcement and Neighborhood Services (OENS), the Neighborhood Planning and Preservation Unit, the Division of Neighborhood Preservation (DNP) coordinated to do “block sweeps” and additional enforcement visits as part of the development of the proposed rezoning. The results included a more robust list of distressed properties that can be stabilized through subsidized repairs or proactive identification of places that need tenant services, violations corrections, or litigation. While the temporary increase in services were welcome it still is unclear if this heightened level of involvement is permanent for an area that has needed it for some time and will need it even more moving forward.

Also missing is a commitment that strengthens the anti-harassment protections afforded to tenants in situations where bad landlords are creating unsafe conditions and trying to remove tenants to achieve higher rents. For tenants, the burden of providing proof of harassment is extraordinary, with most judges requiring an extensive history laid out in excruciating detail for a case to be seriously considered. A *Real Deal* article from July 2017 explained that in NYC Housing Court from 2014 to 2016 tenants only won 2 percent (or less) of cases brought when suing for harassment. In 2016, only 15 of the 977 cases that tenants lodged were decided in a tenant’s favor.⁹ Recommendation 1.7 of the EHNP called for an East Harlem anti-harassment / anti-eviction district, modeled after the Special Clinton District on Manhattan’s West Side with the funds to support tenant organizers that will monitor for abuse. At our first meeting with HPD after the release of the report, my office made clear that this would be essential to any support for this proposal. In response, we were told that a citywide answer to the request for anti-harassment districts was being crafted. However, several deadlines have passed and we have nothing yet to assure us that it will be in place.¹⁰

One particular stock of existing housing within the rezoning boundaries that has remained inaccessible to East Harlem residents is the warehoused units kept unoccupied by various property owners throughout the neighborhood. One *Crain’s* article estimates at least 50 properties throughout East Harlem fit this description.¹¹ These units – many of which are located between East 106th and East 116th Streets and between Lexington and Third Avenues - have been off line for decades and residents and business owners view them as blighted. Based on the age

⁹ Bockman, Rich and Parker, Will. *Life after Croman*. The Real Deal. July 01, 2017. Retrieved from https://therealdeal.com/issues_articles/life-after-croman/

¹⁰ *East Harlem Neighborhood Plan*. East Harlem Neighborhood Plan Steering Committee. pg 68. February 2016. Retrieved from http://www.eastharlempplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

¹¹ Anuta, Joe, *Rezoning could be boon for East Harlem landlords*. Crain’s. June 12, 2017. Retrieved from http://www.crainnewyork.com/article/20170612/REAL_ESTATE/170619989

and size of these buildings and their similarity to occupied buildings in the area, there is reason to believe these units, if they were in circulation, would constitute a much-needed pool of rent-regulated apartments. Despite that, a lack of concern for the surrounding area has resulted in owners of these warehoused buildings keeping those units vacant and limiting activity to the commercial ground floor simply to keep up with tax bills. Now the rezoning we are considering would award those same owners for their speculative actions.

DCP has explained that applying the proposed zoning districts would ensure any value realized by these particular owners will at least result in the minimum affordable housing requirements of MIH, and maybe more if HPD term sheets are considered by the developers of those sites. While this is encouraging, the minimum 25 percent of required affordable housing that would be created at these locations is not sufficient. If new development occurs here, mechanisms should be explored to require additional affordable housing to reflect the disinvestment these buildings represented for the community. While the City has pushed back against applying modified versions of their inclusionary housing program, exploring this concept in East Harlem for these sites could send a strong message against speculation and warehousing.

The City needs to confront this issue because it is not only an East Harlem problem; it is a citywide problem. A 2012 report, *Banking on Vacancy*, initiated by Picture the Homeless (PTH), found that 3,551 vacant buildings that were surveyed could potentially house 71,707 people.¹² There are several recommendations in the report, including some legislative solutions that should be piloted as part of the East Harlem Preservation Plan. The *Housing Not Warehousing Act*¹³ is a package of three City Council bills that create a mandatory registry for all landlords holding their property vacant, mandate the City to do an annual count of all vacant property, and require a report of all city, state, federal, and authority-owned vacant property suitable for the development of affordable housing. The report would also include recommendations on how to turn these city-owned properties into affordable housing as soon as possible. These underutilized properties should be targeted for extremely low to middle-income families and kept permanently affordable under the direction of mission-driven developers and/or community land trusts.

Development of New Affordable Housing

The EHNP recognizes that the City's current affordable housing development tools leverage the private market and balance affordable unit production with market-rate unit production. Our plan called for at least 50 percent of all units produced in East Harlem to be affordable to extremely low-income up to middle income residents and a minimum of 20 percent of those units to be affordable to those at or below 30 percent of AMI.

There is significant doubt that MIH alone will deliver on the units we need for East Harlem families searching for affordable housing. Option 1 and Option 3, the most likely designations for this area, are set at 60 percent of AMI with a required tranche of 20 percent of MIH units at 40 percent AMI. These levels of affordability do not go deep enough to provide housing for our

¹² *Banking on Vacancy: Homelessness and Real Estate Speculation*. Picture The Homeless. January 2012. Retrieved from <http://www.issuelab.org/resources/14899/14899.pdf>

¹³ Picture The Homeless. "Announcing the Housing Not Warehousing Act." [Picturethehomeless.org](http://picturethehomeless.org). Retrieved from <http://picturethehomeless.org/announcing-the-housing-not-warehousing-act/>

most vulnerable communities. In East Harlem, 37 percent of residents make under \$23,350 or lower than 30 percent of AMI. That is not a specified AMI bracket addressed by MIH, but instead is a probable result of the averaging that will happen as projects move forward. But this creates uncertainty that causes people in the community not to trust that these residents are being considered in this plan.

Where we have found some common ground is that the EHNP and the administration both look to maximize our opportunity for lower levels of affordability on public sites where we have more control. My office has regularly stood by the policy that projects on public sites should be 100 percent affordable and that the affordability should be made lasting through “practical permanence.” Recent HPD affordable housing pipeline projects like La Promesa/Acacia Gardens (C-150212 HAM), Lexington Gardens II (C-160338 ZSM), and the proposed Sendero Verde (C-170361 ZMM) give us a sense of what to expect. Those projects have set aside 10 to 20 percent of their units for residents that are at or below 30 percent AMI. On some of the public sites, such as the Harlem Burial Ground Project on the former 126th Street Depot site (C-170275 ZMM), the City is only agreeing to making 50 percent of the total development affordable, citing the funding constraints for the community facility and memorial elements that will be part of the future ground plan. While on this project it will include 20 percent of the affordable units at 30 percent of AMI, we are still forced to access market-rate housing on city-land. If we are barely (or in some cases not) reaching the 20 percent target of affordability necessary for a significant segment of the East Harlem community on public sites, it is impossible to assure the community that we can satisfy this goal overall when developments on private land are added.

We must call for more affordability on our city-owned sites since we are limited in our ability to push for changes in how the Mandatory Inclusionary Housing program is implemented. In these projects, we would work with mission-driven developers and/or the East Harlem/El Barrio Community Land Trust to get to those tiers that are below 30 percent and require entire projects to be 100 percent affordable. Together with projected private development under MIH we could target for 50% of the new housing on private rezoned and public sites to be affordable at a variety of low- and moderate-income levels. This model still encourages the building of desperately needed moderate and middle-income units and targets our housing policy and scarce city-owned land where it is needed most.

The EHNP identified at least five public sites for the City to review. We should receive a commitment to target these sites, and any other remaining city-parcels for mission-driven developers and community land trust partners who share our goal of creating housing inclusive of all families, regardless of total income.

A Commitment to NYCHA residents in East Harlem

Manhattan’s largest concentration of public housing is in East Harlem and represents almost 28 percent of all the residents that call this area home and 9 percent of the City’s entire NYCHA

population¹⁴. Data using NYCHA's 2011 Physical Needs Assessment Summary compiled by the Community Service Society places the total cost for capital needs of the NYCHA developments in East Harlem at approximately \$1.88 billion.¹⁵ Any final proposal that moves forward with a growth plan for this community should identify a significant down payment toward bringing these developments back to a state of good repair. Without a commitment at this stage, the plan lacks a central piece advocated for by residents.

Regarding the zoning proposal specifically, there were several areas where the City's proposal deviated from the EHNP and made my support for the application improbable.

Zoning Changes

Rezoning Boundaries

The EHNP- recommended rezoning boundaries included all of Manhattan Community Board 11. The proposed study area was supported with a list of potential soft sites we felt represented the kind of as-of-right development that may be possible and should be subject to MIH. The current application shrinks those boundaries to an area generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west, and Second Avenue to the east. Part of the rationale to support a larger study area was that the EHNP sought structured growth on a scale more appropriate for the neighborhood. Instead of concentrating higher densities into narrower corridors as this application does, the EHNP looks to spread the additional density needed to achieve affordable housing goals over a greater area and reduce the burden that comes with new development on any one location.

Moreover, there is significant concern about the area south of East 104th Street. The southern area has been rising in value due to several factors such as its proximity to the Upper East Side, access to existing and new mass transit with the opening of the 96th Street Q train station and distance from the Manhattan Core. Institutions are even recognizing value here; Marymount had recently filed a BSA application to build a new campus. This strong market has also seen a decline in existing rent-regulated housing. Property tax data collected by programmer and cartographer John Krauss shows numerous buildings losing between 10 to 50 percent of their rent-regulated stock below East 104th Street and above East 96th Street.¹⁶ We believe current and potential market attraction to this area warrants preservation districts or mandatory housing requirements for new development in this area.

Height, Density and Neighborhood Character

It is important to recognize there are several areas where this application overlaps with the spirit of the EHNP. Along Madison Avenue above East 126th Street, DCP included our

¹⁴ *Community Visioning Workshop #3: NYCHA / Housing Preservation*, pg. 54. [East Harlem Neighborhood Plan](http://www.eastharlempn.nyc/EHNP_FINAL_FINAL_LORES.pdf). Retrieved from http://www.eastharlempn.nyc/EHNP_FINAL_FINAL_LORES.pdf

¹⁵ *2011 Physical Needs Assessment (PNA) Summary*. [New York City Housing Authority](https://www1.nyc.gov/assets/nycha/downloads/pdf/transparency-pna-2011.pdf). Retrieved from <https://www1.nyc.gov/assets/nycha/downloads/pdf/transparency-pna-2011.pdf>

¹⁶ To view the property tax data and review the change over time of rent-stabilized units in the area you can visit <http://blog.johnkrauss.com/where-is-decontrol/>

recommendations about contextual and preservation districts. DCP proposes to map large sections of Lexington Avenue and several midblock sections with contextual districts that reflect the existing built character. This application also embraced recommendations for active street requirements along East 116th Street and additional density along Second Avenue. However, those areas of agreement still left some significant disagreement over key corridors.

The difference between the East Harlem Neighborhood Plan and the applicant's proposal in suggested density for Park and Third Avenues was one of the most difficult components to overcome. DCP put forward a proposal that would apply the highest floor area districts available along parts of Park Avenue between East 115th Street and East 132nd Street and Third Avenue between East 104th Street and East 122nd Street where our own community-driven process suggested a more contextual alternative that triggers MIH but is more closely aligned with the existing neighborhood character.¹⁷

- For Park Avenue between East 115th Street and East 132nd Street, the EHNP recommended MX/R7 or R8 districts, with some additional density above that around transit nodes. This works out to densities ranging from 7.2 to 10 FAR. The Administration proposed a R9, R10 and MX/R9 and R10 districts or densities ranging from 8.5 to 12 FAR.
- For Third Avenue between East 104th Street and East 122nd Street, the EHNP recommended R9 or R9A with densities of 8 and 8.5 FAR respectively. The Administration proposed a R10 and C4-6 (R10 equivalent) district with a maximum 12 FAR for residential use.

Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts. One important reason why some preferred R9 or R9A was that the bulk of the extra density would go to create affordable housing, whereas R10 would have allowed for a greater ratio of market-rate units. Though asked by EHNP, our office and others to consider revisiting other, more modest alternatives, the administration has refused to amend their application. The opposition to change includes refusing to study height limits more generally as one of the alternatives so that we can identify other possibilities that could create affordable housing but also preserve neighborhood character.

I am concerned that the new tower form proposed in the East Harlem Corridors Special District exacerbates the height and density issue even further. As currently written in the application's "Proposed Actions," the new text would allow thin, tall towers on a small base, a floor plate more appropriate for luxury and not affordable development. This further plays into the fears that the balance struck by the proposal has swung too far to the side of market-rate development. Instead, the text should require the tower-on-base regulation typically found in high-density districts or set high enough minimums where you have a building form that responds to the proximity of the viaduct, but also addresses the concern for excessive height in residential areas.

¹⁷ A comprehensive comparison of the EHNP and this application is available on the CB 11's website under "Presentations" at <http://www.cb11m.org/east-harlem-rezoning/>

Finally, during negotiations with the Administration over potential height limitations my office was told that Federal Aviation Administration (FAA) regulations for this area prohibited buildings from going above specific heights identified in the La Guardia field Flight Obstruction Area Map. This would place an effective height-limit on buildings in the proposed R10 districts from achieving heights that might otherwise be allowed.

After reviewing the FAA obstruction area map, it was clear that the airport conical surface¹⁸ that extends west from the airport over Manhattan only covered the northern proposed R10 districts (above East 118th Street along Park Avenue and above East 116th Street up to East 124th Street along Third Avenue) while leaving the southern proposed R10 district untouched. According to the Administration's own Market and Financial Study that was done as part of the MIH Program application, the southern portion of the district is considered a "strong market" identified by strong sales prices, robust land prices and the ability to command attractive market-rate rents.¹⁹ This is exactly the kind of area where we would fear out-of-context development. For the northern proposed R10 Districts that are covered by the FAA obstruction map, the effective height limit is approximately 400 feet and much higher than what the community was comfortable with during height discussions in the EHNP process.

As of Right Parking Garages

The application would allow public parking garages of up to 150 spaces as-of-right in districts where they are not currently allowed. This provision is in conflict with the policy of this office to disincentivize car use in areas with access to mass transit. Even in areas where the special permit is required, we have raised concerns with some of the study parameters and underlying assumptions of the residential parking study that accompanies those types of applications. My concern would only deepen if the public review component is removed.

Commercial Overlays on New York City Public Housing Authority (NYCHA) Campuses

The proposal includes several commercial overlays to be mapped along the wide street frontages of several NYCHA campuses. As part of the EHNP process, there was discussion among the subgroups about targeting these spaces for economic development driven by NYCHA residents. I believe that DCP's inclusion of the overlays was intended to be responsive but it did not reflect the recommendation in the Plan. The EHNP concluded that such a drastic change to NYCHA's built environment required separate and direct engagement with the residents who live there. The proposal uses too broad a brush and applies the overlays without considering fears related to displacing residents, playgrounds and open space.

Special Transit Land Use (TA) District at East 116th Street and Lexington

¹⁸ An Airport Conical Surface is an imaginary surface, which extends upward and outward from the outer limits of the Horizontal Surface and exists primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. Retrieved from <http://www.wacaz.com/services/obstruction-evaluation/airport-conical-surface/>

¹⁹ *Market and Financial Study: NYC Mandatory Inclusionary Housing*. BAE Urban Economics, Inc. September 2015. Retrieved from https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/mih/bae_report_092015.pdf

As part of the administration's proposal, special transit land use (TA) districts, first mapped in 1974, were updated to reflect recent planning decisions regarding Phase 2 of the Second Avenue Subway. TA districts have rules that efficiently lessen the conflict between substantial pedestrian movement and access to underground transit by removing stairway entrances from the middle of sidewalks and reserving space in new developments adjacent to subway stations for subway-related uses. For the developer, the reserved space is exempt from their floor area calculations. Given the support for this as a smart planning tool, I was surprised not to see it included elsewhere, particular along the existing Lexington line where additional density is being considered. The application proposes changing the area surrounding the East 116th Street Station on the Lexington Line from an R7-2 to a R9 District. While the plan and my office encourages the theory that extra density is most appropriate near mass transit, this location is not properly prepared to accept that density. This location was one of three transit nodes identified as being adversely impacted under the Draft Environmental Impact Statement (DEIS). Mapping a TA District, roughly similar to the subway improvement language of the Special Lincoln District, would mitigate this impact.

Other Areas of Concern

Preservation of Historic and Cultural Resources

The administration's proposal also lacks concrete ways to preserve architecture, arts and culture in East Harlem. Preserving these assets from the impact that new development might have on visual aspects of neighborhood history has always been a priority for the community. In our plan and subsequent public hearings residents noted it as a top concern. We had hoped to engage in a thorough review of the sites proposed by the EHNP and by Landmark East Harlem or discuss ways the City can continue to explore more culturally and historically relevant designations such as was accomplished with Stonewall Inn. Review and work by the LPC should have been occurring as this application progressed. It is incredibly disappointing that this work was not seen as a priority despite my continued calls since the beginning of my tenure as Borough President for parity for Northern Manhattan in the consideration of landmark designations.

Environmental Review Issues

Our office, the steering committee and the administration remain unable to agree on the appropriate criteria to determine projected and potential project sites in the DEIS. Key differences include the likelihood that houses of worship will build on these sites and the status of rent-stabilized buildings, which are often ruled out as developable sites by DCP. However, our own research suggests these buildings might be susceptible to redevelopment. The City has recently launched the New York Land Opportunities Program (NYLOP), an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial institution. , "to help mission-driven organizations with limited real estate experience form joint

venture partnerships to develop affordable housing on their underused land.”²⁰ Faith-based organizations constitute a significant category of these mission-driven organizations, a fact that underscores the potential for redevelopment of these properties. Underestimating the potential development universe will cause us to miss impacts we could have avoided. Moreover, failure to account for all development sites affects the calculations of the number of units of housing that can and will be created thereby impacting how much and where density is acceptable in East Harlem.

Other issues caused my office to question the environmental review. The DEIS found no impact on water and sewer infrastructure and solid waste and sanitation services, a finding that is implausible given that such problems occur in the neighborhood under existing conditions. Our concern about how generation rates for Upper Manhattan school children are calculated was brought to DCP’s attention early on. It was also identified as part of the Lexington Gardens II application and the Draft Scope of Work for the Harlem African Burial Ground application. An analysis using American Community Survey (ACS) Public Use Microdata (PUMS) completed by a land use consultant for CB11 shows the rate of child birth in Upper Manhattan as higher than in other areas of Manhattan. However CEQR has one generation rate for the whole borough. While the Zoning Resolution does draw a distinction between the Manhattan Core and Upper Manhattan for a host of other land use policies, this topic is exempt. The result is an underestimating of the need for future school seats.

Community Need for Public Investment in Services and Infrastructure

From the moment East Harlem was announced as a potential area for rezoning, stakeholders in East Harlem were aware that the needs that would have to be addressed so that any rezoning could benefit the community would have to come from a rigorous community process. Zoning alone would be an insufficient tool for getting at many of the underlying problems identified in community district need statements submitted by the Community Boards or the lack of investments highlighted by local CBOs. There was general agreement that East Harlem’s future has to come from a comprehensive assessment of the state of the neighborhood and has to cover a range of socioeconomic and cultural areas of study. The EHNP brought together residents and topic experts so that we could respond with hard data needed for that assessment.

In terms of our process, the administration has had a year and a half to consider, act on, and incorporate our recommendations. During that time there has been some movement toward agreement. To support the desire for more holistic, service-rich education environments, the City has committed to funding three new community schools next year. Local art and cultural capacity-building initiatives will be funded through the awarding of a Building Cultural Capacity Grant. To address questions about healthy teaching environments for children, the DOE is installing air conditioners, with corresponding electrical system upgrades, throughout the school system by Fiscal Year 2022. The City opened a Neighborhood Health Action Center in April 2017 and partnered with the New York Academy of Medicine (NYAM) to provide small grants and support to local organizations to address community health issues. To respond to some of

²⁰ *Mission-Based Partnerships*. NYC HPD, August 2017 Retrieved from <http://www1.nyc.gov/site/hpd/developers/mission-based-partnerships.page>

our open space and green infrastructure concerns, NYC Department of Parks and Recreation (DPR) is simultaneously proceeding with an East Harlem Resiliency Study and a design process for the Harlem River Park Greenway Link along the esplanade between East 125th and East 132nd Streets. Planning for a new East 125th Street Plaza to be located adjacent to the Metro North station has begun, and two Select Bus Service bus stations at Lexington Avenue and East 125th Street are in the works. To help small businesses, the City has committed to \$1.49 million in Neighborhood 360 grants to local nonprofit partners and a new Workforce 1 career center to supplement existing nonprofit-driven employment and training programs in East Harlem.


These measures are noteworthy, but essential needs remain unaddressed. There is no plan to boost opportunities for East Harlem students and young adults to access the Career and Technical Education opportunities in their own community board area. For those schools that are not community schools, ways to increase resources for social/emotional services and academic remediation have not been identified. There are no firm commitments on naturally occurring retirement community (NORC) project funding for the neighborhood, or integration of the findings into the EIS from the Health Impact Assessment conducted by NYAM. Few substantive conversations have occurred with the Department of Transportation (DOT) about strategies for decreasing vehicular congestion around East 125th Street and placing more city benches around the community district. The community has received no commitment for a consolidated state of the art sanitation garage, though the DSNY Commissioner expressed interest in doing so at the City Council hearing on the District 11 garage on July 27, 2017. There is disappointment among many EHNP members on the slowness to embrace local purchasing requirements, requiring local hire provisions for projects receiving subsidies under \$2 million, as well as other labor demands, including good wages, apprenticeships, and safe working conditions. At the public forum related to education and relevant subcommittee discussions, participants called for increased afterschool program capacity and the desire to see prioritized repair or relocation capital for pre-K, daycare and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building. However, there has been little discussion to further these goals. Finally, even though the waterfront was left out of the City's proposal, it must be addressed to prepare for East Harlem's growth. We had hoped to see a funding strategy for esplanade repair and maintenance below East 116th Street and a long-term rebuild plan for the East 107th Street Pier by this time.

We understood that these types of actions, while perhaps not appropriately a part of the land use applications, would support and accompany a neighborhood rezoning. We are disappointed that more progress on these critical initiatives has not been made.

I believe that the City put forward this application with the intention of helping and supporting East Harlem. The application's primary goals are to create new affordable housing, preserve neighborhood character, create opportunities for economic development, improve the pedestrian experience, and commit to the kind of capital needs East Harlem deserves. That said, while we agree on the principles, we are far apart on the specifics as to how these goals should be achieved. At this point in the process not enough of the critical community concerns have been addressed to allow me to support this proposal.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends disapproval of Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM.

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

Gale A. Brewer
Manhattan Borough President

APPENDIX – East Harlem Rezoning

PROPOSED ACTION

The City of New York Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions—including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (collectively, the “Rezoning Plan”) in order to facilitate the creation of permanent affordable housing, amongst other goals. The Rezoning Plan is one implementation measure of the East Harlem Neighborhood Plan which was the result of a two year community planning process. The Proposed Actions would affect an approximately 96-block area of the East Harlem neighborhood in Community District 11, Borough of Manhattan.

Generally, 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. In evaluating the amendments to the Milbank Frawley Circle-East Urban Renewal Plan, this office must consider whether the changes are in line with the original goals of the renewal plan and if the changes improve on the existing agreement.

The Zoning Plan must also be evaluated using the lens of the East Harlem Neighborhood Plan (EHNP). The EHNP called for the development of permanent affordable housing, the preservation of existing affordable units, respect for the existing neighborhood character including its cultural landmarks, improvements to the pedestrian experience, and the creation of new commercial and manufacturing space to support job creation adjacent to existing and future transit nodes.

Goals of the Rezoning Plan

Collectively, the actions that make up the Rezoning Plan reflect DCP’s goal to achieve the following land use objectives:

- Create opportunities for requiring permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs;
- Modify the existing zoning, where appropriate, to preserve the built neighborhood character;
- Create opportunities for economic development while preserving the vitality of existing commercial and manufacturing uses;
- Establish a Special District with urban design controls that balance new development with existing neighborhood context and scale and improve the pedestrian experience; and
- Establish a planning framework that addresses capital infrastructure needs and services required to support current demand and future growth.

PROJECT DESCRIPTION

Background

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of \$30,380, down 9 percent from 2010.²¹ The area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator buildings).

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 Melissa Mark-Viverito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a two year long process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

Previous East Harlem Rezoning Plans

DCP 2003 Rezoning

In 2002, DCP proposed a rezoning for 57 blocks in East Harlem, east of Lexington Avenue and south of East 124th Street to East 99th Street, much of which was originally zoned R7-2, a moderate density residential district. This plan was approved by the City Planning Commission and adopted by the City Council in 2003. The rezoning replaced height factor zoning districts with contextual zoning districts. While contextual, there were greater heights on the avenues and lower heights on mid-blocks. The purpose of the rezoning was to create new opportunities for residential development, encourage ground floor retail and local services, and protect the scale of mid-blocks and broad neighborhood character through targeted contextual districts. The proposal replaced much of the R7-2 with R7A, R7B, R8A, and C4-4D districts. The C4-4D district was

²¹ Furman Center. *Manhattan Community Board 11 Profile. State of New York City's Housing and Neighborhoods 2016*. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

specifically written for East Harlem and was a new zoning district at that time. Several existing manufacturing districts were rezoned to residential districts or lighter industry. Parking regulations were also modified to meet the needs of new commercial overlays.

125th Street Rezoning

DCP collaborated with several other mayoral agencies in December of 2003 to generate a development framework for the entire 125th Street corridor between the Harlem and Hudson Rivers. The application affected 24 blocks along 125th Street spanning sections of Manhattan Community Boards 9, 10 and 11. The proposal focused on zoning and urban design controls, encouraging a balanced retail mix, addressing traffic challenges, and supporting growth for arts and entertainment in the area. The final zoning application approved by the City Council in April 2008 modified height and bulk regulations but retained many of the elements that sought to increase opportunities for new, mixed-use housing and cultural and retail development for Harlem.

2013 CB11 Rezoning Study

In January of 2013, Community Board 11 approved the East Harlem Land Use and Rezoning Initiative Final Recommendations, a joint project with CIVITAS and Community Board 11, informed by over a year of community input. The planning and zoning study area included East 115th Street and East 132nd Street, bounded by Madison Avenue on the west and Lexington Avenue on the east. The report made recommendations to update zoning districts and increase density in certain areas, promote affordable housing and economic development, and preserve neighborhood character. Many of the recommendations from this report were integrated into the East Harlem Neighborhood Plan initiated two years later.

Milbank Frawley Circle Urban Renewal Area and Milbank Frawley Circle East Urban Renewal Plan

The Milbank Frawley Urban Renewal Area (URA) is located in Community Board 11 and was created by the Board of Estimate in September 1967. In August 1992, a portion of the URA was established as the Milbank-Frawley Circle East Urban Renewal Area, an action which modified the boundaries to facilitate the development of a 130-unit affordable housing project (C-920139HUM). The URA is bounded by East 125th Street to the north, Park Avenue to the east, 107th Street to the south and Fifth Avenue to the west. Since then it has gone through four minor changes and one amendment.

The objectives of the URA are to:

- Redevelop the area in a comprehensive manner, by removing blight and maximizing appropriate land uses;
- Remove or rehabilitate substandard and unsanitary structures;
- Remove impediments to land assemblage and orderly development;
- Strengthen the tax base by encouraging development and employment opportunities in the area;

- Provide new housing of high quality;
- Provide appropriate community facilities, parks and recreational uses, retail shopping, public and private parking; and
- Provide a stable environment within the area which will not be a blighting influence on surrounding neighborhoods.

Harlem-East Harlem Urban Renewal Plan

Established in 1968, The Harlem-East Harlem URP covers portions of Manhattan Community Districts 10 and 11 from approximately East 106th to East 133rd Streets, east of Fifth Avenue. As part of the URP, design, building bulk and parking requirements were included to reinforce the existing urban character. Lots were separated into five land use categories, and supplementary controls were made on specific sites.

The objectives of the URA are to:

- Redevelop the area in a comprehensive manner, remove blight and maximize appropriate land use;
- Remove or rehabilitate substandard and unsanitary structures;
- Remove impediments to land assemblage and orderly development;
- Strengthen the tax base by encouraging development and employment opportunities in the area;
- Provide new housing of high quality and/or rehabilitated housing of upgraded quality;
- Provide appropriate community facilities, parks and recreational uses, retail shopping, public and private parking; and
- Provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods.

Project Area

The Project Area encompasses a portion of the East Harlem neighborhood in Manhattan Community Board 11. The rezoning area encompasses 96 blocks bounded by East 132nd Street to the north, Second Avenue to the east, East 104th Street to the South and Park Avenue to the west.

The predominant land use in the Project Area is residential with several New York City Housing Authority (NYCHA) developments and multi-family walk-up and elevator buildings. There are also a number of mixed commercial and residential developments, commercial and office spaces, public facilities and institutions including: La Marqueta, El Museo del Barrio, Museum of the City of New York, Mount Sinai Center and the New York Academy of Music. The area is well served by mass transit with the No. 4 and 6 subway line train stops at East 125th Street, East 103rd Street, and East 110th Street. Several bus lines also run along the major commercial corridors of 125th Street, 116th Street, Third Avenue and Second Avenue including the: M1, M2, M7, M35, M98, M100, M101, M102, M16, M60 Select Bus, and Bronx bound bus lines. Outside of the Project Area there is access to the No. 2, 3 and 5 subway lines and access to Citibike bike stations.

The Project Area is divided into three geographic areas which reflect distinct neighborhood character and land uses: North of East 125th Street, Mid-East Harlem and South of East 116th Street.

North of East 125th Street

The “North of East 125th Street” area extends along the east and west sides of Park Avenue to the west, midblock between Madison and Fifth Avenues. On the west side of Park Avenue between East 125th and East 132nd Streets is a predominantly residential neighborhood with few ground-floor retail uses and three- to four-story brownstones on the mid-blocks and five- to seven-story mid-rise buildings along the avenue. The northern portion of Park Avenue is predominantly automotive and manufacturing uses with surface parking, gas stations, the Metropolitan Transit Authority (MTA) Metro-North Railroad elevated viaduct and parking for Department of Sanitation vehicles. The intersection of East 125th Street and Park Avenue is a commercial node which was rezoned in 2008 with height limits. Here there is a 12-story building that functions as an office space with ground-floor retail, and a few smaller buildings that have ground floor retail use and residential use on the upper floors.

Mid-East Harlem (between East 125th Street and East 116th Street)

The Mid-East Harlem area is bounded by East 125th Street, East 116th Street, Park Avenue, Lexington Avenue, Third and Second Avenues. This area is predominately residential with the highest concentration of NYCHA developments in the Project Area and mixed residential buildings with ground floor commercial uses along the avenues. The MTA Metro-North Railroad viaduct structure is along Park Avenue along with many surface parking lots facing the avenue and beneath the viaduct. Lexington Avenue is characterized by mixed-use buildings with ground floor retail space. The residential buildings vary from four to six story tenement buildings to tower-in-the-park buildings ranging from 11 to 32 stories. The mid-blocks in this area have shorter residential buildings not exceeding seven stories; there are a number of community facilities and at grade open spaces. Third Avenue is a commercial corridor with many vacant upper floors and heavily underutilized sites.

South of East 116th Street

The South of East 116th Street area includes East 104th Street to East 116th Street and Park Avenue, Lexington Avenue and Second Avenue. This area is largely characterized by mixed use buildings and multifamily walk-up buildings. The building heights range between four and eight stories along Lexington Avenue and along Third Avenue there are four to seven story tenement-style buildings with ground floor retail. Similar to the Mid-East Harlem area, there are many vacant upper floors with active ground-floor retail usage. The NYCHA developments that are in this area include the Lehman and Carver Houses along Park Avenue between East 104th Street and East 110th Street.

PROPOSED ACTIONS

The New York City Department of City Planning (“DCP”) and the New York City Housing Preservation and Development (“HPD”) seek several land use actions to facilitate a rezoning

plan in response to land use and planning recommendations from the East Harlem Neighborhood Plan (EHNP) and to advance the goals of Mayor De Blasio's *Housing New York: Five Borough, Ten-year Plan*.

The DCP seeks to amend the Zoning Map, Section Nos. 6a and 6b, to change existing light manufacturing districts to mixed residential, commercial and manufacturing uses and establish the Special East Harlem Corridor District ("EHC"). This action would also amend the Zoning Map to include the boundaries of the EHC along major thoroughfares and the modified boundaries of the existing Special Transit Land Use District ("TA"). In addition, DCP also seeks Zoning Text Amendments to the Zoning Resolution to establish the EHC and establish a Mandatory Inclusionary Housing Area ("MIHA") in the proposed rezoning area. As the co-applicant, HPD only seeks amendments to the Milbank Frawley Circle-East Urban Renewal Plan ("URP").

The proposed actions summarized above are discussed in greater detail below.

Proposed Zoning Map Amendment

Changes to zoning map(s) nos. 6a and 6b would establish the boundaries of the Special East Harlem Corridors District (EHC) and modify boundaries of the Special Transit Land Use District. The EHC boundaries would be mapped along major corridors within the rezoning area including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue, and the East 116th Street corridor. In addition, the amendments would replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. In addition, the proposed rezoning would replace or eliminate portions of existing C1-4, C2-4, and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays.

Proposed Zoning Text Amendment

The Proposed Actions include amendments to the text of the City of New York's Zoning Resolution (ZR) to:

- Establish special use, bulk, ground-floor design and parking regulations within a Special East Harlem Corridors District (EHC);
- Create a new special permit related to the development, conversion, or enlargement of hotels within the proposed EHC;
- Modify existing provisions of the Special 125th Street Special District applicable to the portion of the special district located at the intersection of East 125th Street and Park Avenue to implement new special use, bulk, ground-floor design, and parking regulations;
- Modify the boundaries of the TA District to reflect the current plans of the Metropolitan Transportation Authority (MTA) for prospective Second Avenue Subway locations, accommodate ancillary support facilities for the future phase of the Second Avenue Subway, and introduce bulk modifications to facilitate the inclusion of necessary

transportation-related facilities in new developments within Special District boundaries;
and

- Amend Appendix F of the Zoning Resolution to apply the Mandatory Inclusionary Housing (MIH) program to portions of the proposed rezoning area, including areas where zoning changes would promote new housing.

Urban Renewal Plan (URP) Amendments

The Proposed Actions include amendments to the Milbank Frawley Circle-East URP, to make the URP compatible as warranted with the above zoning actions:

- Remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street;
- Change the designated land use of Site 9 from 'residential/public and semi-public' to 'residential';
- Change the designated land use of Site 25A from 'residential, residential/commercial, and commercial/semi-public' to 'residential'.

Waterfront Revitalization Program (WRP)

Portions of the rezoning area are within the Coastal Zone and will require review by the CPC, in its capacity as the City Coastal Commission (CCC), to determine if they are consistent with the relevant WRP policies.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 20, 2017, Manhattan Community Board 11 (CB 11) passed a negative resolution with conditions related to this application. The final vote for the resolution was 32 in favor, 9 opposed, and 1 abstention. Due to difficulty experienced by the Board with recording individual votes from board members, a vote was held on Tuesday June 27, 2017 where the Board voted to ratify and affirm the previous week's vote. The ratification and affirmation was adopted by a vote of 27 in favor, 7 opposed, and 0 abstentions. Before the full board vote, the representatives of DCP and HPD appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

To more fully evaluate the Proposed Actions, CB 11 created the East Harlem Rezoning Task Force, which met from March to June 2017, and which interacted extensively with the community through public meetings, community outreach, electronic and paper surveys, and other efforts to develop a comprehensive response reflecting the community's interests and concerns.

In their written comments submitted to the Department of City Planning, CB 11 supported the EHNP, and the zoning framework that would require affordable housing in every new development in the rezoned areas while minimizing density, preserving community character,

and stimulating local economic growth. However, while CB 11 recognized that the Proposed Actions are in the spirit of the EHNP rezoning recommendations, it found significant differences, especially as it relates to the impacts of increased density.

According to CB 11, the EHNP generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. However, in large portions of the rezoning area, the Proposed Actions would impose the highest density residential districts allowed by law on both Third Avenue and Park Avenue, which are considerably higher than those recommended by the EHNP.

CB 11 stated that it considers this increase in density excessive. Although it creates needed affordable housing, the Proposed Actions will irrevocably change the character of the community while only making approximately 25 percent of new units permanently affordable. Furthermore, CB 11 expressed concerns that the Proposed Actions will result in negative impacts including but not limited to increased pedestrian traffic, strain on public transportation capacity, sufficiency of existing education facilities, demand of social services, displacement of local businesses, and impacts on existing infrastructure.

While noting that there is no mitigation possible for the proposed increase in allowable FAR to 12, CB 11 presents alternatives and mitigation strategies to address these impacts. In particular, CB 11 supports a larger rezoning area as recommended in the EHNP that includes areas east of Second Avenue and south of 104th Street. Furthermore, CB 11 believes that for large portions of East Harlem that are proposed to be upzoned to R10 and R10 equivalent districts, R9 or R9 equivalent districts would provide a more appropriate balance between affordable housing, community character, and mitigation of impacts. CB 11 also raises the longstanding concern about the true affordability of housing for East Harlem residents, and recommends that MIH in new residential developments should be set at a 50/30/20 model, with 50% market units, 30% moderate-income units, and 20% low-income units, while any development on public land should be 100% affordable housing, with income bands targeting a spectrum from 10% of AMI to 120% of AMI.

In conclusion, CB 11 recommended disapproval of the Proposed Actions unless it undergoes a set of extensive and detailed modifications as follows:

1. Limit upzoning to a maximum R9 and R9-equivalent up-zoning, except for an R10 equivalent district along the modified 125th Street Special District;
2. Require a special permit application process for commercial parking garages;
3. Apply an Enhanced Commercial Corridor special district on 116th Street to limiting the width of storefronts;
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital;
5. Include 127th Street between Park Avenue and Lexington Avenue in the rezoning proposal;
6. Include currently carved out portions of north Park Avenue;
7. Include entrances for MTA subway-related uses into building envelopes if East 116th Street and Lexington Avenue is rezoned;

8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects;
9. Establish an adequately funded workforce development program, which offers certifications and apprenticeships;
10. Require 35 percent of the workforce to be from East Harlem;
11. Fund community partnerships with existing community local reentry programs to facilitate productive transitions for those returning to society after being incarcerated;
12. Provide preference for MWBE/DBE;
13. Create a tax incentive program to promote contracts with local MWBE/DBE in development;
14. Create a tax incentive program for commercial property owners to ensure growth of small businesses;
15. Maintain engagement with the community before, during, and after construction, with regular reports to CB11 to track progress on goals;
16. Renew anti-displacement legal services contracts, and improve benchmarks to ensure more effective representation to combat and/or mitigate the effects of gentrification;
17. Increase the number of HPD inspectors; make inspection times convenient to residents, and require follow-up on whether violations were cured, promptly impose fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord;
18. Greatly increase HPD outreach in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues;
19. Increase proactive outreach by the City to identify landlords who could benefit from subsidies to bring unregulated buildings into rent-regulation schemes;
20. Establish a citywide Certification of No Harassment program, or at least expansion the current program to all of CD11;
21. Develop a 50/30/20 MIH model through subsidies (50 percent market units, 30 percent moderate-income units, and 20 percent low-income units);
22. Prohibit offsetting affordable housing offsite;
23. Require developments on public land to be 100 percent affordable residential housing, including all housing in any NYCHA in-fill project (affected NYCHA residents must be included in decision-making);
24. Give priority to local non-profit developers in all RFPs for development on public land;
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations;
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families;
27. Ensure that M11 sanitation garage is located in a fully enclosed facility with updated technology and relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate;

BOROUGH PRESIDENT PUBLIC HEARING

On Thursday, July 13, 2017, the Manhattan Borough President conducted a public hearing on both the rezoning plan by the Department of City Planning (DCP) to rezone 96-blocks of East Harlem and a concurrent private application known as Sendero Verde at East 111th Street (Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM) located in the area of the proposed East Harlem rezoning. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

Those who testified all spoke out in opposition to the rezoning plan. Many who testified asked the Borough President to issues a no vote without conditions while some who spoke asked for the City to go back and consider amending aspects of the proposal, particularly around zoning and density, to conform to the recommendations in the East Harlem Neighborhood Plan. Several speakers mentioned the need for targeted investment in public housing developments throughout East Harlem. There were also several speakers who testified to discrepancies and differences of opinion in how the Draft Environmental Impact Statement (DEIS) was conducted and where the analysis might have underestimated the impact on the community as result of the proposed rezoning plan.

A representative from the New York Academy of Medicine testified about the results of a health impact assessment (HIA) done specifically to gauge the impact of the affordable housing component of the application to public health in East Harlem. The HIA was requested as part of the EHNP. HIAs are “structured process[es] to assess the potential health impacts of a policy, plan, or project and make recommendations on how to lessen negative health impacts and increase health benefits”²². The New York Academy of Medicine HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community and recommended prioritizing the protection of existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses.

²² Realmuto, Lindsey, Owusu, Shaunequa, and Libman, Kimberly. *Health Impact Assessment Connecting Housing Affordability and Health*. New York Academy of Medicine. pg. 6. September 2016. Retrieved from https://nyam.org/media/filer_public/de/46/de46ec8b-ae8f-4dca-a6b2-c7ce3bfb9ffe/healthimpassessfinal2016.pdf



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Gale A. Brewer, Borough President

August 2, 2017

Recommendation on ULURP Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM - Sendero Verde – East 111th Street by The New York City Department of City Planning

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development (“HPD” or “the Applicant”) is seeking approval of several actions to facilitate the development of three mixed-use buildings, ranging from 10 to 37 stories (including bulkheads), containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, and approximately 142,185 square feet of community facility space (“Proposed Project”) on Block 1617, generally bounded by Park Avenue, East 111th Street, Madison Avenue, and East 112th Street within the East Harlem neighborhood of Manhattan, Community Board 11.

The actions include: 1) rezoning of the project area from R7-2/C1-4 to R9/C2-5; 2) a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing Area (MIHA); 3) a UDAAP area designation and project approval along with a disposition of City-owned property; 4) an acquisition of a designated area within the project area by the City for community garden use and publically accessible path; 5) a special permit from the City Planning Commission (CPC), pursuant to Zoning Resolution (ZR) §74-743, to modify the bulk regulations within a Large Scale General Development (LSGD) to modify height and setback restrictions and yard requirements applicable to the Proposed Project; 6) a special permit from the CPC, pursuant to ZR §74-744(b), to allow commercial use above the level of the second story in a mixed-use building contrary to the provisions set forth in the ZR §32-42 and §32-435 (c); 7) a special permit from the CPC, pursuant to ZR §74-532, to waive 129 accessory off-street parking spaces required in connection with non-income restricted dwelling units within the Proposed Project and 8) a certification from the CPC pursuant to ZR §32-495 to waive the requirement that a minimum of 50 percent of a building wall facing upon a wide street shall be occupied at the ground level by commercial uses.

Zoning Map Change and Text Amendment

In evaluating these land use actions, the office of the Manhattan Borough President must consider if the proposed language meets the underlying premise of the Zoning Resolution of promoting the general health, safety and welfare of the neighborhood in which this project is being proposed and whether the development would be appropriate to the neighborhood. 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 Mandatory Inclusionary Housing (“MIH”) program.

Urban Development Action Area and Urban Development Action Area Project

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). UDAA and UDAAP provide 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 UDAAP designation the City Planning Commission and the City Council must find that:

- a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;
- b) 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
- c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

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.

Site Selection

HPD requests, pursuant to Section 197-c of the New York City Charter, the acquisition of property generally located on Block 1617 for use as passive recreation space and community gardens.

Special Permit pursuant to §74-743 of the Zoning Resolution (“Large-Scale Special Permit”)

In accordance with the provisions set forth in Chapter 4 of the Zoning Resolution, the City Planning Commission may, after public notice and a hearing, grant a special permit for modifications of the use or bulk regulations of the Zoning Resolution, provided that, for each modification, the conditions that must be addressed prior to granting the special permit are met.

For any LSGD, the Commission may permit special rules and deviations from the parameters of the ZR for distribution of floor area, distance between buildings, the distribution of units, lot coverage and total required open space, all of which are subject to specific limitations outlined in the ZR. In order to grant a special permit, under §74-743 (b)¹ the Commission shall find that:

¹ Under §74-743(b), the findings under Sections 74-743 (b)(3), 74-743(b)(5) – (9) are not applicable for the proposal under consideration. Findings are applicable based on proposal location and the scope of waivers or encroachments requested to facilitate the development or enlargement.

- 1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large scale general development, the neighborhood and the City as a whole;
- 2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby block or of people using the public streets;
- 4) considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
- 10) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and
- 11) where the Commission permits floor area distribution from a zoning lot containing existing light industrial buildings to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such floor area distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the development of affordable housing units within a large-scale general development.

In addition, pursuant to §11-42(c) of the Zoning Resolution, for a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed large-scale general development, a phasing plan showing the distribution of bulk and open space and, in the case of a site plan providing for common open space, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may also prescribe additional conditions and safeguards to improve the quality of the large-scale general development and to minimize adverse effects on the character of the surrounding area.

Special Permit pursuant to §74-744(b) of the Zoning Resolution ("Stacking Special Permit")

For any LSGD, the Commission may permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in §32-42 provided the Commission shall find that:

- 1) the commercial uses are located in a portion of the mixed-use building that has separate access to the outside with no opening of any kind to the #residential# portion of the building at any story;
- 2) the commercial uses are not located directly over any story containing dwelling units; and

- 3) the modifications shall not have any adverse effect on the uses located within the building.

Special Permit pursuant to §74-532 of the Zoning Resolution (“Parking Waiver Special Permit”)
The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development.

The CPC may, in conjunction with an application for a large-scale residential development or large-scale general development in the Transit Zone seeking a bulk modification, reduce or waive the number of required accessory residential off-street parking spaces, including any spaces previously required for an existing building on the zoning lot, provided the Commission finds that:

- a) where the applicant is seeking a reduction of parking spaces required by §25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of income-restricted housing units in such large-scale residential development or large-scale general development. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- b) the anticipated rates of automobile ownership for residents of such large-scale residential development or large-scale general development are minimal and that such reduction or waiver is warranted;
- c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, including the availability of parking spaces for such uses; and
- d) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the CPC may take into account current automobile ownership patterns for an existing building containing residences on the zoning lot, as applicable. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

Related to the ULURP approvals, the applicant also seeks a certification from the City Planning Commission to the Commissioner of Buildings pursuant to ZR §32-435 to waive or modify a street wall requirement if the Commission finds that such change will enhance the design quality of the street wall.

PROJECT DESCRIPTION

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text

amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation for the development site.

Background

According to the NYC Department of Finance's Automated City Register Information System (ACRIS) the block and lots within the proposed development site all entered City stewardship, with a few exceptions, approximately between 1970 and 1980. That period overlapped with a wave of disinvestment and housing abandonment in low-income communities throughout the City. Rising costs and insecure economic cycles were especially punishing to vulnerable communities with older building stock. These conditions resulted in thousands of lots accumulating tax arrears, which sped up abandonment, and ultimately led to municipal ownership.²

Over time many community members advocated for community-centric planning to convert these underutilized and/or vacant spaces into positive contributions to the neighborhood. Strategies ranged from affordable housing to community centers. One specific example was the conversion of these spaces into community gardens and ball fields, as was the case with Block 1617.

The community gardens that have called this site home include Chenchita's Garden, Little Blue House Garden, Mission Garden, Friendly Garden, Villa Santurce, and Villa Santurce Jardinera. These represent some of the oldest community gardens in the City³. Under HPD control, community garden groups were allowed to sign multi-year interim license agreements, which gave them temporary use of the land. The ball field has been in active use by the East Harlem Little League at least since 1997.⁴

East 111th Street Community Visioning Sessions

In conjunction with goals set out by Mayor de Blasio's Housing New York Plan to create and preserve 200,000 affordable units, HPD took steps to begin planning for affordable housing on Block 1617. In February 2016, HPD, City Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and the Office of the Manhattan Borough President convened community workshops to gather input on how to design a framework for future planning on this site.

² Breaking the Cycle of Abandonment, *Pioneer Institute - Better Government Competition No. 10* (2000) Retrieved from https://www1.nyc.gov/assets/hpd/downloads/pdf/bgc_winner.pdf

³ *Bill de Blasio adds affordable housing while preserving NYC's gardens*, *Daily News*, December 31, 2015. Retrieved from <http://www.nydailynews.com/news/politics/gonzalez-de-blasio-raze-gardens-affordable-housing-article-1.2482214>

⁴ *Ball Fields For Housing: A Trade-Off Is Contested*, *NY Times*, August 29, 1997. Retrieved from <http://www.nytimes.com/1997/08/29/nyregion/ball-fields-for-housing-a-trade-off-is-contested.html>

HPD collected the input into a “Community Visioning Report.” Below are the summary findings from the report⁵:

Programming

- Housing Types: Families, singles and young couples, seniors, and other supportive housing for those with special needs;
- Community Facility Types: Arts and cultural center, publicly accessible open space, active recreation facility, and other youth and workforce/economic development centers; and

Retail Types: Sit-down restaurant or cafe, affordable supermarket with healthy food options, and pharmacy; commercial uses in general should promote activity and enliven the street.

Affordability

- Rents affordable to a wide mix of household incomes, but prioritizing extremely low and very low income households;
- Strategies for affordability in perpetuity, such as community land trusts and non-profit ownership; and
- Options for homeownership.

Site Layout & Urban Design

- Maximize the number of affordable units, while respecting surrounding context;
- Create multiple buildings of varying scales with greater heights on the avenues;
- Buildings should incorporate setbacks;
- High quality design and green / sustainable features;
- Retail should be located on the avenues;
- Gardens should be located where there is access to adequate sunlight;
- Safety and security strategies should be prioritized on Park Avenue;
- Streetscape improvements, such as trees, benches, bike racks, and lighting, should be incorporated into the development and sidewalks; and
- Publicly-accessible open space (in addition to the four community gardens being incorporated into the new development).

Additional Considerations

- Local hiring initiatives, fair wages, and apprenticeship programs;
- Targeted marketing of new units to local residents and those that have been displaced from the neighborhood; and
- Willingness to work together with the community and gardeners, after developer selection.

A Request for Proposal (RFP) titled *SustainNYC* was released on May 23, 2016 outlining many of the parameters highlighted by meeting participants. The RFP also required responders to achieve

⁵ *East 111th Street Site Community Visioning Summary Report*, Office of Neighborhood Strategies, NYC Department of Housing Preservation & Development, April 25, 2016. Retrieved from <https://www1.nyc.gov/assets/hpd/downloads/pdf/community/e111-report-back.pdf>

other City policy goals such as the application of Passive House design. Language in the RFP asked responders to refer to other documents included as appendices so that they may identify other priorities. Those documents included the EHNP, the Community Visioning Report and a Community Garden Profiles and Priorities report drafted by the gardeners and staff from NYC GreenThumb.

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of \$30,380, down 9 % from 2010.⁶ The area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator).

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 Melissa Mark-Viverito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a two yearlong process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

The Plan acknowledges that this site is an active project within HPD's Manhattan pipeline, but it does not contain specific zoning recommendations for this full block site. According to the Plan's recommendations, all future rezonings should be done to ensure that 50 percent of the new housing on private and public rezoned sites is affordable to a variety of low- and moderate income levels. The Plan also recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no more than 30 percent of AMI.

Other goals of the Plan relevant to this project are that affordable housing projects include:

⁶ Furman Center. *Manhattan Community Board 11 Profile*. *State of New York City's Housing and Neighborhoods 2016*. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

- establishing a community preference for East Harlem residents (Affordable Housing Development, Objective 2.10);
- eliminating minimum parking requirements in rezonings (Zoning & Land use, Objective 2.11);
- preserving and investing in open space and playgrounds (Open Space & Recreation, Objective 1.1);
- expanding the use of underutilized and nontraditional spaces for the arts (Arts & Culture, Objective 1.2);
- creating socially vibrant sidewalks and activating the commercial streetscape (Zoning & Land use, Objective 3.1) and;
- leveraging rezonings to replace aging and inadequate school facilities with new facilities developed at the base of new developments (Zoning & Land use, Objective 3.3)

The Plan calls for permanent affordability when public sites are developed. However, only 40% of the units created in this project (those mandated under MIH and related regulatory agreements) will be permanently affordable.

Area Context

Located along the western border of CB11, the project site is surrounded by residential buildings with varied typologies. The majority of the area is zoned R7-2, R8A with a C1-5 overlay mapped along portions of East 110th Street, and C1-4 mapped along portions of Madison and Park Avenues. R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. The top elevations of a building in non-contextual districts like R7-2 are set by height factor regulations that determine the building's impact on light and air. Developers can also choose to build a project pursuant to the Quality Housing Program. The Program helps protect the architectural integrity of neighborhoods by incentivizing height and street wall standards with more FAR and specific floor area deduction.

To the north and northeast of the project are Taft and Johnson Houses, two New York City Housing Authority development sites that are 14 and 19 stories respectively. To the east, the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. To the west the area is mapped C1-9, R8, C4-6, and R7-2 with building profiles that include multi-family tenements, high-rise residential buildings, single story commercial buildings, and academic institutions. To the south the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. Most recently, a rezoning was approved in 2016 for Lexington Gardens II (C 160336 ZMM), located three blocks south of the project. The application was a change from R7-2 and C8-4 Districts to an R9 District with the goal of producing approximately 390 new affordable residential units.

A number of educational institutions border the Project Site. It sits in Manhattan Community Education Council 4, which extends from East 96th Street and Second Avenue to East 125th Street and the Harlem River. Although mostly in East Harlem, it also includes Ward's Island and

Randall's Island, Mosiac Preparatory Academy, Success Academy Harlem East, and a District 75 Special Education School are co-located at the former 100-year-old PS 101 build to the east of the Project Site between Park and Lexington Avenue on East 111th Street. Also to the east of the Project Site is the Harbor Science and Arts Charter School located at 132/142 East 111th Street. To the west of the Project Site is P.S. 108 Assemblyman Angelo Del Toro Educational Complex located at 1615 Madison Avenue and The Alain L. Locke Magnet School for Environmental Stewardship and Harlem Link Charter School located at 21 West 111th Street, and P.S. 185 the Early Childhood Discovery and Design Magnet School located at 20 West 112th Street.

The area is home to several renowned spiritual and cultural institutions. The closest house of worship is the historic First Spanish Methodist Church on 163 East 111th Street to the east of the Project Site. To the west of the project site is the Community Christian Church of NYC located on 5 West 110th Street. To the north of the Project site is Mount Zion A.M.E. Church located on 1765 Madison Avenue. Nearby cultural centers, include El Barrio's Artspace PS109 located on East 99th Street between Third and Second Avenues and the Julia de Burgos Latino Cultural Center located on Lexington Avenue between East 105th Street and East 106th Street. Open spaces in close proximity to the project site include Central Park to the west and Marcus Garvey Park to the north.

The area is well served by the MTA. There are several bus routes that service the Project Site. To the southwest are bus stops for the M1, M2, M3 and M4 lines that run between Inwood and the East Village. To the east are bus stops for the M101, M102, and M103 that run between Harlem to City Hall. The M116 bus runs cross-town along 116th Street and the M106 bus runs cross-town along 106th Street. A select bus line, the M15, also serves the project site along Second and First avenues. Subway stations include the 110th Street stop on the #6 Lexington Line located at Lexington Avenue and East 110th Street, and the 110th Street stop on the 2 and 3 Seventh Avenue Express line located at Lenox Avenue and East 110th Street. The Project Site is also near Citi Bike terminals at Madison Avenue and East 106th Street, Madison Avenue and East 110th Street, and Third Avenue and East 109th Street.

Emergency services are provided by the NYPD's 23rd Precinct, located on East 102nd Street between Lexington and Third Avenues, and FDNY Engine 58 and Ladder 26 located on 1367 Fifth Avenue and Engine 91 located on 242 East 111th Street.

Project Area and Project Site

The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally, the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

As previously noted, the proposed Project Site is bound by Park Avenue to the East, East 111th Street to the south, Madison Avenue to the west and East 112th Street to the north on Block 1617. The project site has an approximate total lot area of 76,576 square feet. The site includes six community gardens along the west, south and east frontages of the full block and a baseball field in the center. The lot is currently zoned as an R7-2 District with a C1-4 commercial overlay to a depth of 100 feet along Park and Madison Avenue. As stated above, R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. C1-4 overlays are designed to allow for local retail needs. The Project Area includes only city-owned parcels (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122). The remaining two lots on Block 617 are not part of the development site and are privately-owned. Lot 21 has a single four-story mixed-use building and Lot 34 is used for storage and surface parking.

Proposed Project

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Once completed, the project will front all frontages on Block 1617. A significant factor in making the project work is the creation of a large-scale general development that will merge the zoning lot and memorialize all agreements into a land disposition agreement associated with the transfer of the property. This action will exclude privately-owned lots 21 and 34.

The Proposed Project will contain approximately 718,447 square feet of floor area (9.15 FAR). Of the total floor area for the proposed project, 544,069 (7.10 FAR) will be slated for residential use resulting in approximately 655 residential units. Commercial use will take up approximately 32,194 square feet (0.44 FAR) and approximately 142,185 square feet of community facility space (1.60 FAR) will be included. The three buildings are predominately residential with a mix of unit sizes ranging from studio through three bedroom units. The buildings will range from 10-37 stories or 117 to 432 feet (including bulkheads). Each of the buildings are predominately residential but will include either some commercial or community facility use or both.

What the application refers to as Building A is located at the intersection of Madison Avenue and East 112th Street. This building represents the tallest of the three structures at 37 Stories with an envelope height of approximately 418.5 feet with a three-story base. This building will contain approximately 308,723 square feet of residential use or 365 residential units, approximately 10,311 square feet of community facility use and approximately 32,194 square feet of commercial space, representing the total of the commercial space for this project. The commercial space will include a supermarket.

Fronting East 112th Street and wrapping to the west around Madison Avenue is Building B. This building will be 15 stories with an envelope height of approximately 218.5 feet with a five-story base. This building will contain approximately 163,945 square feet of residential use or 211

residential units and approximately 120,934 square feet of community facility use. Building B will be the home of a proposed DREAM Charter School.

Proposed for the midblock frontage of East 111th Street is Building C. This building will be 10 stories with an envelope height of approximately 151.34 feet with a seven-story base. This building will contain approximately 71,401 square feet of residential use or 79 residential units and approximately 10,941 square feet of community facility use.

Pursuant to the requirements of MIH, the applicant has proposed using Option 1 and Option 3 for this project. Option 1 requires that at least 25 percent of the residential floor area be permanently affordable with varying levels of affordability that average to 60 percent of AMI of (\$48,960 for a household of three⁷) with an additional requirement for a minimum of 10 percent of housing be affordable at 40 percent of AMI (\$31,080 for a household of three). Option 3 requires 20 percent of the total MIH floor area to be affordable at an average of 40 percent of AMI (\$31,080 for a household of three). Another stipulation is that subsidies are allowed only where they are necessary to support more affordable housing.

Out of the approximately 655 residential units in the three buildings, approximately 262 units, or 40 percent of units, will be permanently affordable. The higher percentage of permanently affordable units are due to HPD's requirement that any MIH project receiving public subsidy must increase the amount of permanently affordable units by 15 percent. Assuming that community preference will still be in effect when this building receives its Certificate of Occupancy, at least 50 percent of units are set aside for the residents of Community District 11. All of the affordable units will be subject to the affordable housing lottery with the maximum income capped at 130 percent of AMI.

The remaining 393 units will remain affordable for a term of 60 years. Currently the proposed developer is still in discussions with HPD as to what term sheets will be appropriate for this project but currently the proposed developer will be using HPD's Extremely Low & Low-Income Affordability (ELLA) Program for Buildings B & C and the M2 / Mixed-Middle-Income Program Term Sheets for Building A.

Per conversations with the applicant, the rent structure for units in the three buildings will provide six tiers of affordability. The breakdown is as follows: 20 percent of units or approximately 134 units at 30 percent AMI; five percent of units or approximately 32 units at 40 percent AMI; six percent of units or approximately 42 units at 50 percent AMI; 27 percent of units or approximately 174 units at 60 percent AMI; 17 percent of units or approximately 109 units at 80 percent AMI, and 25 percent or approximately 164 units at 130 percent AMI. The affordable units will be distributed pursuant to the current requirements of MIH.

Figure 1: Approximate Rents for Proposed Affordable Apartments

Affordable at 30% of AMI

⁷ based on the new AMI chart that HPD published on 1/11/17

Incomes	# of units	Proposed Monthly Rents
Studio	39 units	\$327 per month
1 Bedroom	49 units	\$418 per month
2 Bedroom	28 units	\$509 per month
3 Bedroom	18 units	\$582 per month
Total # of units	134 units	

Affordable at 40% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	8 units	\$464 per month
1 Bedroom	12 units	\$590 per month
2 Bedroom	7 units	\$714 per month
3 Bedroom	5 units	\$819 per month
Total # of units	32 units	

Affordable at 50% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	7 units	\$599 per month
1 Bedroom	21 units	\$758 per month
2 Bedroom	9 units	\$917 per month
3 Bedroom	5 units	\$1,053 per month
Total # of units	42 units	

Affordable at 60% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	31 units	\$775 per month
1 Bedroom	63 units	\$970 per month
2 Bedroom	51 units	\$1,162 per month
3 Bedroom	29 units	\$1,344 per month
Total # of units	174 units	

Affordable at 80% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	7 units	\$1,050 per month
1 Bedroom	21 units	\$1,320 per month
2 Bedroom	9 units	\$1,590 per month
3 Bedroom	5 units	\$1,831 per month
Total # of units	109 units	

Affordable at 130% of AMI		
Incomes	# of units	Proposed Monthly Rents

Studio	33 units	\$1,727 per month
1 Bedroom	49 units	\$2,168 per month
2 Bedroom	49 units	\$2,609 per month
3 Bedroom	33 units	\$3,008 per month
Total # of units	164 units	

Source: Jonathan Rose Companies | L+M Development Partners | Handel Architects | Steven Winter Associates (2017). Sendero Verde presentation [PowerPoint slides]. Retrieved from <http://www.cb11m.org/current-projects/>

All three buildings will meet Passive House standards. Successful implementation of this sustainability program will include a combination of structural elements installed during construction in addition to educational and support programming once the building starts to accept tenants. At the center of the proposed project will be an interior courtyard approximately 264 feet x 63.42 feet. The courtyard will be a passive recreational space with public entrances along Park Avenue, East 111th Street and the rear entrances of the adjoining community facility spaces.

Finally, per the requirements of the RFP, the applicant and the proposed developer will allocate space for continuing community garden use at the proposed development site. The reconstructed community gardens will be placed on the southern half of the full block site, fronting Madison Avenue, East 111th Street and Park Avenue. A dedicated community room and a bathroom will be available to the four gardens and located in Building A. The City plans to move forward with an acquisition of the garden areas and ultimately put them under the jurisdiction of DPR. A public path that traverses the garden area will be included in the acquisition action. Future maintenance of the path will remain the responsibility of the proposed developer. The maintenance of the path, public accessibility and upkeep requirements of the interior courtyard, hours of operations and other administrative responsibilities will be included in the disposition agreement.

Proposed Actions⁸

In order to facilitate the development of the mixed-use proposal of three buildings containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, approximately 142,185 square feet of community facility square feet (“Proposed Project”) and the selection of land for community gardens and passive recreation space on Block 1617, the following land use actions are required:

Zoning Map Amendment:

⁸ The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

The applicant seeks a zoning map amendment to rezone the project area (Block 1617) from an R7-2 district with C1-4 overlays along both Park and Madison Avenue to a R9 district with C2-5 commercial overlays to a depth of 100 feet along the frontage of Park Avenue and the frontage of Madison Avenue. The rezoning area includes the Project Site (Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122) and the two privately owned lots (Lots 21 and 34).

Zoning Text Amendment

The applicant seeks to amend Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area over the Project Area affecting the city-owned property and privately owned property on Block 1617.

Designation of an Urban Development Action Area and Urban Development Action Area Project, Disposition of city-owned property

The applicant seeks to designate Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122 as a UDAA and UDAAP based on their analysis of the project area consisting of underutilized land and determination that incentives are needed to change what the applicant describes as “substandard, unsanitary, and blighting conditions.” The applicant is making the claim that the proposed project will promote better conditions and sound development. Disposition of the land to a developer will be determined by HPD. The proposed developer team is Jonathan Rose Companies, L+M Development Partners, Handel Architects, and Steven Winter Associates.

Site Selection

The city seeks authorization to acquire Lots 22, 121, 122 and 35 and portions of Lots 23, 25, 28 and 37 for use as a Community Garden. There are existing community garden spaces and a publicly-accessible path within the aforementioned lots. The Department of Parks and Recreation (DPR) will assume jurisdiction with the future owner of the Proposed Project to be responsible for all maintenance.

Special Permit pursuant to §74-743 of the Zoning Resolution

As stated in the application, in order to facilitate the construction of the Proposed Project, the applicant requests a special permit, pursuant to §74-743, to modify the bulk regulations within a LSGD containing height and setback restrictions and yard requirements applicable to the Proposed Project as follows:

- 23-65(a) and (b) to apply tower-on-a-base regulations to the entire development site and all buildings located on the development site, including those portions located beyond 125 feet from the wide street frontage along the short dimension of the block, and beyond 100 Feet from the wide street frontage along the long dimension of the block;
- 23-651(a) To determine the aggregate tower coverage of all buildings on the development site based upon the entire area of the development site, including those areas located beyond 125 feet from the wide street frontage along the short dimension of the block;
- 23-651(a)(1) to (i) calculate tower coverage restrictions to those portions of the proposed buildings on the development site located at any level above the maximum base height of

85 feet, (ii) to calculate tower coverage based upon the aggregate of all buildings located on the development site, and (iii) to allow, upon completion of all the buildings on the development site, the towers of all the buildings on the zoning lot to occupy in the aggregate an area comprising less than 30 percent of the lot area of the zoning lot at upper levels of the tower, and more than 40 percent of the lot area of the zoning lot at lower levels of the tower;

- 23-651 (a)(3) to permit a minimum of 55 percent of the total floor area permitted on the zoning lot to be located below a height of 150 feet above base plane;
- 23-651(a)(4) to allow the tower portion of the building at a height of 85 feet and above to be located at the street line (the portion of Building C located above 85 feet above base plane and located at the street line);
- 23-651(a)(5) to allow tower portions of the proposed development to be located on a narrow street at a distance that is more than 100 feet from the intersections with a wide street (Building C along East 111th Street);
- 23-651(b)(1) and 35-64(a)(1) to:
 - permit the proposed development not to occupy the entire frontage of the zoning lot along a wide street and on a narrow street within 125 feet of its intersection with a wide street (along Madison Avenue, Park Avenue and portions of East 111th Street), and;
 - to allow the base of the street wall of the proposed project along a wide street to not be located entirely on the street line (The base of Building B at the intersection of Park Avenue and East 112th Street);
- 23-651(b)(2) to permit the base of the proposed tower-on-a-base development along Madison Avenue and portions of East 112th Street to setback from the street line between a height of 47 feet and 60 feet above curb level, and allow the base along East 112th Street and East 111th Street to exceed a height of 85 feet above curb level;
- 23-651(4) to allow the open area at ground level between Park Avenue and East 112th Street street lines and the street wall of the proposed project not fronting on a building entrance or exits to not contain landscaping; and
- 24-832 to allow a permitted obstruction within a portion of the rear yard equivalent located in a residential district beyond 100 feet of a wide street that is used for a community facility use other than a school, house of worship, college, university or hospital with related facilities.

Special Permit pursuant to §74-532 of the Zoning Resolution

The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 required accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development. Currently the Proposed Development includes no parking spaces as part of the site plan. Their analysis of car-ownership rates in the area anticipates a demand for 41 parking spaces and believes that existing on-street parking can absorb the need.

Certification from the City Planning Commission pursuant to ZR §32-435

The applicant is also seeking a certification from the CPC to waive the requirement that a

minimum of 50 percent of a building wall facing upon a wide street be occupied at the ground level by commercial uses. This action is not subject to review by the Borough President.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 27, 2017, Manhattan Community Board 11 (CB 11) passed a favorable resolution with conditions in support of the application. The final vote for the resolution was 29 in favor, 5 opposed, and 3 abstentions. Before the full board vote, the applicant appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

In their written comments submitted to the Department of City Planning, CB 11 voiced support for the applicant's efforts to create affordable housing but expressed several concerns related to programming on the project site and depth of affordability. The Board questioned the need for the number of apartments set at 130 percent of AMI and wanted to see that redistributed to lower tiers. They also opposed the current unit distribution scheme, where all of the apartments set at 130 percent of AMI are consolidated into a single building. The Board challenged the applicants and proposed developer team's commitment to local hiring and pointed to their own robust set of standards as a minimum benchmark the applicant and developer should seek to achieve. CB 11 members also expressed a desire to see a local nonprofit developer recruited to be an equity partner on the project. The Board also asked several questions related to topics such as ADA compliance, maintenance and management of the proposed development with specific attention to the public open space.

As a result of these conversations, CB11's approval is contingent on the following commitments:

- All housing on the project should be 100 percent permanently affordable;
- Local hiring commitment for the project should include a guaranteed minimum of 10%, with a CB11 target of 35 percent pre-construction, 35 percent during construction and 100 percent post-construction, with all community partners be subject to same hiring requirements;
- The percentage of total units currently set at 130 percent of AMI is reduced from 25 percent to 20 percent. The remaining 5 percent shall be a set at under 60 percent of AMI;
- All buildings should contain each of the income tiers;
- The final agreement should state that the open space will remain accessible to the public into perpetuity;
- A management plan for the premises should be provided prior to the vote of the Office of the Manhattan Borough President and the Council Member;
- The hours and availability of amenities shall be set forth clearly, and there shall be signage on the premise clearly conveying to the public that the public space may be used by the public;

- CB11 should have final approval on the selection of any community partners selected for the premises and such partners shall be from the East Harlem Community;
- There should be compliance with ADA requirements throughout the entire project;
- There should be additional safety training beyond OSHA training and an on-site security monitor during construction and pre-apprenticeship and apprenticeship training;
- The development team and anchor tenants should come before the community board quarterly as the project progresses and after the project, as well as coming before the Manhattan Borough President, NYC Council, DCP;

BOROUGH PRESIDENT PUBLIC HEARING

On July 13, 2017, the Manhattan Borough President conducted a public hearing on both this application and a related application by the Department of City Planning (DCP) to rezone 96 blocks of East Harlem (Nos. C 170358 ZMM et al), an area that also includes the proposed development site. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

From both the written and oral testimony collected, only one speaker spoke to the subject application directly. This speaker offered an alternative scenario that would result in less housing, commercial and community facility use, consolidate the community gardens into one entity but also preserve the baseball field located in the middle of the full block. However, the other speakers' comments which were directed toward the larger rezoning did address issues raised by this application, including the possibility that calculations related to environmental and quality of life impacts by development were underestimated in the EIS, that proposed development lacked representation from local nonprofit developers and that there was need for more units at lower levels of affordability.

BOROUGH PRESIDENT'S COMMENTS

Since taking office, making affordable housing accessible to working people and vulnerable communities has been one of my top priorities. Along with other elected officials and community partners, this Office has introduced legislation that strengthens enforcement against code violations and seeks to stem the turnover of previously income-restricted units. On the ground, we have worked with legal aid attorneys and organizers to knock on doors, investigate the conditions of overleveraged building portfolios and help make tenants aware of their rights while empowering them to advocate together for better standards as tenant associations.

Alongside these efforts, we have tried to maximize our role in the land use process to create opportunities for affordable housing that counter the loss of income-restricted apartments, a phenomenon that is having a destabilizing impact and undermines the diverse communities that make up our city. Communities that once reflected a cross section of different backgrounds, cultures and occupations, are under threat because of the increasing cost of living and rising

rents, which contribute to displacing long-time residents and small businesses. Deregulation of residential units, due to porous state laws and expiring regulatory agreements, have stripped hundreds of thousands of tenants of their basic protections and placed them at the mercy of market forces.

We have been told that there are limitations on what we could demand of the private sector to create the kind of housing the majority of New Yorkers can really afford. With that in mind, we have only our city-owned sites as places we can guarantee that government shape the conditions and requirements so we are sure the housing that is built is more affordable and permanent than options provided by the private sector. Public site development is our best hope for building the housing we need for middle and moderate-income families as well as our most vulnerable communities.

Block 1617 or the East 111th Street site is already a location with profound importance and part of the fabric of East Harlem. As home to several of the City's oldest and most popular community gardens, it has attracted the attention of locals and other horticulture enthusiasts as an example of how community-driven green spaces can thrive. In addition, East Harlem Little League, that used and maintained the ball field, remains a source of pride for a community that values outlets that help young people explore their potential. Based on our conversations, I understand that HPD has always planned to develop affordable housing for this site, and given the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. However, an acceptable proposal would have to address those housing needs and continue the site's role as a convening space for residents throughout the district. A proposal, such as this one, that incorporates those objectives would be a fitting next use for this city-owned parcel.

The applicant and the proposed developer have outlined a compelling proposal for the future of Block 1617. The concept plan as presented appears to be a genuine attempt at achieving elements of the EHNP. The proposed developer has sought to provide a range of neighborhood assets and presented creative strategies for managing the relationship between the community gardens and open space to the layout of the other site elements. The proposal also furthers the use of Passive House Design, a set of design principles used to attain a quantifiable and rigorous level of energy efficiency, which I have worked to make the standard for new development in Manhattan. Finally, the most important piece of this plan that we need to examine is the commitment to affordable housing, the centerpiece of this application.

Open Space

The application maintains significant space for the community gardens. However, according to our conversation with the gardeners, the proposed design and site assignments for the community gardens are smaller than what they currently use. I understand that the parameters in the RFP for the gardens was based on the original license agreements and that the proposed developers are trying to provide more than the minimum areas, but I believe we can do better. I would like to see a more thorough plan for how these gardens would thrive under the site arrangement proposed by the developer. Additionally, because the gardens are such a community asset, links between the gardens and the community facility partners to enhance the benefits available to the

community should be explored. The question of how the gardens and community facilities could work together came up after the proposed developer was announced, but has not been adequately explored.

We need to formalize the specifics concerning the maintenance and operation of the interior courtyard space. Issues such as how the space will be maintained, who will decide and be responsible for sharing information related to the hours of operation, access and the permitted activities must be spelled out. Though we have received verbal assurances from the applicant that the conveyance of this land will be accompanied with a disposition agreement outlining this information, it is worrying to have some of these important questions still unanswered as I consider the appropriateness of the application.

Affordable Housing

Public sites are our best opportunity to create housing for those making at or under 30 percent of AMI. The lowest income tiers for housing under the MIH program are largely out of reach for these working New Yorkers. While the application provides that 20 percent of the affordable housing provided will be available to persons with incomes no greater than 30 percent of AMI, I urge the applicant to consider if there is more that can be done. 37 percent of residents of East Harlem earn less than 30 percent of AMI and we know that private developments rarely have more than 20 percent of affordable housing set aside at this income level. Therefore if we are to reach the goal of the EHNP of making 20 percent of the affordable housing at the level of 30 percent of AMI or lower, we must make up for “lost ground” in public projects such as this.

While I applaud the proposed developer’s commitment to making all the residential units income-restricted at the onset, 60% of those units are not permanent. The restriction of those units is based on a regulatory agreement with a fixed timeline. Recently my office was told that a nonprofit partner was going to be included on the development team. While encouraging, we have yet to get more specifics about what their role will be and what level of equity they will have in the project. Additionally we understand that the nonprofit developer is based in the Bronx. CB11’s recommendation had called for a mission-driven organization that is based in East Harlem and to be included in the choosing of that entity – both of which did not happen. In discussions with the proposed development team, they have explained that the available finance mechanisms limit what their commitment to long-term permanence can be. As the City moves to shrink its portfolio of unused or underutilized land, it must do so with the intention of preserving the value of that same land to the residents of the city in perpetuity. Where requirements for permanent affordability of all units in a project built on formerly city-owned land are not possible, the City must explore mechanisms to achieve “practical permanence” as a tool for future development of projects where the City has contributed land. MIH requirements are an effective way to assure permanent affordability in private projects, but developments that use City land must be held to a higher standard. All dispositions of city-owned land have the option of attaching a restrictive covenant to the deed that establishes additional requirements to the property owner.

The City must take the concept of “practical permanence” beyond balloon payments and establish a public process that occurs at or near the expiration of the public financing and regulatory agreement to ensure true and permanent oversight of our city assets. This would go far toward justifying the permanent disposition of city land. If this is not an option for for-profit developers when city-owned land is involved, then we should consider prioritizing mission-driven nonprofit developers and/or community land trusts to act as the steward to help achieve the permanence we seek. These are not new concerns nor are they ideas I raise here for the first time, and I urge progress on developing such mechanisms.

Density and Neighborhood Character

The increase in density from R7-2 to R9 is appropriate at this location since two wide streets bound the site, and the scale of the project will allow for a greater number of permanently affordable units through MIH. Based on the East Harlem Neighborhood Plan and previous Community Board 11 land use decisions, upzonings paired with site planning that strives to minimize the impact of additional density have been supported where proposals maximize the amount of permanently affordable housing. In contrast with the East Harlem Rezoning proposal (C- 170358 ZMM), a separate application running concurrently in ULURP where I have serious concerns that the additional density outweighs the benefits of the additional affordable housing, the Sendero Verde project provides a level of detail and specific site planning that make me confident that this project can be a substantial benefit to the community.

This application also smartly uses the design tools via bulk, height and setback modifications available when using a LSGD to relate the building mass and placement of open and garden space to the surrounding area in an appropriate manner. The site plan calls for the tallest of the three buildings (Building A) to be adjacent to the frontage that is most appropriate for the density (two wide streets) and in proximity to similar tower-in-the-park developments located to the north of the lot. Buildings B and C, significantly shorter, are aligned with the mid-rise developments found along the remaining frontages. Several modifications among the proposed actions would mitigate light and air issues for the open space, the gardens and the surrounding area in comparison to several as-of-right scenarios.

In addition, the argument for waiving required accessory parking to support maximizing the amount of affordable units or contributing to driving down the AMI tiers for a percentage of units was thoughtful and in line with the policy of this office.

After careful review, I believe the modifications and permits requested by the applicant are appropriate and would contribute to a better site plan and relationship between the buildings, and the wider neighborhood.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM on the following conditions:

1. That the applicant and the proposed developer work with our office, Community Board 11, the local Council Member, and the City to reach deeper levels of affordability below 30 percent AMI on the income-restricted units and increase the percentage of units at 30 percent AMI and below;
2. That the proposed developer include a locally-based mission-driven nonprofit developer and/or community land trust as an equity partner with sufficient leverage to ensure that the extension of the non-permanent units as income-restricted units is made a priority;
3. That the applicant commits to and provides a timeline for completing a study of how to enact "practical permanence" by using restrictive covenants on the deed to compel owners to extend the duration of affordability and regulatory requirements;
4. That the proposed developer develop a tower design that demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration, that will result in a prominent and distinctive building which complements the character of the surrounding area; and
5. That the applicant and the proposed developer commit to providing regular updates to the Board and demonstrate ways they have incorporated both the Board's and my recommendations prior to the CPC vote.



Gale A. Brewer
Manhattan Borough President



OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN
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Recommendation on ULURP Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM - Sendero Verde – East 111th Street by The New York City Department of City Planning

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development (“HPD” or “the Applicant”) is seeking approval of several actions to facilitate the development of three mixed-use buildings, ranging from 10 to 37 stories (including bulkheads), containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, and approximately 142,185 square feet of community facility space (“Proposed Project”) on Block 1617, generally bounded by Park Avenue, East 111th Street, Madison Avenue, and East 112th Street within the East Harlem neighborhood of Manhattan, Community Board 11.

The actions include: 1) rezoning of the project area from R7-2/C1-4 to R9/C2-5; 2) a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing Area (MIHA); 3) a UDAAP area designation and project approval along with a disposition of City-owned property; 4) an acquisition of a designated area within the project area by the City for community garden use and publically accessible path; 5) a special permit from the City Planning Commission (CPC), pursuant to Zoning Resolution (ZR) §74-743, to modify the bulk regulations within a Large Scale General Development (LSGD) to modify height and setback restrictions and yard requirements applicable to the Proposed Project; 6) a special permit from the CPC, pursuant to ZR §74-744(b), to allow commercial use above the level of the second story in a mixed-use building contrary to the provisions set forth in the ZR §32-42 and §32-435 (c); 7) a special permit from the CPC, pursuant to ZR §74-532, to waive 129 accessory off-street parking spaces required in connection with non-income restricted dwelling units within the Proposed Project and 8) a certification from the CPC pursuant to ZR §32-495 to waive the requirement that a minimum of 50 percent of a building wall facing upon a wide street shall be occupied at the ground level by commercial uses.

Zoning Map Change and Text Amendment

In evaluating these land use actions, the office of the Manhattan Borough President must consider if the proposed language meets the underlying premise of the Zoning Resolution of promoting the general health, safety and welfare of the neighborhood in which this project is being proposed and whether the development would be appropriate to the neighborhood. 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 Mandatory Inclusionary Housing (“MIH”) program.

Urban Development Action Area and Urban Development Action Area Project

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). UDAA and UDAAP provide 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 UDAAP designation the City Planning Commission and the City Council must find that:

- a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;
- b) 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
- c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

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.

Site Selection

HPD requests, pursuant to Section 197-c of the New York City Charter, the acquisition of property generally located on Block 1617 for use as passive recreation space and community gardens.

Special Permit pursuant to §74-743 of the Zoning Resolution (“Large-Scale Special Permit”)

In accordance with the provisions set forth in Chapter 4 of the Zoning Resolution, the City Planning Commission may, after public notice and a hearing, grant a special permit for modifications of the use or bulk regulations of the Zoning Resolution, provided that, for each modification, the conditions that must be addressed prior to granting the special permit are met.

For any LSGD, the Commission may permit special rules and deviations from the parameters of the ZR for distribution of floor area, distance between buildings, the distribution of units, lot coverage and total required open space, all of which are subject to specific limitations outlined in the ZR. In order to grant a special permit, under §74-743 (b)¹ the Commission shall find that:

¹ Under §74-743(b), the findings under Sections 74-743 (b)(3), 74-743(b)(5) – (9) are not applicable for the proposal under consideration. Findings are applicable based on proposal location and the scope of waivers or encroachments requested to facilitate the development or enlargement.

- 1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large scale general development, the neighborhood and the City as a whole;
- 2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby block or of people using the public streets;
- 4) considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
- 10) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and
- 11) where the Commission permits floor area distribution from a zoning lot containing existing light industrial buildings to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such floor area distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the development of affordable housing units within a large-scale general development.

In addition, pursuant to §11-42(c) of the Zoning Resolution, for a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed large-scale general development, a phasing plan showing the distribution of bulk and open space and, in the case of a site plan providing for common open space, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may also prescribe additional conditions and safeguards to improve the quality of the large-scale general development and to minimize adverse effects on the character of the surrounding area.

Special Permit pursuant to §74-744(b) of the Zoning Resolution ("Stacking Special Permit")

For any LSGD, the Commission may permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in §32-42 provided the Commission shall find that:

- 1) the commercial uses are located in a portion of the mixed-use building that has separate access to the outside with no opening of any kind to the #residential# portion of the building at any story;
- 2) the commercial uses are not located directly over any story containing dwelling units; and

- 3) the modifications shall not have any adverse effect on the uses located within the building.

Special Permit pursuant to §74-532 of the Zoning Resolution ("Parking Waiver Special Permit")
The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development.

The CPC may, in conjunction with an application for a large-scale residential development or large-scale general development in the Transit Zone seeking a bulk modification, reduce or waive the number of required accessory residential off-street parking spaces, including any spaces previously required for an existing building on the zoning lot, provided the Commission finds that:

- a) where the applicant is seeking a reduction of parking spaces required by §25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of income-restricted housing units in such large-scale residential development or large-scale general development. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
- b) the anticipated rates of automobile ownership for residents of such large-scale residential development or large-scale general development are minimal and that such reduction or waiver is warranted;
- c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, including the availability of parking spaces for such uses; and
- d) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the CPC may take into account current automobile ownership patterns for an existing building containing residences on the zoning lot, as applicable. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

Related to the ULURP approvals, the applicant also seeks a certification from the City Planning Commission to the Commissioner of Buildings pursuant to ZR §32-435 to waive or modify a street wall requirement if the Commission finds that such change will enhance the design quality of the street wall.

PROJECT DESCRIPTION

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text

amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation for the development site.

Background

According to the NYC Department of Finance's Automated City Register Information System (ACRIS) the block and lots within the proposed development site all entered City stewardship, with a few exceptions, approximately between 1970 and 1980. That period overlapped with a wave of disinvestment and housing abandonment in low-income communities throughout the City. Rising costs and insecure economic cycles were especially punishing to vulnerable communities with older building stock. These conditions resulted in thousands of lots accumulating tax arrears, which sped up abandonment, and ultimately led to municipal ownership.²

Over time many community members advocated for community-centric planning to convert these underutilized and/or vacant spaces into positive contributions to the neighborhood. Strategies ranged from affordable housing to community centers. One specific example was the conversion of these spaces into community gardens and ball fields, as was the case with Block 1617.

The community gardens that have called this site home include Chenchita's Garden, Little Blue House Garden, Mission Garden, Friendly Garden, Villa Santurce, and Villa Santurce Jardinera. These represent some of the oldest community gardens in the City³. Under HPD control, community garden groups were allowed to sign multi-year interim license agreements, which gave them temporary use of the land. The ball field has been in active use by the East Harlem Little League at least since 1997.⁴

East 111th Street Community Visioning Sessions

In conjunction with goals set out by Mayor de Blasio's Housing New York Plan to create and preserve 200,000 affordable units, HPD took steps to begin planning for affordable housing on Block 1617. In February 2016, HPD, City Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and the Office of the Manhattan Borough President convened community workshops to gather input on how to design a framework for future planning on this site.

² Breaking the Cycle of Abandonment, *Pioneer Institute - Better Government Competition No. 10* (2000)
Retrieved from https://www1.nyc.gov/assets/hpd/downloads/pdf/bgc_winner.pdf

³ *Bill de Blasio adds affordable housing while preserving NYC's gardens*, *Daily News*, December 31, 2015.
Retrieved from <http://www.nydailynews.com/news/politics/gonzalez-de-blasio-raze-gardens-affordable-housing-article-1.2482214>

⁴ *Ball Fields For Housing: A Trade-Off Is Contested*, *NY Times*, August 29, 1997. Retrieved from <http://www.nytimes.com/1997/08/29/nyregion/ball-fields-for-housing-a-trade-off-is-contested.html>

HPD collected the input into a “Community Visioning Report.” Below are the summary findings from the report⁵:

Programming

- Housing Types: Families, singles and young couples, seniors, and other supportive housing for those with special needs;
- Community Facility Types: Arts and cultural center, publicly accessible open space, active recreation facility, and other youth and workforce/economic development centers; and

Retail Types: Sit-down restaurant or cafe, affordable supermarket with healthy food options, and pharmacy; commercial uses in general should promote activity and enliven the street.

Affordability

- Rents affordable to a wide mix of household incomes, but prioritizing extremely low and very low income households;
- Strategies for affordability in perpetuity, such as community land trusts and non-profit ownership; and
- Options for homeownership.

Site Layout & Urban Design

- Maximize the number of affordable units, while respecting surrounding context;
- Create multiple buildings of varying scales with greater heights on the avenues;
- Buildings should incorporate setbacks;
- High quality design and green / sustainable features;
- Retail should be located on the avenues;
- Gardens should be located where there is access to adequate sunlight;
- Safety and security strategies should be prioritized on Park Avenue;
- Streetscape improvements, such as trees, benches, bike racks, and lighting, should be incorporated into the development and sidewalks; and
- Publicly-accessible open space (in addition to the four community gardens being incorporated into the new development).

Additional Considerations

- Local hiring initiatives, fair wages, and apprenticeship programs;
- Targeted marketing of new units to local residents and those that have been displaced from the neighborhood; and
- Willingness to work together with the community and gardeners, after developer selection.

A Request for Proposal (RFP) titled *SustainNYC* was released on May 23, 2016 outlining many of the parameters highlighted by meeting participants. The RFP also required responders to achieve

⁵ *East 111th Street Site Community Visioning Summary Report, Office of Neighborhood Strategies, NYC Department of Housing Preservation & Development*, April 25, 2016. Retrieved from <https://www1.nyc.gov/assets/hpd/downloads/pdf/community/e111-report-back.pdf>

other City policy goals such as the application of Passive House design. Language in the RFP asked responders to refer to other documents included as appendices so that they may identify other priorities. Those documents included the EHNP, the Community Visioning Report and a Community Garden Profiles and Priorities report drafted by the gardeners and staff from NYC Greenthumb.

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of \$30,380, down 9 % from 2010.⁶ The area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator).

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 Melissa Mark-Viverito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a two yearlong process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

The Plan acknowledges that this site is an active project within HPD's Manhattan pipeline, but it does not contain specific zoning recommendations for this full block site. According to the Plan's recommendations, all future rezonings should be done to ensure that 50 percent of the new housing on private and public rezoned sites is affordable to a variety of low- and moderate income levels. The Plan also recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no more than 30 percent of AMI.

Other goals of the Plan relevant to this project are that affordable housing projects include:

⁶ Furman Center. *Manhattan Community Board 11 Profile. State of New York City's Housing and Neighborhoods 2016*. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

- establishing a community preference for East Harlem residents (Affordable Housing Development, Objective 2.10);
- eliminating minimum parking requirements in rezonings (Zoning & Land use, Objective 2.11);
- preserving and investing in open space and playgrounds (Open Space & Recreation, Objective 1.1);
- expanding the use of underutilized and nontraditional spaces for the arts (Arts & Culture, Objective 1.2);
- creating socially vibrant sidewalks and activating the commercial streetscape (Zoning & Land use, Objective 3.1) and;
- leveraging rezonings to replace aging and inadequate school facilities with new facilities developed at the base of new developments (Zoning & Land use, Objective 3.3)

The Plan calls for permanent affordability when public sites are developed. However, only 40% of the units created in this project (those mandated under MIH and related regulatory agreements) will be permanently affordable.

Area Context

Located along the western border of CB11, the project site is surrounded by residential buildings with varied typologies. The majority of the area is zoned R7-2, R8A with a C1-5 overlay mapped along portions of East 110th Street, and C1-4 mapped along portions of Madison and Park Avenues. R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. The top elevations of a building in non-contextual districts like R7-2 are set by height factor regulations that determine the building's impact on light and air. Developers can also choose to build a project pursuant to the Quality Housing Program. The Program helps protect the architectural integrity of neighborhoods by incentivizing height and street wall standards with more FAR and specific floor area deduction.

To the north and northeast of the project are Taft and Johnson Houses, two New York City Housing Authority development sites that are 14 and 19 stories respectively. To the east, the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. To the west the area is mapped C1-9, R8, C4-6, and R7-2 with building profiles that include multi-family tenements, high-rise residential buildings, single story commercial buildings, and academic institutions. To the south the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. Most recently, a rezoning was approved in 2016 for Lexington Gardens II (C 160336 ZMM), located three blocks south of the project. The application was a change from R7-2 and C8-4 Districts to an R9 District with the goal of producing approximately 390 new affordable residential units.

A number of educational institutions border the Project Site. It sits in Manhattan Community Education Council 4, which extends from East 96th Street and Second Avenue to East 125th Street and the Harlem River. Although mostly in East Harlem, it also includes Ward's Island and

Randall's Island, Mosiac Preparatory Academy, Success Academy Harlem East, and a District 75 Special Education School are co-located at the former 100-year-old PS 101 build to the east of the Project Site between Park and Lexington Avenue on East 111th Street. Also to the east of the Project Site is the Harbor Science and Arts Charter School located at 132/142 East 111th Street. To the west of the Project Site is P.S. 108 Assemblyman Angelo Del Toro Educational Complex located at 1615 Madison Avenue and The Alain L. Locke Magnet School for Environmental Stewardship and Harlem Link Charter School located at 21 West 111th Street, and P.S. 185 the Early Childhood Discovery and Design Magnet School located at 20 West 112th Street.

The area is home to several renowned spiritual and cultural institutions. The closest house of worship is the historic First Spanish Methodist Church on 163 East 111th Street to the east of the Project Site. To the west of the project site is the Community Christian Church of NYC located on 5 West 110th Street. To the north of the Project site is Mount Zion A.M.E. Church located on 1765 Madison Avenue. Nearby cultural centers, include El Barrio's Artspace PS109 located on East 99th Street between Third and Second Avenues and the Julia de Burgos Latino Cultural Center located on Lexington Avenue between East 105th Street and East 106th Street. Open spaces in close proximity to the project site include Central Park to the west and Marcus Garvey Park to the north.

The area is well served by the MTA. There are several bus routes that service the Project Site. To the southwest are bus stops for the M1, M2, M3 and M4 lines that run between Inwood and the East Village. To the east are bus stops for the M101, M102, and M103 that run between Harlem to City Hall. The M116 bus runs cross-town along 116th Street and the M106 bus runs cross-town along 106th Street. A select bus line, the M15, also serves the project site along Second and First avenues. Subway stations include the 110th Street stop on the #6 Lexington Line located at Lexington Avenue and East 110th Street, and the 110th Street stop on the 2 and 3 Seventh Avenue Express line located at Lenox Avenue and East 110th Street. The Project Site is also near Citi Bike terminals at Madison Avenue and East 106th Street, Madison Avenue and East 110th Street, and Third Avenue and East 109th Street.

Emergency services are provided by the NYPD's 23rd Precinct, located on East 102nd Street between Lexington and Third Avenues, and FDNY Engine 58 and Ladder 26 located on 1367 Fifth Avenue and Engine 91 located on 242 East 111th Street.

Project Area and Project Site

The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally, the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

As previously noted, the proposed Project Site is bound by Park Avenue to the East, East 111th Street to the south, Madison Avenue to the west and East 112th Street to the north on Block 1617. The project site has an approximate total lot area of 76,576 square feet. The site includes six community gardens along the west, south and east frontages of the full block and a baseball field in the center. The lot is currently zoned as an R7-2 District with a C1-4 commercial overlay to a depth of 100 feet along Park and Madison Avenue. As stated above, R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. C1-4 overlays are designed to allow for local retail needs. The Project Area includes only city-owned parcels (Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122). The remaining two lots on Block 617 are not part of the development site and are privately-owned. Lot 21 has a single four-story mixed-use building and Lot 34 is used for storage and surface parking.

Proposed Project

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Once completed, the project will front all frontages on Block 1617. A significant factor in making the project work is the creation of a large-scale general development that will merge the zoning lot and memorialize all agreements into a land disposition agreement associated with the transfer of the property. This action will exclude privately-owned lots 21 and 34.

The Proposed Project will contain approximately 718,447 square feet of floor area (9.15 FAR). Of the total floor area for the proposed project, 544,069 (7.10 FAR) will be slated for residential use resulting in approximately 655 residential units. Commercial use will take up approximately 32,194 square feet (0.44 FAR) and approximately 142,185 square feet of community facility space (1.60 FAR) will be included. The three buildings are predominately residential with a mix of unit sizes ranging from studio through three bedroom units. The buildings will range from 10-37 stories or 117 to 432 feet (including bulkheads). Each of the buildings are predominately residential but will include either some commercial or community facility use or both.

What the application refers to as Building A is located at the intersection of Madison Avenue and East 112th Street. This building represents the tallest of the three structures at 37 Stories with an envelope height of approximately 418.5 feet with a three-story base. This building will contain approximately 308,723 square feet of residential use or 365 residential units, approximately 10,311 square feet of community facility use and approximately 32,194 square feet of commercial space, representing the total of the commercial space for this project. The commercial space will include a supermarket.

Fronting East 112th Street and wrapping to the west around Madison Avenue is Building B. This building will be 15 stories with an envelope height of approximately 218.5 feet with a five-story base. This building will contain approximately 163,945 square feet of residential use or 211

residential units and approximately 120,934 square feet of community facility use. Building B will be the home of a proposed DREAM Charter School.

Proposed for the midblock frontage of East 111th Street is Building C. This building will be 10 stories with an envelope height of approximately 151.34 feet with a seven-story base. This building will contain approximately 71,401 square feet of residential use or 79 residential units and approximately 10,941 square feet of community facility use.

Pursuant to the requirements of MIH, the applicant has proposed using Option 1 and Option 3 for this project. Option 1 requires that at least 25 percent of the residential floor area be permanently affordable with varying levels of affordability that average to 60 percent of AMI of (\$48,960 for a household of three⁷) with an additional requirement for a minimum of 10 percent of housing be affordable at 40 percent of AMI (\$31,080 for a household of three). Option 3 requires 20 percent of the total MIH floor area to be affordable at an average of 40 percent of AMI (\$31,080 for a household of three). Another stipulation is that subsidies are allowed only where they are necessary to support more affordable housing.

Out of the approximately 655 residential units in the three buildings, approximately 262 units, or 40 percent of units, will be permanently affordable. The higher percentage of permanently affordable units are due to HPD's requirement that any MIH project receiving public subsidy must increase the amount of permanently affordable units by 15 percent. Assuming that community preference will still be in effect when this building receives its Certificate of Occupancy, at least 50 percent of units are set aside for the residents of Community District 11. All of the affordable units will be subject to the affordable housing lottery with the maximum income capped at 130 percent of AMI.

The remaining 393 units will remain affordable for a term of 60 years. Currently the proposed developer is still in discussions with HPD as to what term sheets will be appropriate for this project but currently the proposed developer will be using HPD's Extremely Low & Low-Income Affordability (ELLA) Program for Buildings B & C and the M2 / Mixed-Middle-Income Program Term Sheets for Building A.

Per conversations with the applicant, the rent structure for units in the three buildings will provide six tiers of affordability. The breakdown is as follows: 20 percent of units or approximately 134 units at 30 percent AMI; five percent of units or approximately 32 units at 40 percent AMI; six percent of units or approximately 42 units at 50 percent AMI; 27 percent of units or approximately 174 units at 60 percent AMI; 17 percent of units or approximately 109 units at 80 percent AMI, and 25 percent or approximately 164 units at 130 percent AMI. The affordable units will be distributed pursuant to the current requirements of MIH.

Figure 1: Approximate Rents for Proposed Affordable Apartments

Affordable at 30% of AMI

⁷ based on the new AMI chart that HPD published on 1/11/17

Incomes	# of units	Proposed Monthly Rents
Studio	39 units	\$327 per month
1 Bedroom	49 units	\$418 per month
2 Bedroom	28 units	\$509 per month
3 Bedroom	18 units	\$582 per month
Total # of units	134 units	

Affordable at 40% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	8 units	\$464 per month
1 Bedroom	12 units	\$590 per month
2 Bedroom	7 units	\$714 per month
3 Bedroom	5 units	\$819 per month
Total # of units	32 units	

Affordable at 50% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	7 units	\$599 per month
1 Bedroom	21 units	\$758 per month
2 Bedroom	9 units	\$917 per month
3 Bedroom	5 units	\$1,053 per month
Total # of units	42 units	

Affordable at 60% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	31 units	\$775 per month
1 Bedroom	63 units	\$970 per month
2 Bedroom	51 units	\$1,162 per month
3 Bedroom	29 units	\$1,344 per month
Total # of units	174 units	

Affordable at 80% of AMI		
Incomes	# of units	Proposed Monthly Rents
Studio	7 units	\$1,050 per month
1 Bedroom	21 units	\$1,320 per month
2 Bedroom	9 units	\$1,590 per month
3 Bedroom	5 units	\$1,831 per month
Total # of units	109 units	

Affordable at 130% of AMI		
Incomes	# of units	Proposed Monthly Rents

Studio	33 units	\$1,727 per month
1 Bedroom	49 units	\$2,168 per month
2 Bedroom	49 units	\$2,609 per month
3 Bedroom	33 units	\$3,008 per month
Total # of units	164 units	

Source: Jonathan Rose Companies | L+M Development Partners | Handel Architects | Steven Winter Associates (2017). Sendero Verde presentation [PowerPoint slides]. Retrieved from <http://www.cb11m.org/current-projects/>

All three buildings will meet Passive House standards. Successful implementation of this sustainability program will include a combination of structural elements installed during construction in addition to educational and support programming once the building starts to accept tenants. At the center of the proposed project will be an interior courtyard approximately 264 feet x 63.42 feet. The courtyard will be a passive recreational space with public entrances along Park Avenue, East 111th Street and the rear entrances of the adjoining community facility spaces.

Finally, per the requirements of the RFP, the applicant and the proposed developer will allocate space for continuing community garden use at the proposed development site. The reconstructed community gardens will be placed on the southern half of the full block site, fronting Madison Avenue, East 111th Street and Park Avenue. A dedicated community room and a bathroom will be available to the four gardens and located in Building A. The City plans to move forward with an acquisition of the garden areas and ultimately put them under the jurisdiction of DPR. A public path that traverses the garden area will be included in the acquisition action. Future maintenance of the path will remain the responsibility of the proposed developer. The maintenance of the path, public accessibility and upkeep requirements of the interior courtyard, hours of operations and other administrative responsibilities will be included in the disposition agreement.

Proposed Actions⁸

In order to facilitate the development of the mixed-use proposal of three buildings containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, approximately 142,185 square feet of community facility square feet ("Proposed Project") and the selection of land for community gardens and passive recreation space on Block 1617, the following land use actions are required:

Zoning Map Amendment:

⁸ The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

The applicant seeks a zoning map amendment to rezone the project area (Block 1617) from an R7-2 district with C1-4 overlays along both Park and Madison Avenue to a R9 district with C2-5 commercial overlays to a depth of 100 feet along the frontage of Park Avenue and the frontage of Madison Avenue. The rezoning area includes the Project Site (Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122) and the two privately owned lots (Lots 21 and 34).

Zoning Text Amendment

The applicant seeks to amend Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area over the Project Area affecting the city-owned property and privately owned property on Block 1617.

Designation of an Urban Development Action Area and Urban Development Action Area Project, Disposition of city-owned property

The applicant seeks to designate Block 1617, Lots 20, 22, 23, 25, 28, 29, 31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122 as a UDAA and UDAAP based on their analysis of the project area consisting of underutilized land and determination that incentives are needed to change what the applicant describes as “substandard, unsanitary, and blighting conditions.” The applicant is making the claim that the proposed project will promote better conditions and sound development. Disposition of the land to a developer will be determined by HPD. The proposed developer team is Jonathan Rose Companies, L+M Development Partners, Handel Architects, and Steven Winter Associates.

Site Selection

The city seeks authorization to acquire Lots 22, 121, 122 and 35 and portions of Lots 23, 25, 28 and 37 for use as a Community Garden. There are existing community garden spaces and a publicly-accessible path within the aforementioned lots. The Department of Parks and Recreation (DPR) will assume jurisdiction with the future owner of the Proposed Project to be responsible for all maintenance.

Special Permit pursuant to §74-743 of the Zoning Resolution

As stated in the application, in order to facilitate the construction of the Proposed Project, the applicant requests a special permit, pursuant to §74-743, to modify the bulk regulations within a LSGD containing height and setback restrictions and yard requirements applicable to the Proposed Project as follows:

- 23-65(a) and (b) to apply tower-on-a-base regulations to the entire development site and all buildings located on the development site, including those portions located beyond 125 feet from the wide street frontage along the short dimension of the block, and beyond 100 Feet from the wide street frontage along the long dimension of the block;
- 23-651(a) To determine the aggregate tower coverage of all buildings on the development site based upon the entire area of the development site, including those areas located beyond 125 feet from the wide street frontage along the short dimension of the block;
- 23-651(a)(1) to (i) calculate tower coverage restrictions to those portions of the proposed buildings on the development site located at any level above the maximum base height of

85 feet, (ii) to calculate tower coverage based upon the aggregate of all buildings located on the development site, and (iii) to allow, upon completion of all the buildings on the development site, the towers of all the buildings on the zoning lot to occupy in the aggregate an area comprising less than 30 percent of the lot area of the zoning lot at upper levels of the tower, and more than 40 percent of the lot area of the zoning lot at lower levels of the tower;

- 23-651 (a)(3) to permit a minimum of 55 percent of the total floor area permitted on the zoning lot to be located below a height of 150 feet above base plane;
- 23-651(a)(4) to allow the tower portion of the building at a height of 85 feet and above to be located at the street line (the portion of Building C located above 85 feet above base plane and located at the street line);
- 23-651(a)(5) to allow tower portions of the proposed development to be located on a narrow street at a distance that is more than 100 feet from the intersections with a wide street (Building C along East 111th Street);
- 23-651(b)(1) and 35-64(a)(1) to:
 - permit the proposed development not to occupy the entire frontage of the zoning lot along a wide street and on a narrow street within 125 feet of its intersection with a wide street (along Madison Avenue, Park Avenue and portions of East 111th Street), and;
 - to allow the base of the street wall of the proposed project along a wide street to not be located entirely on the street line (The base of Building B at the intersection of Park Avenue and East 112th Street);
- 23-651(b)(2) to permit the base of the proposed tower-on-a-base development along Madison Avenue and portions of East 112th Street to setback from the street line between a height of 47 feet and 60 feet above curb level, and allow the base along East 112th Street and East 111th Street to exceed a height of 85 feet above curb level;
- 23-651(4) to allow the open area at ground level between Park Avenue and East 112th Street street lines and the street wall of the proposed project not fronting on a building entrance or exits to not contain landscaping; and
- 24-832 to allow a permitted obstruction within a portion of the rear yard equivalent located in a residential district beyond 100 feet of a wide street that is used for a community facility use other than a school, house of worship, college, university or hospital with related facilities.

Special Permit pursuant to §74-532 of the Zoning Resolution

The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 required accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development. Currently the Proposed Development includes no parking spaces as part of the site plan. Their analysis of car-ownership rates in the area anticipates a demand for 41 parking spaces and believes that existing on-street parking can absorb the need.

Certification from the City Planning Commission pursuant to ZR §32-435

The applicant is also seeking a certification from the CPC to waive the requirement that a

minimum of 50 percent of a building wall facing upon a wide street be occupied at the ground level by commercial uses. This action is not subject to review by the Borough President.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 27, 2017, Manhattan Community Board 11 (CB 11) passed a favorable resolution with conditions in support of the application. The final vote for the resolution was 29 in favor, 5 opposed, and 3 abstentions. Before the full board vote, the applicant appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

In their written comments submitted to the Department of City Planning, CB 11 voiced support for the applicant's efforts to create affordable housing but expressed several concerns related to programming on the project site and depth of affordability. The Board questioned the need for the number of apartments set at 130 percent of AMI and wanted to see that redistributed to lower tiers. They also opposed the current unit distribution scheme, where all of the apartments set at 130 percent of AMI are consolidated into a single building. The Board challenged the applicants and proposed developer team's commitment to local hiring and pointed to their own robust set of standards as a minimum benchmark the applicant and developer should seek to achieve. CB 11 members also expressed a desire to see a local nonprofit developer recruited to be an equity partner on the project. The Board also asked several questions related to topics such as ADA compliance, maintenance and management of the proposed development with specific attention to the public open space.

As a result of these conversations, CB11's approval is contingent on the following commitments:

- All housing on the project should be 100 percent permanently affordable;
- Local hiring commitment for the project should include a guaranteed minimum of 10%, with a CB11 target of 35 percent pre-construction, 35 percent during construction and 100 percent post-construction, with all community partners be subject to same hiring requirements;
- The percentage of total units currently set at 130 percent of AMI is reduced from 25 percent to 20 percent. The remaining 5 percent shall be a set at under 60 percent of AMI;
- All buildings should contain each of the income tiers;
- The final agreement should state that the open space will remain accessible to the public into perpetuity;
- A management plan for the premises should be provided prior to the vote of the Office of the Manhattan Borough President and the Council Member;.
- The hours and availability of amenities shall be set forth clearly, and there shall be signage on the premise clearly conveying to the public that the public space may be used by the public;

- CB11 should have final approval on the selection of any community partners selected for the premises and such partners shall be from the East Harlem Community;
- There should be compliance with ADA requirements throughout the entire project;
- There should be additional safety training beyond OSHA training and an on-site security monitor during construction and pre-apprenticeship and apprenticeship training;
- The development team and anchor tenants should come before the community board quarterly as the project progresses and after the project, as well as coming before the Manhattan Borough President, NYC Council, DCP;

BOROUGH PRESIDENT PUBLIC HEARING

On July 13, 2017, the Manhattan Borough President conducted a public hearing on both this application and a related application by the Department of City Planning (DCP) to rezone 96 blocks of East Harlem (Nos. C 170358 ZMM et al), an area that also includes the proposed development site. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

From both the written and oral testimony collected, only one speaker spoke to the subject application directly. This speaker offered an alternative scenario that would result in less housing, commercial and community facility use, consolidate the community gardens into one entity but also preserve the baseball field located in the middle of the full block. However, the other speakers' comments which were directed toward the larger rezoning did address issues raised by this application, including the possibility that calculations related to environmental and quality of life impacts by development were underestimated in the EIS, that proposed development lacked representation from local nonprofit developers and that there was need for more units at lower levels of affordability.

BOROUGH PRESIDENT'S COMMENTS

Since taking office, making affordable housing accessible to working people and vulnerable communities has been one of my top priorities. Along with other elected officials and community partners, this Office has introduced legislation that strengthens enforcement against code violations and seeks to stem the turnover of previously income-restricted units. On the ground, we have worked with legal aid attorneys and organizers to knock on doors, investigate the conditions of overleveraged building portfolios and help make tenants aware of their rights while empowering them to advocate together for better standards as tenant associations.

Alongside these efforts, we have tried to maximize our role in the land use process to create opportunities for affordable housing that counter the loss of income-restricted apartments, a phenomenon that is having a destabilizing impact and undermines the diverse communities that make up our city. Communities that once reflected a cross section of different backgrounds, cultures and occupations, are under threat because of the increasing cost of living and rising

rents, which contribute to displacing long-time residents and small businesses. Deregulation of residential units, due to porous state laws and expiring regulatory agreements, have stripped hundreds of thousands of tenants of their basic protections and placed them at the mercy of market forces.

We have been told that there are limitations on what we could demand of the private sector to create the kind of housing the majority of New Yorkers can really afford. With that in mind, we have only our city-owned sites as places we can guarantee that government shape the conditions and requirements so we are sure the housing that is built is more affordable and permanent than options provided by the private sector. Public site development is our best hope for building the housing we need for middle and moderate-income families as well as our most vulnerable communities.

Block 1617 or the East 111th Street site is already a location with profound importance and part of the fabric of East Harlem. As home to several of the City's oldest and most popular community gardens, it has attracted the attention of locals and other horticulture enthusiasts as an example of how community-driven green spaces can thrive. In addition, East Harlem Little League, that used and maintained the ball field, remains a source of pride for a community that values outlets that help young people explore their potential. Based on our conversations, I understand that HPD has always planned to develop affordable housing for this site, and given the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. However, an acceptable proposal would have to address those housing needs and continue the site's role as a convening space for residents throughout the district. A proposal, such as this one, that incorporates those objectives would be a fitting next use for this city-owned parcel.

The applicant and the proposed developer have outlined a compelling proposal for the future of Block 1617. The concept plan as presented appears to be a genuine attempt at achieving elements of the EHNP. The proposed developer has sought to provide a range of neighborhood assets and presented creative strategies for managing the relationship between the community gardens and open space to the layout of the other site elements. The proposal also furthers the use of Passive House Design, a set of design principles used to attain a quantifiable and rigorous level of energy efficiency, which I have worked to make the standard for new development in Manhattan. Finally, the most important piece of this plan that we need to examine is the commitment to affordable housing, the centerpiece of this application.

Open Space

The application maintains significant space for the community gardens. However, according to our conversation with the gardeners, the proposed design and site assignments for the community gardens are smaller than what they currently use. I understand that the parameters in the RFP for the gardens was based on the original license agreements and that the proposed developers are trying to provide more than the minimum areas, but I believe we can do better. I would like to see a more thorough plan for how these gardens would thrive under the site arrangement proposed by the developer. Additionally, because the gardens are such a community asset, links between the gardens and the community facility partners to enhance the benefits available to the

community should be explored. The question of how the gardens and community facilities could work together came up after the proposed developer was announced, but has not been adequately explored.

We need to formalize the specifics concerning the maintenance and operation of the interior courtyard space. Issues such as how the space will be maintained, who will decide and be responsible for sharing information related to the hours of operation, access and the permitted activities must be spelled out. Though we have received verbal assurances from the applicant that the conveyance of this land will be accompanied with a disposition agreement outlining this information, it is worrying to have some of these important questions still unanswered as I consider the appropriateness of the application.

Affordable Housing

Public sites are our best opportunity to create housing for those making at or under 30 percent of AMI. The lowest income tiers for housing under the MIH program are largely out of reach for these working New Yorkers. While the application provides that 20 percent of the affordable housing provided will be available to persons with incomes no greater than 30 percent of AMI, I urge the applicant to consider if there is more that can be done. 37 percent of residents of East Harlem earn less than 30 percent of AMI and we know that private developments rarely have more than 20 percent of affordable housing set aside at this income level. Therefore if we are to reach the goal of the EHNP of making 20 percent of the affordable housing at the level of 30 percent of AMI or lower, we must make up for "lost ground" in public projects such as this.

While I applaud the proposed developer's commitment to making all the residential units income-restricted at the onset, 60% of those units are not permanent. The restriction of those units is based on a regulatory agreement with a fixed timeline. Recently my office was told that a nonprofit partner was going to be included on the development team. While encouraging, we have yet to get more specifics about what their role will be and what level of equity they will have in the project. Additionally we understand that the nonprofit developer is based in the Bronx. CB11's recommendation had called for a mission-driven organization that is based in East Harlem and to be included in the choosing of that entity – both of which did not happen. In discussions with the proposed development team, they have explained that the available finance mechanisms limit what their commitment to long-term permanence can be. As the City moves to shrink its portfolio of unused or underutilized land, it must do so with the intention of preserving the value of that same land to the residents of the city in perpetuity. Where requirements for permanent affordability of all units in a project built on formerly city-owned land are not possible, the City must explore mechanisms to achieve "practical permanence" as a tool for future development of projects where the City has contributed land. MIH requirements are an effective way to assure permanent affordability in private projects, but developments that use City land must be held to a higher standard. All dispositions of city-owned land have the option of attaching a restrictive covenant to the deed that establishes additional requirements to the property owner.

The City must take the concept of “practical permanence” beyond balloon payments and establish a public process that occurs at or near the expiration of the public financing and regulatory agreement to ensure true and permanent oversight of our city assets. This would go far toward justifying the permanent disposition of city land. If this is not an option for for-profit developers when city-owned land is involved, then we should consider prioritizing mission-driven nonprofit developers and/or community land trusts to act as the steward to help achieve the permanence we seek. These are not new concerns nor are they ideas I raise here for the first time, and I urge progress on developing such mechanisms.

Density and Neighborhood Character

The increase in density from R7-2 to R9 is appropriate at this location since two wide streets bound the site, and the scale of the project will allow for a greater number of permanently affordable units through MIH. Based on the East Harlem Neighborhood Plan and previous Community Board 11 land use decisions, upzonings paired with site planning that strives to minimize the impact of additional density have been supported where proposals maximize the amount of permanently affordable housing. In contrast with the East Harlem Rezoning proposal (C- 170358 ZMM), a separate application running concurrently in ULURP where I have serious concerns that the additional density outweighs the benefits of the additional affordable housing, the Sendero Verde project provides a level of detail and specific site planning that make me confident that this project can be a substantial benefit to the community.

This application also smartly uses the design tools via bulk, height and setback modifications available when using a LSGD to relate the building mass and placement of open and garden space to the surrounding area in an appropriate manner. The site plan calls for the tallest of the three buildings (Building A) to be adjacent to the frontage that is most appropriate for the density (two wide streets) and in proximity to similar tower-in-the-park developments located to the north of the lot. Buildings B and C, significantly shorter, are aligned with the mid-rise developments found along the remaining frontages. Several modifications among the proposed actions would mitigate light and air issues for the open space, the gardens and the surrounding area in comparison to several as-of-right scenarios.

In addition, the argument for waiving required accessory parking to support maximizing the amount of affordable units or contributing to driving down the AMI tiers for a percentage of units was thoughtful and in line with the policy of this office.

After careful review, I believe the modifications and permits requested by the applicant are appropriate and would contribute to a better site plan and relationship between the buildings, and the wider neighborhood.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM on the following conditions:

1. That the applicant and the proposed developer work with our office, Community Board 11, the local Council Member, and the City to reach deeper levels of affordability below 30 percent AMI on the income-restricted units and increase the percentage of units at 30 percent AMI and below;
2. That the proposed developer include a locally-based mission-driven nonprofit developer and/or community land trust as an equity partner with sufficient leverage to ensure that the extension of the non-permanent units as income-restricted units is made a priority;
3. That the applicant commits to and provides a timeline for completing a study of how to enact “practical permanence” by using restrictive covenants on the deed to compel owners to extend the duration of affordability and regulatory requirements;
4. That the proposed developer develop a tower design that demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration, that will result in a prominent and distinctive building which complements the character of the surrounding area; and
5. That the applicant and the proposed developer commit to providing regular updates to the Board and demonstrate ways they have incorporated both the Board’s and my recommendations prior to the CPC vote.



Gale A. Brewer
Manhattan Borough President



1457 Lexington Avenue
New York, New York 10128
212-996-0745
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Re: Testimony regarding ULURP application # C170358 ZMM, N170359 ZRM, and C170360 HAM - East Harlem Rezoning sponsored by the City of New York Department of City Planning and Department of Housing and Development

CIVITAS is dedicated to improving the quality of urban life. Since our founder August Heckscher established the organization in 1981, we have been a leader in advocating for contextual smart growth, cultural preservation, and enhancing the built environment. Through our not-for-profit organization, we have been able to fund planning studies that have led to reimagining zoning districts, added contextual zoning districts, quality housing regulations and we first introduced the idea of inclusionary housing districts. We have been committed to the Upper Eastside, East Harlem, and broader citywide standards for a better quality of life.

This rezoning process has been fundamentally flawed from the beginning by not incorporating the entire East Harlem area and not utilizing the East Harlem Neighborhood Plan as a basis for study. We do not view the East Harlem Neighborhood Plan as idealistic; we see this document as a consensus document that should be approved by City Council as an official Neighborhood Action Plan. Second, the idea that a selective rezoning should be tied to neighborhood improvements is contrary to community planning principles. We all realize that this “rezoning with commitments” will not solve the problems facing East Harlem. We are worried about the long-term changes needed to bring residents out of poverty and bring about meaningful progress that will take a longer period of time than any one mayor or rezoning.

The current proposal as has been made publicly available does not adequately recognize the comments heard from other boards, stakeholders, and the Borough President:

- Community Board 11 met on June 20th and there was an overwhelming response by the public and board members against the current proposal;
- A public meeting was held on July 13, 2017 by the Borough President with no public speakers in favor of the current rezoning proposal;
- The Borough President Gale Brewer issued a report on August 2, 2017, rejecting the current proposal and outlining items that should be considered in order to align with the community and East Harlem Neighborhood Master Plan.

CIVITAS on behalf of local residents, businesses, and our board of directors has been a partner in this process and recommends that the following items be re-evaluated before this board takes a final vote. These items are all identified with solutions in the East Harlem Neighborhood Plan. Zoning should compliment the vision and not add onto existing problems.

1. We believe that an even larger number of affordable units could be spread across the entire East Harlem area with R8 and R9 inclusionary zoning along all of the Avenues; (This would keep the density lower and produce a greater amount of housing units in total. Consider lowering the current proposal and including a Phase II to include the remainder of the neighborhood.)
2. Adding density requires increased capacity of basic services like: parks, schools, water, sewer, stormwater, etc. (This entails setting policies for minimum standards like A/C in all classrooms, fixing all leaking roofs, having minimum size playgrounds for the number of kids at all schools, investing in the Esplanade to increase access to parks, and decoupling sewer from stormwater drains to prevent sewage from overflowing into the river.)
3. Heights of buildings should be contextual and include height limits that maintains the residential low-rise character of the inner blocks and provides setbacks to provide light onto the avenues.
4. Transit should be a primary focus and new developments should be oriented around existing and future stations with incentives for including station infrastructure into the buildings.
5. Resiliency and flood control is another major concern as we saw Hurricane Sandy impacted East Harlem heavily. The neighborhood is low lying and needs physical barriers, as well as, greater designed infiltration spaces.

What is the net impact if we have greater affordable housing population living in flood prone areas and more sewage overflows leaving into the river? Have we achieved a greater neighborhood? What is the net impact if an individual has a new house and there are no schools for their kids or the schools are in poor condition? What is the net impact if your parks are all full and there are not good connections to the Esplanade or Randall's Island?

Specifically CIVITAS has the following suggestions to enhance the existing proposal and supports aspects of the community's outreach, portions of Community Board 11, and the Bureau president's letter to the City. It is clear there is no consensus on the existing document and changes must be made.

- 1) CIVITAS does not support R10 zoning on the Avenues within the study area. The only area that we support larger than R9 is the 125th St Metro North station commercial overlay. As stated in the Bureau President's report, "Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts". This upzoning will allow much taller buildings than have historically been built in East Harlem and densities will not improve the quality of life. *We suggest that a base plane and sky exposure plane approach is far superior and more consistent with not only the study area, but to the history of New York City high rises and other zoning parts of the city.*
- 2) Third Avenue is currently zoned as a R8A and C4-4D and Second Avenue is currently zoned R8A, which are both contextual districts and could include Mandatory Inclusionary Housing into the existing zoning. DCP has proposed rezoning this area to a non-contextual district classification, which is likely to lead to out of scale development. CIVITAS recommends that the avenues and side streets remain contextual zoning districts to preserve East Harlem's existing urban character.
- 3) The majority of the CD11 districts adjacent to NYCHA properties are currently zoned as contextual districts, R7A or R8A. DCP has proposed to rezone these parcels as R9 or R10 non-contextual districts, replacing an 80- 120-foot height limit with an unlimited

height. CIVITAS wants to reaffirm our opposition to unlimited heights and we believe that sky exposure plane regulations provide for light and air to permeate the blocks.

- 4) CIVITAS supports transit-oriented development, as well as high-density commercial overlays on the sites adjacent to the Metro-North train station at 125th Street.
- 5) CIVITAS recommends additional commercial FAR around the 125th St Subway station to facilitate Transit Oriented Development and retail mixed-use redevelopment. Specifically the intersections of Lexington and 3rd Avenues could include additional commercial FAR.
- 6) DCP's study area exempts areas east of Second Avenue and all areas between 96st Street and 104th Street. These omissions seems arbitrary from a neighborhood planning perspective and we are concerned that this could be an attempt to bring higher out of context zoning at a later date. We think more total affordable units could be spread across the entire neighborhood by incorporating Mandatory Inclusionary Housing into existing and proposed zoning. We are suggesting that a Phase II be developed to fill in the remaining areas. The current scope of DCP's work will not create a unified neighborhood.
- 7) Historic Preservation should be studied in East Harlem. A proposed preservation district around 116th St will allow this community to preserve its landmarks, culture, built identity, and integrity. We are also in support of La Marketa as a historic element and job incubator.
- 8) The East River Esplanade should be included into any list of neighborhood commitments to provide additional open space and waterfront park access. (Currently many areas are deteriorated and closed.)
- 9) Infrastructure upgrades and new development should account for on site and adjacent public surfaces to reduce storm water runoff and CSO discharges. All new developments should be LEED certified and provide separate sewer and stormwater/ reuse water.
- 10) CIVITAS advocates for preserving East Harlem's local businesses. In East Harlem, there are 37,500 total employees*, in which 2,700 are local residents*. We recognizes their importance to East Harlem's local economy, supported by its local businesses and local employees. (* East Harlem District Commercial Needs Assessment, May 2016.)
- 11) We believe that it is important to provide specific commercial incentives for grocery stores, pharmacies, and everyday necessities that should be coordinated with NYCHA to benefit its residents. Further partnerships with NYCHA will need to be established regarding the introduction of commercial and retail spaces to the ground floor level of NYCHA properties.

Sincerely,



Alexander Adams, AICP, CNU-a
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Cc:
Mayor Bill DeBlasio
Borough President Gayle Brewer
Speaker Melissa Mark-Viverito



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Joanne Woodward

August 23, 2017

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning (DCP)

Dear City Planning Commission,

CIVITAS is a non-profit organization dedicated to improving the quality of life in East Harlem and the Upper East Side since its founder August Heckscher established the organization in 1981. CIVITAS advocates for smart growth, cultural preservation, and enhancing the built environment through projects in zoning, waterfront redevelopment, public transportation, water quality, air quality and open space. We have been working on this rezoning process representing many families in the City who support our work over the past 38 years and helped us not only give them a voice, but we have funded planning studies and partnered with the city. CIVITAS is a founding partner over the past two years participating in the East Harlem Neighborhood Plan's (EHNP) Steering Committee to shape Zoning and Land Use recommendations tailored to the community's residents. The EHNP was supported by Speaker Melissa Mark-Viverito (whom we honored last year for her efforts spearheading this plan), supported by Borough President Gale Brewer, supported by Community Planning Board 11, and the steering committee neighborhood partners.

This proposal has been considered by stakeholders researching an East Harlem Rezoning for over two years. Listed below are several meetings and the results of those public forums.

- Community Board 11 met on June 20th, there was overwhelming response by the public and board members against the current proposal.
- At the public meeting held by Borough Commissioner Gale Brewer on July 13, 2017, there was an overwhelming response against this proposal with no public speakers in favor of the current rezoning.
- Borough Commissioner Gale Brewer issued a report on August 2, 2017, rejecting the current proposal and outlining items that should be considered in order to align with the City Commission approved East Harlem Master Plan.
- CIVITAS on behalf of residents, businesses, and our board has been a partner in this process and recommends that the following items be re-evaluated before a final vote is taken by this board and before this process moves forward.

Large Scale Planning- Zoning based on current and proposed infrastructure:
Transit Oriented Development (TOD) is a zoning style that prioritizes density and intensity closer to the users of the transit system. The reasoning behind lifting parking requirements in downtowns, Central Business Districts, and urban cores is based on their



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being alternative transportation options readily available. This concept is identified in DCPs analysis. Therefore zoning FAR bonuses should allow additional development rights within ¼ mile pedestrian walking shed of transit station entrances. **The City's zoning analysis should show clear ¼ mile circles around all current and proposed transit stations to show a planning nexus to the decision to reduce parking requirements.**

Pedestrian walking sheds- pedestrian walking sheds have been proven over the last 30+ years of planning study to be an accurate distance to influence the behaviors of humans. People will walk approximately ¼ mile on a high quality street with few interferences, few negative inhospitable, or feeling of dangerous streets. Many items can influence how far someone will actually walk including shade, rain protection, frequent doors and windows, architecture, lighting, and quality of walking surface to name a few. Variable zoning categories should be reflective of TOD principles and the pedestrian sheds concept. **Heights and FAR should be limited the farther away from a transit location and incentivized closer to the transit stations.**

Large Scale Planning-Zoning analysis should be based on future needs assessment of adding additional population to the area. The City should show quantitative analysis of how population and required city services will be impacted by the proposed zoning changes including the impact for additional schools, parks or park crowding, fire and police to name some primary examples. An increase to double much of the allowable FAR will have an impact. **An incentive to add new schools, police, and fire facilities within or adjacent to new buildings should be considered as part of the overall Bonus incentives.**

Neighborhood Contextual Zoning Considerations:

Street wall ratios have been shown to influence human's perception of a public space. Today the term pedestrian oriented or human scaled is used in many contemporary planning text and codes. Any proposed street wall setback and sky exposure plane angle should be determined by a nexus to the physical environment vs arbitrary heights. Street wall setbacks precedent examples across New York can be used to help visual consistency. **The first street wall setback of 20' on the wider street and 15' on the narrow streets (as established by NYC zoning precedent) should begin at a height no more than equal to the width of the public right of way (property line to property line, irrespective of pavement width or building setbacks)** This creates a 1:1 ratio at the building's edge.

Sky Exposure Plane- the sky exposure plane is established to allow light and air to sufficiently contact the street and not deny any property owner access to basic public expectations. **The sky exposure plane as established by NYC zoning precedent should be limited to a maximum 2:1 angle (two feet vertical allowance for every one foot horizontal setback) as established in other zoning across the city.**

Depth of lots can greatly influence the overall size of a building and potential bonuses that could be allowed. As such and consistent with allowing greater density on large



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intersections and near transit, **we recommend that the depth of lots and lot aggregation be limited within the new zoning limits to 100' from the Avenue right of way line unless on a transit station corner or a wide cross street (96, 125). A minimum 10' rear setback should apply to all new buildings built along the avenues and adjacent to lower scale residential buildings on the cross streets.** This was accomplished most recently in a similar situation where the Park and Madison Avenue zoning categories were modified to take into consideration the neighborhood's character.

Process:

Predictability- Base building rights vs bonus rights

A clear system should be established that provides a maximum building envelope that neighbors can expect as a "contract" between the existing residents and businesses vs new. This also will reduce speculation of land values and allow developers a clear understanding of what is possible on a piece of land prior to buying. Bonuses should be limited as a percentage of square footage above the base buildable FAR underlying to the zoning category. This should still follow the example of a greater percentage closer to transit and other good planning principles discussed in this document.

Bonuses are used by municipalities to incentivize a particular vision for development that might not otherwise be cost-effective to build or to incentivize a community needs that the government may not be able to build due to land constraints, budget, and other factors. However, these bonuses have become unpredictable and led to inconsistent development across the city. **We are suggesting a 2 step approach similar to what is in effect today with some changes to the bonus categories and maximum bonus amount. We suggest focused bonuses that will improve the quality of life for the current and future residents, businesses, and tourists.**

- 1. Affordable Housing-** We recognize the importance of a place to live providing the foundation for families to take root and grow. Planning best practices and past examples show that a mixed income neighborhood produces better results than to isolate class strata into enclaves of low-income housing which then affects the available businesses, grocery stores, pharmacies and other basic essentials for everyday life.
- 2. Transit-** If individuals cannot get to work and have reliable transportation alternatives then residents do not have access to upward mobility and a relaxation of parking would be ill advised. Transit incentives are envisioned for upgrades and improvements to stations and not the State controlled MTA rails, vehicles, and scheduling Improvements to lighting, ADA entrances, entry canopy covers, better signage inside and outside, cameras, and cleaning directly affect neighbors and neighborhoods appearance as a safe friendly place to live and do business.
- 3. Police and Fire services** will need to be expanded due to greater population of the area due to this zoning enactment. Innovative methods of partnering with developers to place parking next to existing police and fire stations under a new building, adding a substation into the ground floor, or building a new station or improving an existing station will help mitigate the needed additional services.
- 4. Schools-** Just like Police and Fire, additional schools will be needed to house the additional population and existing schools will need to be upgraded to a state of



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good repair. These services can be provided onsite, adjacent, or enhanced through a thoughtful development bonus structure.

5. **Parks-** A portion of this study area is adjacent to the East River and CIVITAS has been working to build the East River Promenade. We would like to see a requirement that any development adjacent to the East River shall be required to build, maintain, and insure its portion of the promenade. Other sites adjacent to city parks should contribute to parks upgrades, enhancements, or add to existing parks by expanding into new developments’ site.

Upgrades to the neighborhood over time:

All developers of new sites or significant renovations should be required to replace all adjacent sidewalks along their street/avenue frontages, install a standard approved street lighting, landscaping, and replace ADA ramps at street/avenue corners to current standards.

We believe that all people should have the opportunity to live in quality buildings and we all must be more conscientious of our environmental footprint. **All new development sites shall be LEED certified buildings and retain all stormwater on site. Stormwater will not be allowed to enter the combined sewer system or direct stormwater discharges to water bodies.**

Specifically CIVITAS has the following suggestions to enhance the existing proposal and supports aspects of the community’s outreach, portions of Community Board 11, and the Bureau president’s letter to the City. It is clear there is no consensus on the existing document and changes must be made.

- 1) DCP has proposed a maximum floor area R10 zoning district on the majority of Park and Third Avenue. **CIVITAS does not support R10 zoning on the Avenues within the study area.** The only area that we support larger than R9 is the 125th St Metro North station commercial overlay. As stated in the Bureau President’s report, **“Since the release of DCP’s proposal in the fall of 2016, there has been no support for the City’s proposed R10 districts”**. This upzoning will allow much taller buildings than have historically been built in East Harlem which will be far out of scale with the vast majority of the existing built environment. On Park and Third Avenue, guidelines for tower on a base have become more lenient and will produce taller towers and larger shadows. **We suggest that a base plane and sky exposure plane approach is far superior and more consistent with not only the study area, but to the history of New York City high rises and other zoning parts of the city.** R10 will encourage overdevelopment and luxury super tall housing typology. As affirmed in the Bureau President’s report, “Proposed Actions, ... allow floor plate more appropriate for luxury and not affordable housing.” CIVITAS recommends that DCP does not surpass an R9 district with a sky exposure plane to twice the height of the base tower. This will reduce out-of-context development and maximize pedestrians and neighbors continued access to light and air.



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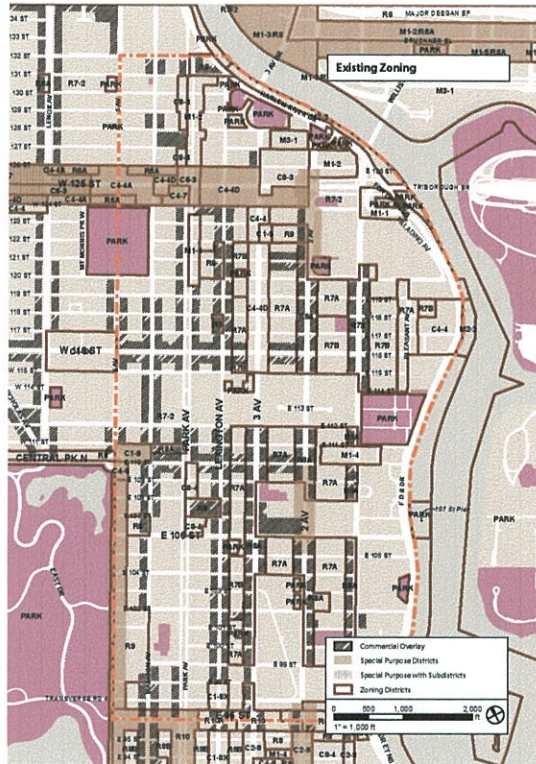
- 2) Third Avenue is currently zoned as a R8A and C4-4D and Second Avenue is currently zoned R8A, which are contextual districts. DCP has proposed rezoning it into a non-contextual district, which is likely to lead to out of scale development. CIVITAS recommends that Third Avenue, specifically the side streets, remain contextual to preserve East Harlem's existing urban character. Contextual Districts allow a community to preserve its landmarks, culture, built identity, and integrity.
- 3) The majority of the CD11 district that is adjacent to NYCHA properties is zoned as a contextual district, R7A or R8A. DCP has proposed to rezone these parcels as R9 or R10 districts, replacing an 80- 120-foot height limit with an unlimited height. CIVITAS wants to reaffirm our opposition to any R10 district and believes that sky exposure plane regulations provide for light and air to permeate the blocks. CIVITAS believes that it is important to provide specific commercial incentives for grocery stores, pharmacies and everyday necessities that should be coordinated with NYCHA to benefit its residents. Further partnerships with NYCHA will need to be established regarding the introduction of commercial and retail spaces on NYCHA properties.
- 4) CIVITAS believes in supporting transit-oriented development, as well as high-density commercial overlays, on sites adjacent to the Metro-North Station at 125th Street.
- 5) CIVITAS recommends additional commercial FAR around the 125th St Subway station to facilitate Transit Oriented Development and retail mixed-use redevelopment. Specifically the intersections of Lexington and 3rd Avenues could include additional commercial FAR.
- 6) DCP's study area exempts the avenues east of Second Avenue and all areas between 96st Street and 104th Street. These omissions seems arbitrary from a neighborhood planning perspective and we are concerned that this could be an attempt to bring in higher out of context zoning at a later date. CIVITAS asks DCP to expand their study area to include these areas in the current zoning study. The current scope of DCP's work will not create a unified neighborhood. CIVITAS advocates for the rezoning of 96th Street – 104th Street to effectuate a seamless transition between C1-8X on 95th Street and East Harlem's upzoning.
- 7) Infrastructure upgrades should be accounted for on new development sites and adjacent public surfaces to reduce storm water runoff and CSO discharges.
- 8) CIVITAS advocates for preserving East Harlem's local businesses. In East Harlem, there are 37,500 total employees*, in which 2,700 are local residents*. CIVITAS recognizes the importance of stimulating East Harlem's local economy, supported by its local businesses and local employees. (* East Harlem District Commercial Needs Assessment, May 2016.)

Sincerely,

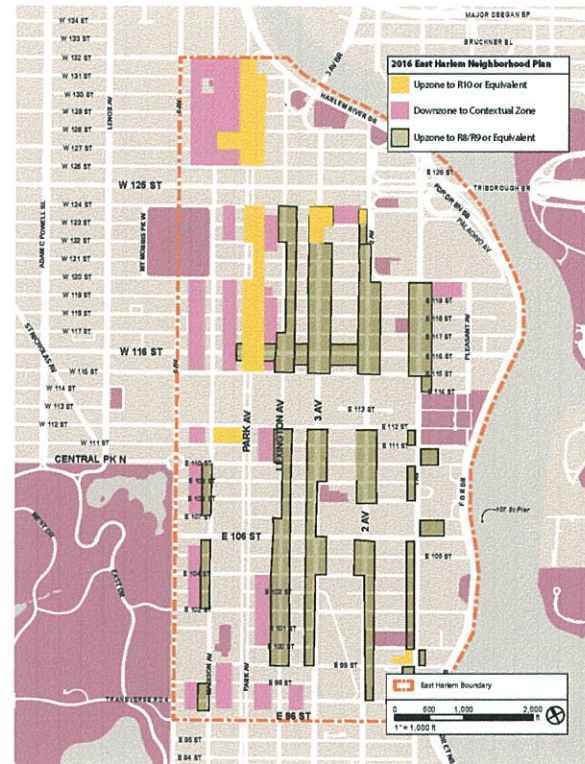
Executive Director
Alexander Adams



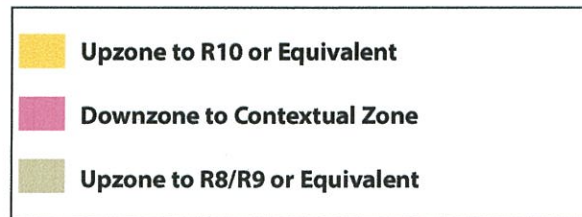
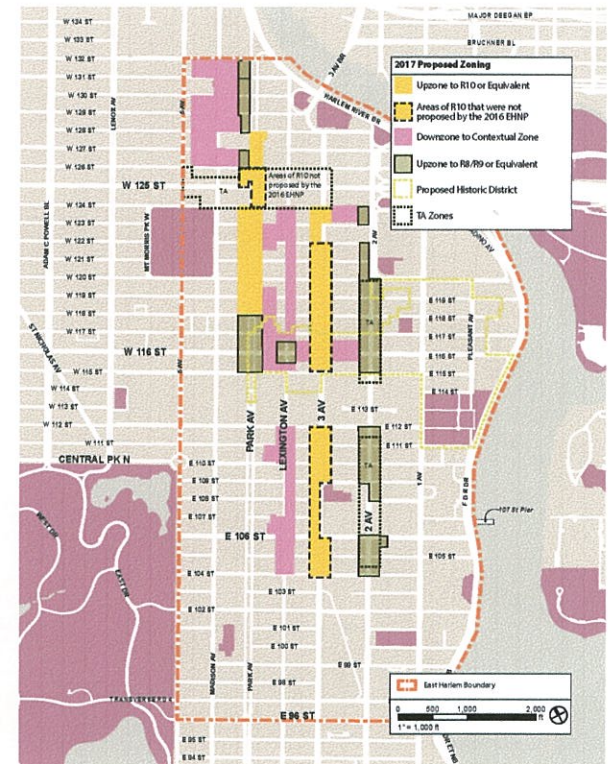
Existing Zoning

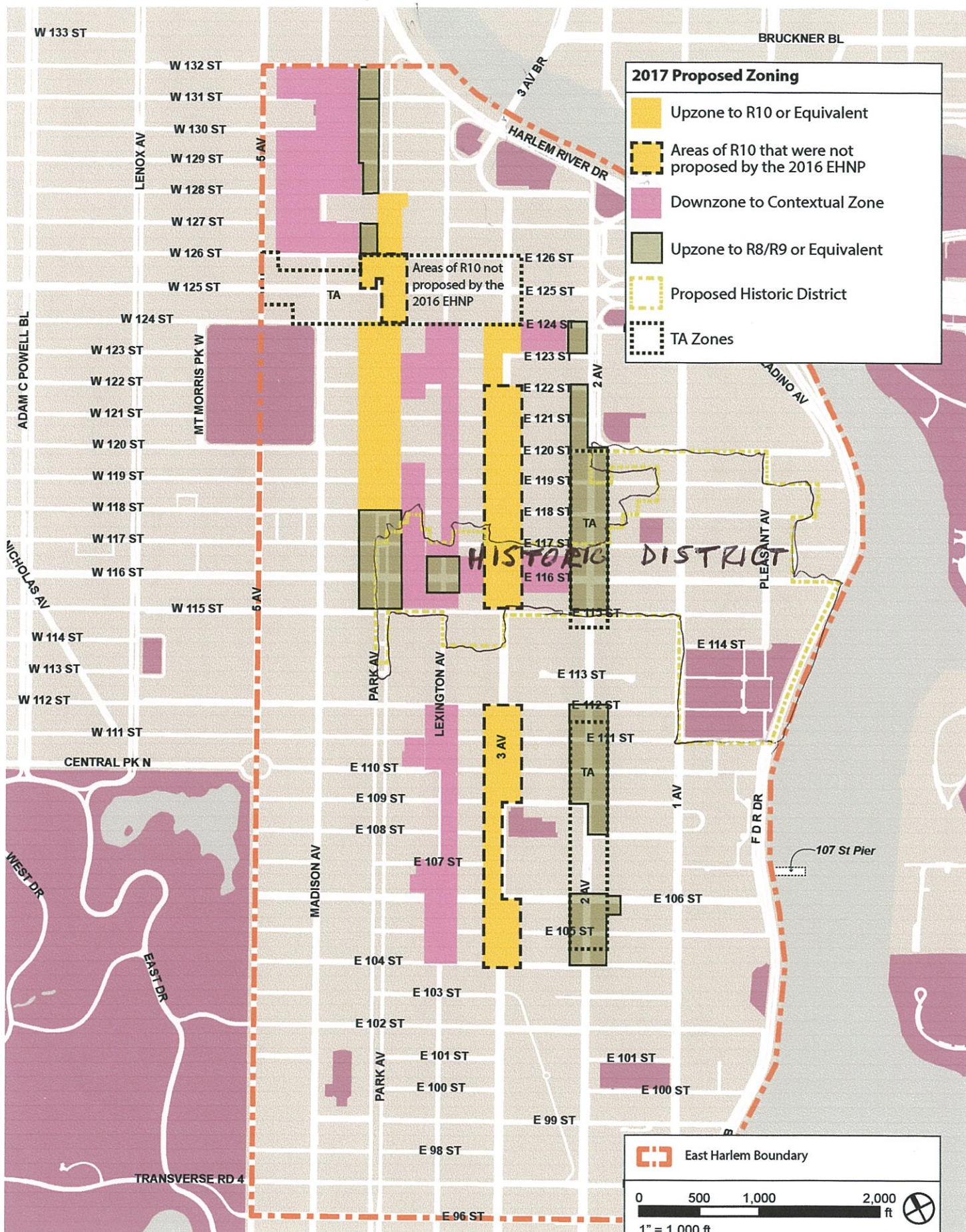


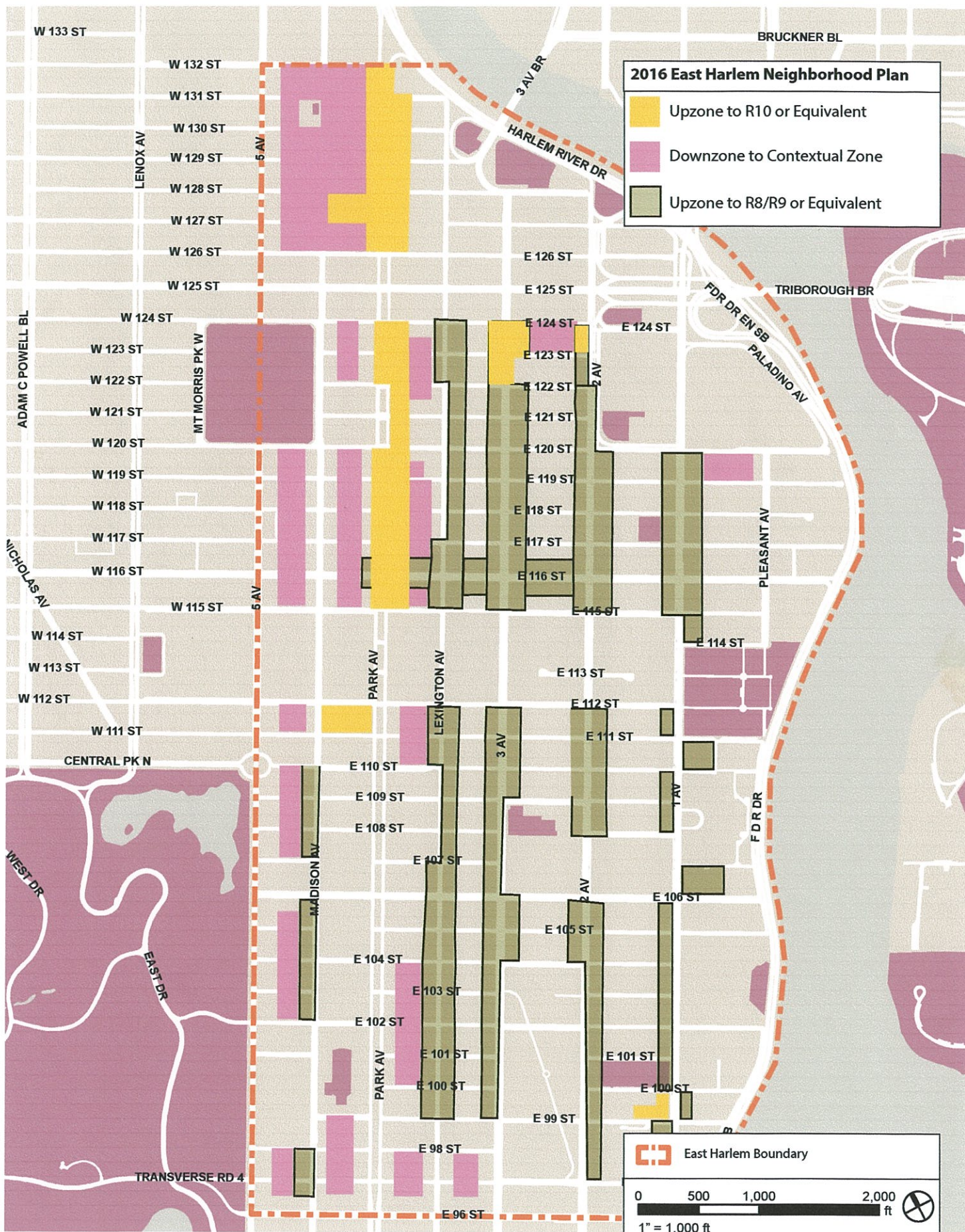
2016 East Harlem Neighborhood Plan

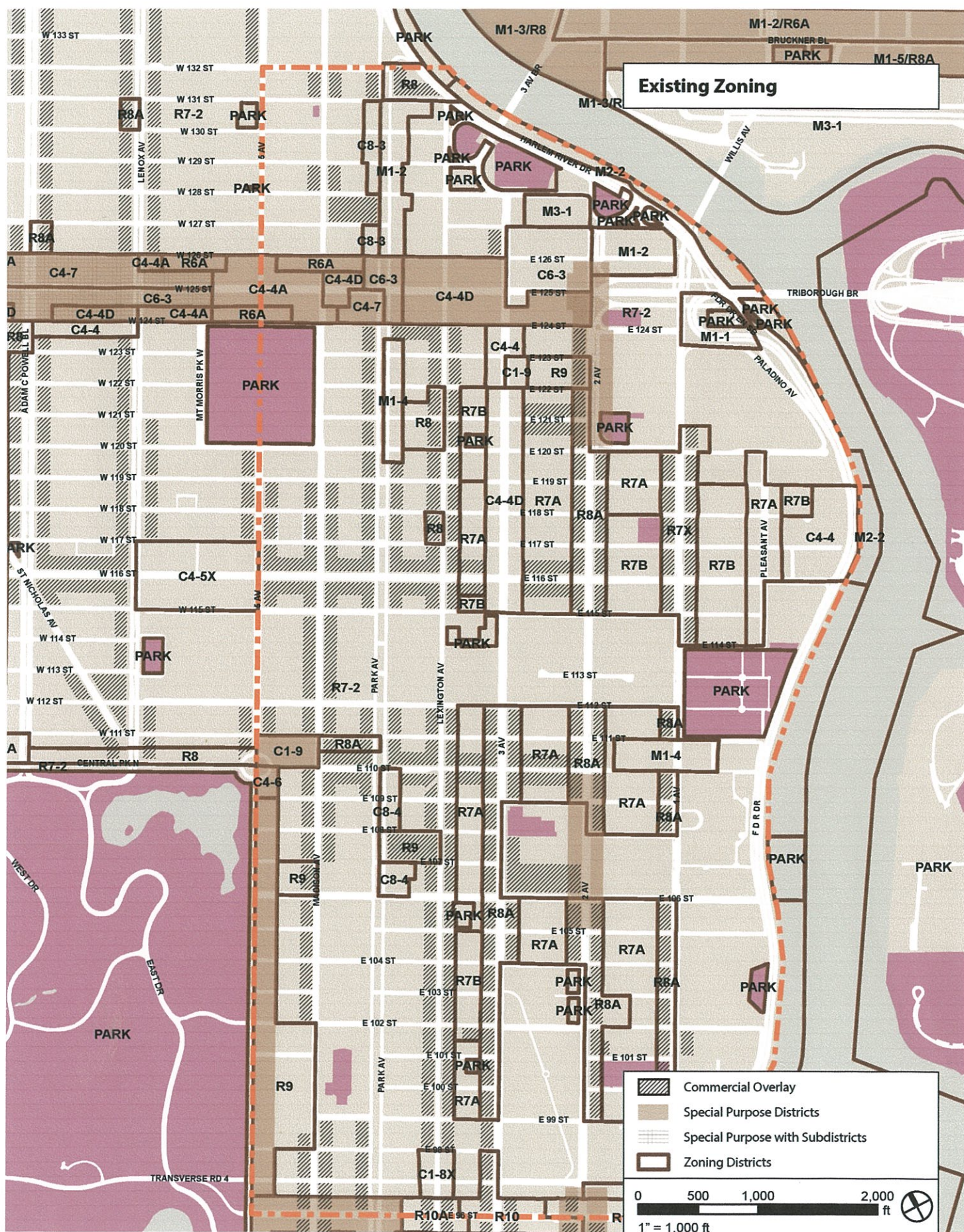


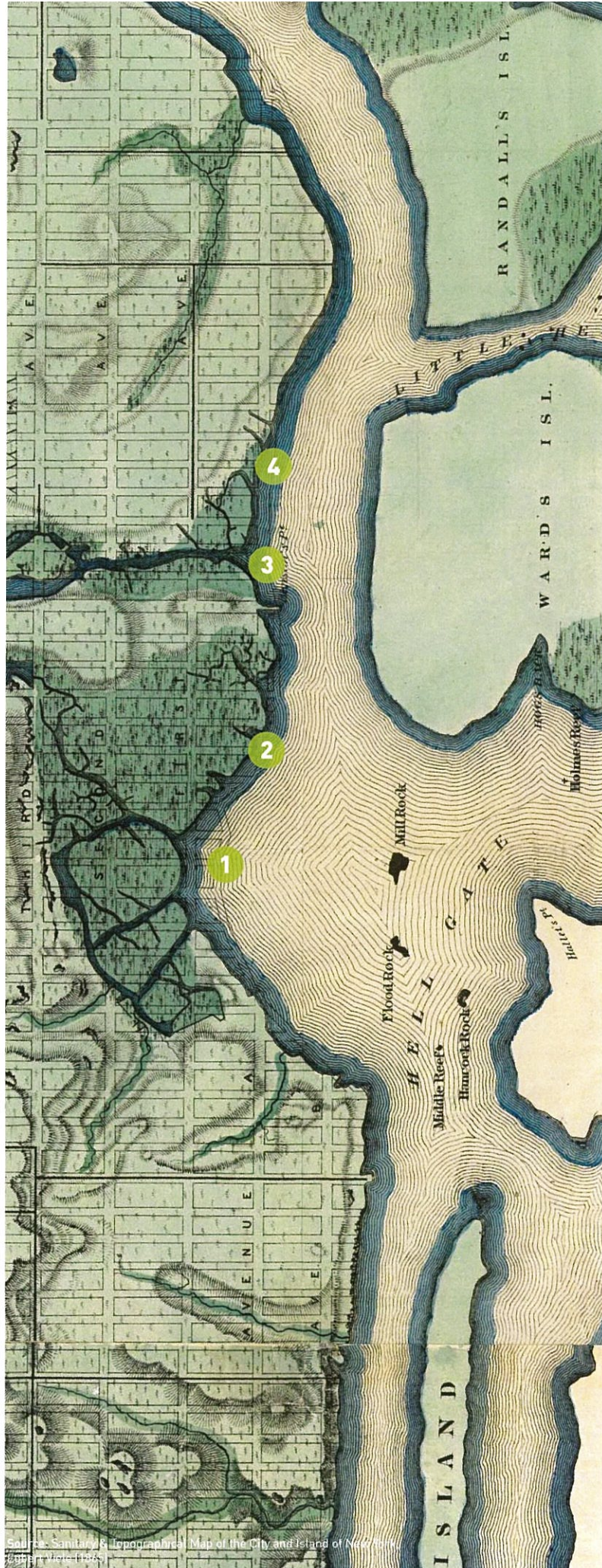
2017 Proposed Zoning











1 96th Street

A Future Gateway

The 96th Street underpass is the only section from 59th to 125th Street, outside of Carl Schurz Park, where people can access the Esplanade without crossing over a typically narrow pedestrian bridge. Currently, the space beneath the elevated FDR is underutilized. A community boathouse in this location would activate the space and create a more welcoming gateway for the larger community. A mesh or perforated metal structure that allows light through could create an enclosure for boat storage. The structure may be lit from within at night creating an artful environment and safer entrance to the Esplanade. Sculpture or murals could further enliven the space and create a strong sense of identity.

In the future, flood protection measures should be incorporated into the structure and underpass, as areas upland from 96th street are vulnerable to flooding. Such measures would clearly need to be integrated into a larger flood protection system that considers the hydrology and adjacent elevations along the entire upper East River and Harlem River.



Existing Condition



Boathouse Opportunity

East River C.R.E.W.

www.eastrivercrew.org

East River CREW is a community boating group that promotes stewardship of New York's waters and currently launches row boats from 96th Street. The group has been seeking a location for a boathouse/learning center. Such a facility could become a year-round site for study of river history and ecology. East River CREW currently offers rowing to the community on Tuesday evenings.



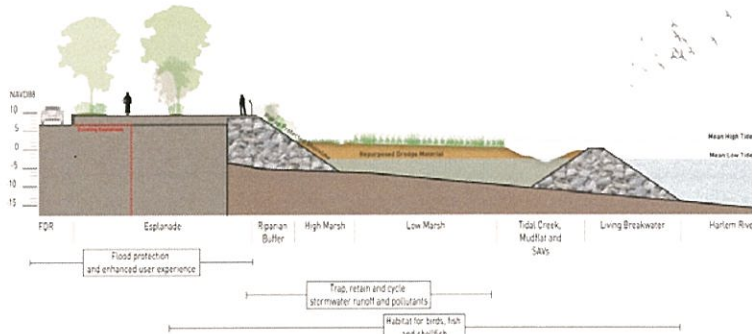
Source: City Beats (2011), Photo by Raya Jalabi

2 Ecological Edge

101st Street / Extents: 96th - 117th Streets

Hardened edges, typical of urban waterfronts, exacerbate erosion at nearby sites and provide little habitat for estuarine species. The ecological edge would reintroduce adapted biological communities with riprap and restore natural processes to the nearshore environment. This system will improve water quality, recreate tidal marsh habitat, once extensive in this area, provide long term stability to the esplanade, and create an engaging waterfront experience for the community. Starting in the spring of 2015, CIVITAS will be working with the Harbor School and Foundation to conduct an experiment with the hope it will provide the data necessary to construct an ecological edge in East Harlem.

Creating a Continuum of Connected Shoreline Habitat on an Urban Waterfront



Possible Ecological Edge

CIVITAS

www.civitasnyc.org

CIVITAS is a neighborhood non-profit organization dedicated to improving quality of life on the Upper East Side and in East Harlem. CIVITAS focuses its efforts on planning, zoning, and environmental issues. Reimagining the Waterfront through a community based planning initiative is a current and ongoing planning project.

The CIVITAS Reimagining the Waterfront community based planning initiative is made possible through generous grants from the New York Community Trust, the Anna-Maria and Stephen Kellen Foundation, the Thompson Family Foundation and New York City Council.

Mathews Nielsen

www.mnlandscape.com

Mathews Nielsen is an award-winning landscape architectural practice providing comprehensive planning and site design services throughout the United States for 20 years. MNLA has extensive experience working on the planning and design of civic landscapes and waterfront environments.

3 Pier 107



Existing Condition



Interim Opportunity

Rediscovering the Pier

Pier 107 was built in 1931 on a former dump site and was, at the time, an integral piece of the working waterfront uses that dominated the area. Today, it provides an opportunity for a unique experience along the Esplanade. It is one of the few places along the river that is not exceedingly narrow, and a greater distance from the FDR provides a quiet space for users. Furthermore, since the Pier projects out into the Harlem River, it affords great views and excellent fishing.

Unfortunately, the covered portion of the pier is in a state of serious disrepair, making a large area of this resource unusable for the local community. By removing the roof of the pavilion completely, the entire pier could become usable again. The space could be used for seating, outdoor movies, an outdoor classroom, and even temporary concessions could be introduced. This interim condition would energize the community by creating a waterfront gathering space, and hopefully, serve as a catalyst for the future comprehensive reconstruction of both the pier and entire Esplanade.

Pier 107 has been restored several times in its history and will soon be in need of complete reconstruction. In the future, the pier may be designed in a completely different way that serves contemporary community needs. The site provides an excellent opportunity, as does the Esplanade as a whole, to reinvent the community's relationship to the water.

4 Thomas Jefferson Park

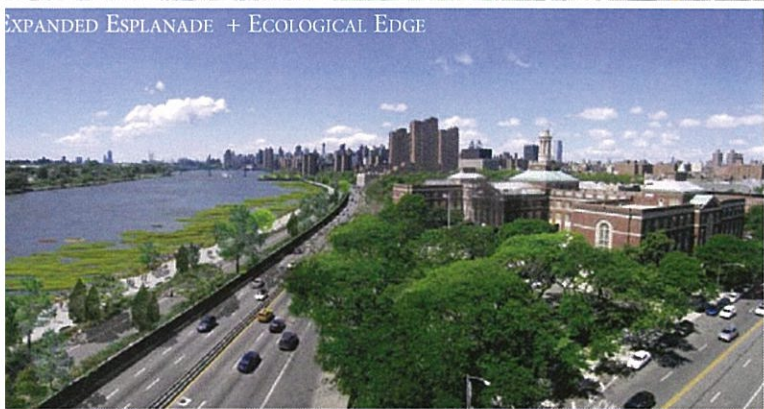
Connecting Community to the River

Thomas Jefferson Park and the Manhattan Center for Science and Mathematics, between 111th and 116th Streets, are currently disconnected from the Harlem River waterfront. There is an opportunity in this section of the esplanade to reconnect the community and park to the river and provide a wider esplanade and ecological edge at the waterfront to make this space an attractive destination. Flood protection could be integrated into the design. Generous connections via a land bridge or a deck over the FDR would create both a seamless connection to the waterfront and expand parkland in the East Harlem community.

Existing Condition



EXPANDED ESPLANADE + ECOLOGICAL EDGE



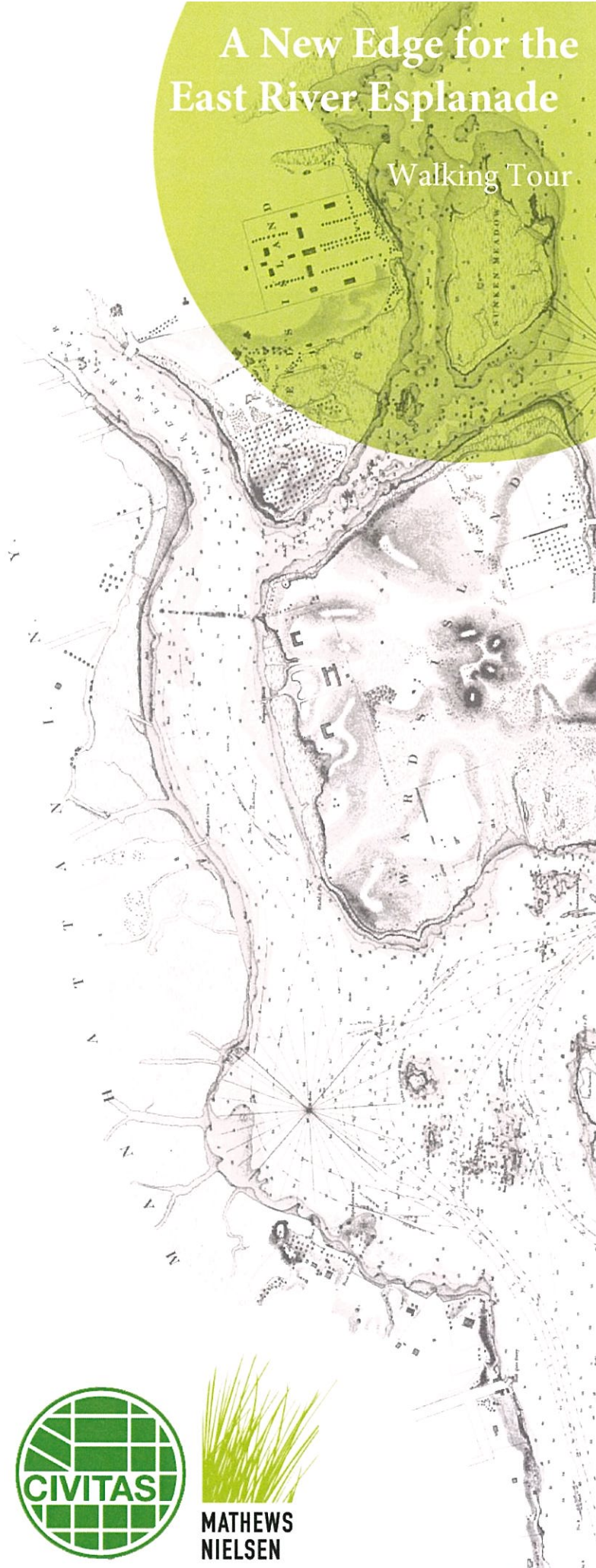
Land Bridge



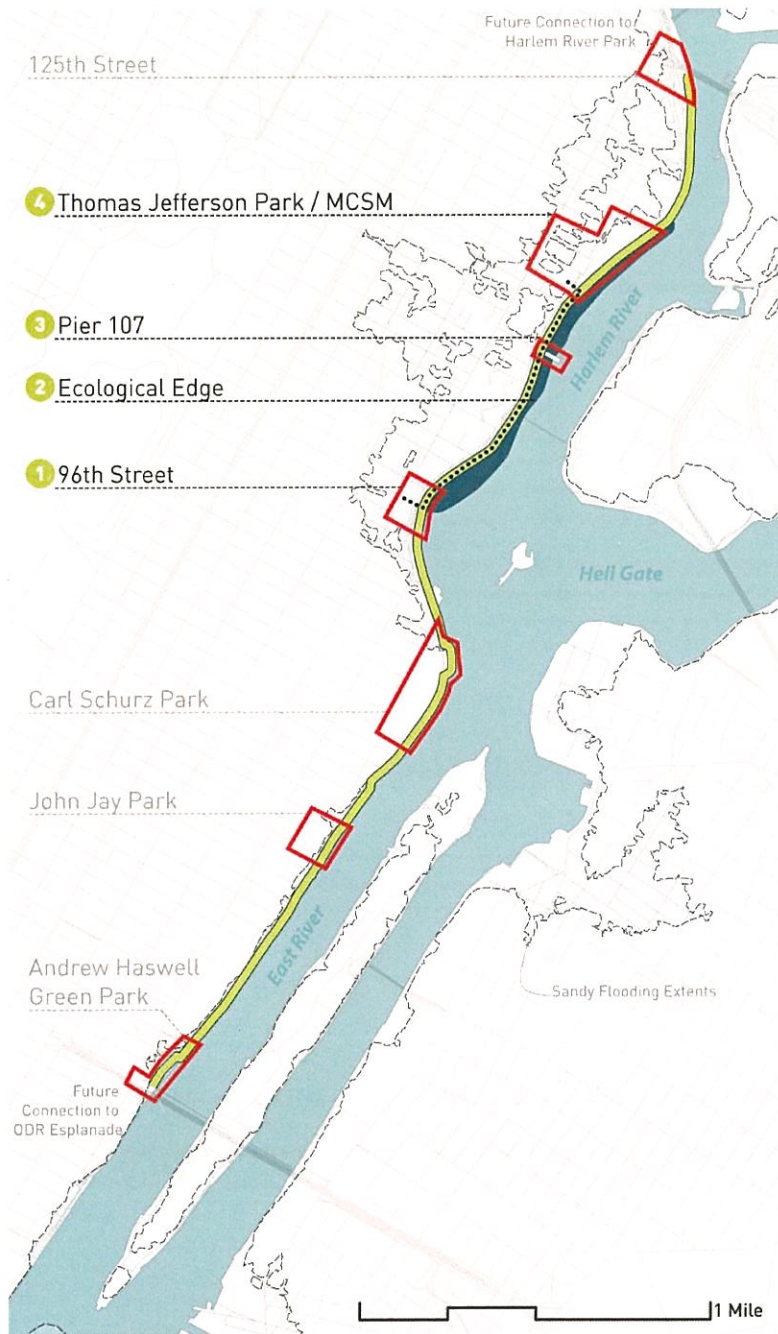
Park over FDR



A New Edge for the East River Esplanade Walking Tour



Map



Project Overview

The East River Esplanade from 59th Street to 125th Street is a thin strip of New York City Parks Department land that was developed into a park during the reconstruction of the Franklin D. Roosevelt East River Drive (FDR) during the 1960s. Some of the material supporting the highway and esplanade is masonry rubble from London buildings destroyed during WWII and used as ballast by returning convoy ships.

The Esplanade has fallen into a state of disrepair, prompting the Parks Department to engage in a comprehensive study of the underwater support structures. The results of the study indicate the need for significant investment and repairs. An initial allocation of funds for repairs has been designated to address some of the most serious problems, but additional funds are still needed. Other issues, such as persistent noise from the FDR, sea level rise, acute flood events, and the generally narrow space will continue to degrade the overall experience on the esplanade. Civitas and Mathews Nielsen have been working with the local community, government representatives, and city agencies to develop a new vision for this green space that can better serve the city and local community.

History

History / Timeline

The shoreline on this portion of Manhattan has been altered dramatically over the past centuries and has included the filling of tidal salt marsh and cutting back of land to promote shipping. In 1885, the "Great Blast of Flood Rock" employed the largest quantity of explosives ever used in a single operation at the time. This was part of an extensive effort to make Hell Gate, the confluence of East River and Harlem River, safer for ships.

The East River Esplanade is a waterfront corridor shared by East Harlem and the Upper East Side. During Superstorm Sandy, the Esplanade, the FDR, and portions of East Harlem experienced considerable flooding and damage.

Great Blast of Flood Rock



Source: New York Public Library (1885)

FDR Drive | Boulevard



Source: New York Public Library (1937)

FDR Drive | Sandy Flooding



Source: sarahleingang, Instagram user (2012)

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MAS Comments for the City Council on the East Harlem Rezoning Proposal and the Draft East Harlem Housing Plan, (C 170358 ZMM & N 170359 ZRM) Manhattan, NY

October 11, 2017

Position

The Municipal Art Society of New York (MAS) has a number of critical concerns that we urge the City to address before we can support the East Harlem Rezoning proposal and the East Harlem Housing Plan. As discussed herein, we have recommendations regarding the undercounting of available development sites, potential displacement of area residents, shadow impacts, and the provision and protection of public space as well as broader matters of long-term affordability and preservation of existing dwelling units.

MAS commends City Council Speaker Melissa Mark-Viverito and Manhattan Borough President Gale Brewer for their efforts as Chairs for the East Harlem Neighborhood Steering Committee, which resulted in the *East Harlem Neighborhood Plan* (EHNP). Several of our concerns could be addressed by incorporating the recommendations in the *Neighborhood Plan* and gleaned through the Steering Committee's public engagement process.

Background

The New York City Department of City Planning (DCP) has proposed a series of land use actions, including zoning map amendments, zoning text amendments, and amendments to the Milbank Fawley Circle-East Urban Renewal Plan, that would affect a 96-block area in the East Harlem neighborhood of Manhattan Community District 11. In addition, the Department of Housing Preservation and Development (HPD) has issued a draft *Housing Plan for East Harlem (Housing Plan)* that seeks to preserve existing and development new affordable units on City-owned property within the rezoning project area. The six sites identified in HPD's plan would result in an estimated 2,439 affordable units.

Almost 40 percent of East Harlem households have an annual income below \$24,500 and the neighborhood as a whole has a median income of \$30,973. The addition of approximately 6,000 new residents under the plan to this historically low income area has the potential to drastically change the socioeconomic conditions and character of the neighborhood.

Development Sites, Rent-Stabilized Units & Potential Direct Residential Displacement

MAS finds the Reasonable Worst Case Development Scenario (RWCDs), which frames the evaluation in the Final Environmental Impact Statement (FEIS), does not accurately represent the most conservative potential development projection under the zoning proposal and thus could affect the accuracy of the socioeconomic conditions evaluation.

According to DCP MapPluto database, the rezoning area has 521 multi-family residential buildings that are underbuilt based on current zoning.¹ This brings to light concerns that by increasing allowable density, the rezoning would put additional redevelopment pressure on these sites. The RWCDs identifies 102 projected and potential development sites, which excludes 66 percent of the aforementioned underbuilt residential buildings.² While we acknowledge that there are reasonable arguments for excluding certain underbuilt multi-family buildings, such as lots that are currently under construction, the City's calculation may underestimate future development facilitated by the rezoning.

¹ According to MapPluto 16.2., individual buildings with available Floor Area Ratio (FAR) of at least 3.6 or more. Includes buildings with six or more residential units, and assemblages of buildings with a total of 10 or more residential units.

² 230 out of the 521 underbuilt properties (44 percent) are included in the development sites. Several of the development sites include multiple parcels, suggesting that they will be merged under the future with action conditions.

Twenty-eight of the underbuilt properties contain rent-stabilized units registered with the New York State Division of Housing and Community Renewal (DHCR), and another 72 are likely to contain rent-stabilized units that are not registered.³ This is important because East Harlem is already losing rent-stabilized units at a fairly rapid pace. Between 2007 and 2014, the area incurred a net loss of 5.4 percent of its rent-stabilized housing, and areas affected by the 2003 rezoning have seen a decline of 7.5 percent. Given the socioeconomic conditions of the area, MAS is concerned that the rezoning will exacerbate this trend.

The FEIS states that multifamily buildings with rent-stabilized units are unlikely to be demolished and redeveloped because of the requirement to relocate displaced tenants, and therefore excluded from the RWCDs. MAS agrees in that buildings with rent-stabilized units should not be developed. However, just because these sites are not included in the EIS theoretical analysis does not prevent them from being developed in reality. The draft *Housing Plan* outlines strategies for preserving these affordable units (discussed herein under *Housing Plan for East Harlem*), but MAS believes these measures do not go far enough to ensure that rent-stabilized units would not be lost.

MAS urges the City Council to recognize that underbuilt properties with rent-stabilized units are subject to becoming potential development sites, and therefore, we consider that the FEIS is underestimating the potential scale of direct displacement under the proposal.

Indirect Residential Displacement & Rent-Stabilized Units

The FEIS socioeconomic analysis should have evaluated an appropriate income band under the MIH program. We question the accuracy of the indirect residential displacement evaluation without an MIH option selected.

While the FEIS asserts, without specifying MIH income bands, that rezoning “would result in new populations with higher average incomes than the existing population...and that the incremental population may be large enough to affect real estate market conditions,” it concludes that the rezoning “would not result in significant adverse impacts due to indirect residential displacement.” MAS questions the validity of this conclusion without a full analysis of a specific MIH option. We counter that the rezoning could exacerbate existing market-rate forces, and without the proper preservation mechanisms for existing housing, lead to the displacement of a significant number of low-income residents.

As is the case with many rezonings that affect low-income communities, we maintain that the housing options under the current MIH income bands are out of reach for the majority of East Harlem households. According to the *Housing Plan*, 38 percent of the households in Community District 11 have an income that is less than 30 percent of the AMI (\$24,500 for a three-person household). Meanwhile, the deepest affordability option under MIH would require that 20 percent of the residential floor area be affordable to households earning 40 percent of AMI (\$32,640 for a three-person household).

Given this gap and the need for establishing targets for low and moderate AMI bands that accurately reflect neighborhood median incomes, the *Neighborhood Plan* recommended, as does MAS, that at least 20 percent of the affordable units should be at or below 30 percent of AMI.

There are 308 buildings with rent-stabilized units in the project area registered with the DHCR and an additional 135 are likely to have rent-stabilized units that are not registered.⁴ Although many of these buildings are not considered underbuilt, and owners might not have the incentive to demolish and redevelop these properties, they may be inclined to deregulate stabilized units or even illegally convert them into market-rate.

³ Henrick, Chris, 2014, *Am I Rent Stabilized?* Graduate Thesis Studio, Parsons MFA Design & Tech, http://chenrick.carto.com/tables/all_nyc_likely_rent_stabl_merged/public (last accessed June 9, 2017)

⁴ *ibid*

Because the FEIS does not evaluate potential impacts from illegal conversions of rent-stabilized to market-rate units and that the outlined strategies from the *Housing Plan* cannot guarantee that these units will be preserved, we urge the City Council to recognize that the socioeconomic conditions analysis in the FEIS does not evaluate indirect residential displacement from illegal conversions and loss of rent-stabilized units.

Open Space

According to the FEIS, the rezoning area is significantly below the City's planning goal for passive and active open space (0.50 and 2.0 acres per 1,000 residents, respectively). Despite the additional approximately 6,000 residents and 1,723 workers expected under the proposal and the added demand on the limited existing open space resources in the project area, the FEIS concludes that no significant indirect adverse impacts would occur because the increase would not exceed the 5 percent CEQR threshold.

Because of the limited amount of open space in the project area, MAS urges the City to pursue options for improving existing and creating new open space to accommodate the demands of the existing and future population of the project area. To improve area open space, MAS suggests the City to integrate the recommendations in the *Neighborhood Plan*. In addition, based on the City-owned and Leased Properties dataset (COLP), 49 sites⁵ comprising a total of almost four acres within the rezoning study area are City-owned and classified as having "no current use." Given the significant amount of underutilized property, we recommend the City to examine these sites as potential locations for new park space. Moreover, given their relative concentration towards the northern section of the rezoning boundaries (between 122nd - 126th streets and 3rd - Park avenues), MAS encourages the City to examine the potential of creating an integrated network of park space.

We appreciate that the FEIS has incorporated our recommendation to identify the East River Esplanade as being in dire need of repair and maintenance. The 2014 CIVITAS East River Vision Plan, funded by the New York Community Trust and New York City Council, identified numerous issues including, but not limited to, deterioration of the structure, sinkholes, poor condition of the Pier 107 pavilion, a lack of basic amenities such as restrooms, poor upkeep, and the separation of pedestrian and bike lanes. The East River Esplanade is also a vital link in the East River Greenway. Nevertheless, the FEIS fails to identify mitigating measures and we urge the city to commit to addressing the necessary repairs and upgrades to this important resource.

Unmitigated Shadow Impacts

Although the FEIS shadow analysis concludes that the rezoning would result in significant shadow impacts on El Catano Garden, Jackie Robinson Garden, and Eugene McCabe Field, no mitigation measures are proposed for these resources. Given the limited open space in the area, we urge the City to examine design changes that eliminate or greatly reduce shadow impacts on these resources and create new open space in the area, as recommended in the *Neighborhood Plan*.

Zoning District Density

According to the EHNP, the community recommended an R9 or R9A zoning district to add more affordable housing units while preserving the neighborhood's character. However, the proposed East Harlem Corridors Special District zoning text amendment designates areas along Third and Park Avenues as R10, allowing for smaller floorplates for towers, which would likely increase the height of buildings while reducing the viability of affordable housing production. Therefore, MAS encourages the City Council to reconsider the R10 designation and special bulk, setback, and height regulations currently proposed under the zoning text amendment, and adopt R9 or R9A districts as recommended by the EHNP.

Rezoning Boundaries

⁵ COLP (2014 v2 042315). According to the *Housing Plan*, 31 of these sites will be developed into affordable housing. The remaining 18 are concentrated between 122nd and 126th streets.

The EHNP recommended that the rezoning boundaries include properties that stretch further south, in some cases to the upper East 90s. However, under the DCP proposal, the boundary excludes the areas south of East 104th Street. These areas have been rising in value due to their proximity to the Upper East Side as well as existing and proposed train lines. Moreover, close to a thousand rent-regulated dwelling units⁶ have been lost between East 96th and 104th streets of within a span of eight-years (between 2007 and 2014).

The EHNP stated that additional density as well as affordable housing opportunities could be spread over a larger area, which would reduce the necessity of R10 buildings along 3rd and Park Avenues. Moreover, the pressure to build luxury housing north of East 96th Street might be tempered by mandatory inclusionary housing. As such, MAS echoes comments made by Manhattan President Gale Brewer that the current and potential market attraction to this area warrants its inclusion within the rezoning boundaries to create preservation districts and institute mandatory housing requirements for new development.

Housing Plan for East Harlem

Preservation of Existing Affordable Units

MAS believes that many of the preservation strategies outlined in HPD's *Housing Plan* (released May 1, 2017) have great potential for success. However, the most promising ones have yet to be implemented. Because the rezoning is likely to move forward before the *Housing Plan*, MAS contends that the City does not have the mechanisms to effectively prevent the loss of existing affordable housing units, which will be more pressing with the significant amount of development expected under the rezoning.

According to the draft *Housing Plan*, 75 percent of East Harlem homes are rent-stabilized, rent-controlled, and/or receive some form of governmental assistance that limits the amount of rent that can be charged. The stated priority of the *Housing Plan* is to protect residents who want to remain in East Harlem. To achieve this goal, HPD aims to maintain affordable units in their portfolio by proactively informing owners about financial incentives the City can provide. The *Housing Plan* also outlines a number of forward thinking strategies that we find worth pursuing, including the implementation of community land trust models, expansion of legal representation for tenants, and execution of the "certificate of no harassment."

While these ideas have great potential, we recognize that they are for the most part in exploratory phases or will be included as pilot programs. Therefore, we strongly urge the City to employ these preservation strategies in concert with the rezoning. Furthermore, we would like to see the final version of the *Housing Plan* include examples of projects in which preservation incentives for affordable housing have been successfully implemented in light of significant development and deregulation pressures.

Development of New Affordable Units

According to the *Housing Plan* draft, the City will prioritize development of over 2,400 affordable units on City-owned properties involving six different projects.

Although the City has committed to deeper levels of affordability for the following projects: Lexington Gardens II, Sendero Verde (SustaiNYC), and MTA Bus Depot sites, where at least 20 percent of all units will be set aside for households earning up to \$24,480 for a three-person family (30 percent of AMI), the plan doesn't specify income bands for the remaining 80 percent of units. MAS concurs with the *Neighborhood Plan* recommendations to maximize deep levels of affordability and target income bands that reflect the neighborhood median income. Furthermore, we encourage the City to ensure that the units created on City-owned property at the Sendero Verde development would be permanently affordable.

⁶ Total number of lost rent stabilized units is 878, distributed across 77 buildings located between East 96th and 104th streets. Krauss, John, 2015, Whither Rent Regulation, <http://blog.johnkrauss.com/where-is-decontrol/> (last accessed August 16, 2017)

Additional Recommendation

To increase transparency and aid public oversight, MAS recommends that DCP make public all its mapping and GIS data related to the proposal. This includes shapefiles for the project and study areas, potential and projected sites, and other pertinent files. Making this data accessible will encourage more informed recommendations by the public.

Conclusion

MAS commends the Councilmember Melissa Mark-Viverito and Manhattan Borough President Gale Brewer for their extensive and lengthy community engagement process. However, we strongly recommend the City Council incorporate our recommendations. Given the current socioeconomic conditions of the area and huge influx of new residents and workers expected with the rezoning, we want to ensure that all potential opportunities for preserving existing and creating new affordable housing have been explored and that the neighborhood's character will be maintained.

Thank you for the opportunity to provide comments on this critically important proposal.



**New York City Council Public Hearing
East Harlem Rezoning**

Paula Crespo, Senior Planner
October 11, 2017

Good afternoon, Councilmembers. My name is Paula Crespo, and I am a planner at the Pratt Center for Community Development, one of several technical assistance providers to Community Voices Heard. Pratt Center works with community-based organizations across the City to help them achieve equitable development in their neighborhoods.

I'd like to briefly talk about the Neighborhood Development Fund and how a potentially rezoned East Harlem should get access to public capital investment. In the last several years the private sector has started to reinvest in the neighborhood. We see this in the form of new housing and retail. However, despite an impressive resurgence since the low days of the 1960s and 70s, in many respects East Harlem is still an underserved neighborhood that – regardless of a rezoning -- needs public sector capital investment in parks, playgrounds, schools, and other key elements of the public realm.

Therefore, we are greatly concerned about the administration's intension to tie the amount of public capital investment to how much new density that East Harlem's stakeholders are willing to accept. In other words, the administration is planning on breaking off a chunk of the Neighborhood Development Fund in an amount that is proportional to the amount of new housing units that the rezoning would create. This ignores the fact that East Harlem is already dealing with public underinvestment, and it is an example of *inequitable* development. It also fuels the more universal complaint from long-time residents that their neighborhoods do not receive adequate public investment until they gentrify and new, higher-income households arrive.

East Harlem deserves a more equitable formula for determining an appropriate level of public investment. I urge the City Council to work with the administration to ensure that the rezoning process allows East Harlem to get its fair share of public capital investment at levels that do not merely consider the new population that will arrive after the rezoning.

Thank you.

**Statement by Daria Fane
The Fane Organization**

We strongly support the Zoning Amendments proposed by NYC Department of City Planning (DCP) for up-zoning East Harlem to achieve greater height and density. Once East Harlem is re-zoned, construction will begin bringing new life and activity to the neighborhood. We support the proposal, but also offer one proposed change.

We are real estate developers with property along the Park Avenue corridor. We are not newcomers to the neighborhood, but have been in East Harlem since the 1980's, improving both our properties and the neighborhood. We own vacant development sites at 1900 Park (E129th-130th), and 1940 Park (E131st-E132nd), as well as the existing commercial building 1916-1938 Park Ave spanning the block-front E130-E131, and recently completed construction of 31 residential units at 51E131 and 48E132 (Park-Madison). Thus, we are directly affected by this zoning proposal.

Our opinions on the DCP proposal are relevant as owners of development site properties. Once current zoning issues are resolved, we will build at 1900 and 1940 Park. We believe greater density is beneficial for East Harlem. Mixed use will bring street level stores, restaurants and services, along with the population to support these businesses. Taller construction means getting residences up above the railroad tracks to where the noise is not heard, air is cleaner, and the view is better.

We urge one change to the proposal - extending R10 up Park Avenue to E132nd Street. R10 is currently proposed from E116th through E128th Street, but drops down to R9 for certain other blocks. As owners of property on the dropped-down R9 block (1900 Park between E129-130), we are concerned about this inconsistency. There is no logic to discrimination against our block on the West side of Park Avenue between 129th-130th when R10 is proposed for the East side of Park Avenue from 126th to 128th Streets. The DCP proposes the same height limit of 215 feet all the way up to 132nd Street, for both R9 and R10, so the only difference would be FAR, not height. We urge DCP to extend proposed R10 Zoning and 12 FAR to the entire corridor of Park Avenue up to E132nd Street, without the current discriminatory, cumbersome block-by-block spot zoning.

An additional comment on proposed FAR -- In the DCP plan, the 1900 Park block is designated M1-6/R9. Typically M1-6 allows 10 FAR, with 8.5 residential FAR and 1.5 FAR non-residential. There is no rationale for treating this M1-6 differently than the others in the rest of the city. We urge the DCP to allow this M1-6 district to produce the same 10 FAR it does everywhere else instead of limiting it to 8.5 in this district.

Under the current zoning, Park Avenue is deserted at night. There are vacant lots, automotive use, some commercial establishments, but not residential. With up-zoning, residential construction will begin, and these deserted streets will gradually become a regular, inhabited neighborhood, despite the railroad tracks. The newly-zoned mixture of commercial and residential will bring greater vitality to the area.



Testimony of Bryant Brown, SEIU 32BJ
East Harlem Rezoning
Zoning and Franchise Committee Hearing, October 11, 2017

Good morning. My name is Bryant Brown. I am here today testifying on behalf of my union, 32BJ.

Over 1,200 32BJ members live in East Harlem, and over 700 32BJ members work in the neighborhood. These men and women maintain, clean, and provide security services in market-rate and affordable residential buildings. The well-paying building service jobs they hold allow their families to live, work, and succeed in this city.

East Harlem is a diverse community of working people like me. I know many of my neighbors are struggling as their rent increases while their wages stay the same. New development that includes affordable housing for a mix of incomes and that creates jobs that pay decent wages is the only way working people will be able to continue to live in East Harlem.

The East Harlem Neighborhood Plan recommended that this rezoning move forward with a number of provisions to help ensure it would create good jobs for neighborhood residents. These recommendations include:

1. A guarantee from the City that any developer receiving public subsidies or building on public land will be required to pay the prevailing wage.
2. A guarantee from private developers that they too will pay the prevailing wage in their industry.
3. A local hiring plan that prioritizes offering job placements to East Harlem residents.

We believe this rezoning should only move forward with these provisions.

We are happy to report some progress on the second provision. 32BJ has had conversation with L+M—the developer behind both the Sendero Verde site and another site in the rezoning area—and we are confident that the developer will soon make a public commitment to ensuring that the building service jobs at these sites are good jobs that meet the area standards. We believe that before this area-wide rezoning is approved, other developers who stand to gain from it—Artimus Construction and Tahl Property Equities—should make public commitments to good jobs as well.

Thank you.

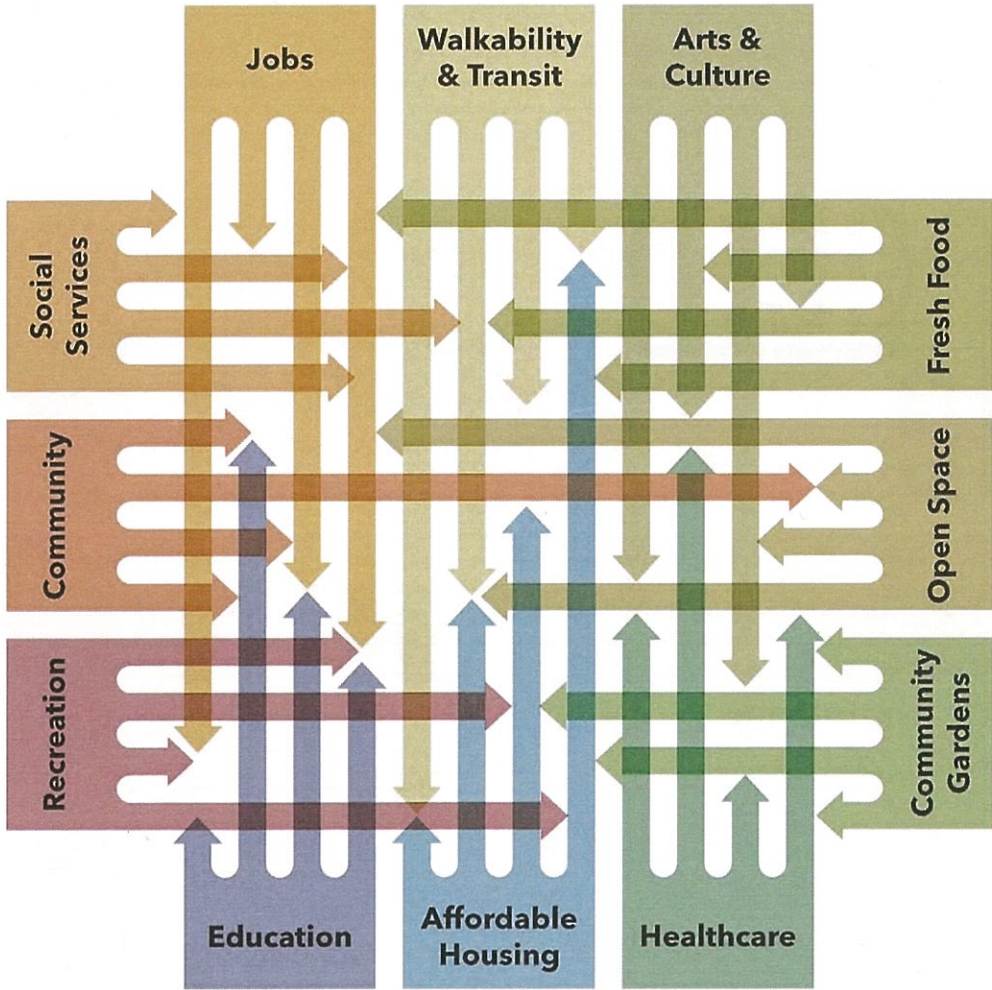
Sendero verde

City Council Public Hearing
October 11th, 2017

Jonathan Rose Companies, L+M Development Partners, The Acacia Network
Handel Architects, AECOM

COMMUNITY OF OPPORTUNITY

Sendero
verde



COMMUNITY PARTNER: MOUNT SINAI

- Mt. Sinai will collaborate with the YMCA and other neighborhood services to provide medically-integrated health and fitness programs designed to prevent and treat chronic disease.



COMMUNITY PARTNER: YMCA

- Established 1852
- Serves over 550,000 New Yorkers each year with almost half under age 18
 - New York's largest private youth serving organization
- The YMCA in collaboration with Mt Sinai Arnhold Center for Global Health will provide a health and wellness focused program



COMMUNITY PARTNER: UNION SETTLEMENT

Sendero
verde

- Established in 1895
- Multi-generational East Harlem-based social service provider
- Serves 10,000 local residents each year, including over 1,500 seniors and over 2,000 youth



COMMUNITY PARTNER: DREAM CHARTER SCHOOL

- Since 1991 a whole generation of East Harlem youth have PLAYED, LEARNED & GROWN with Harlem RBI
- We serve 1,700 boys and girls ages 5-22 annually with 169 staff and 300 volunteers
- In 2015, 100% of our Harlem RBI seniors graduated from high school
- In 2015, 100% of our Harlem RBI seniors matriculated to college
- In 2015, we opened a \$52MM facility to house both a K-8 school for over 500 DREAM Students and new offices and program space for Harlem RBI



PROGRAM OVERVIEW

Total Units: 655

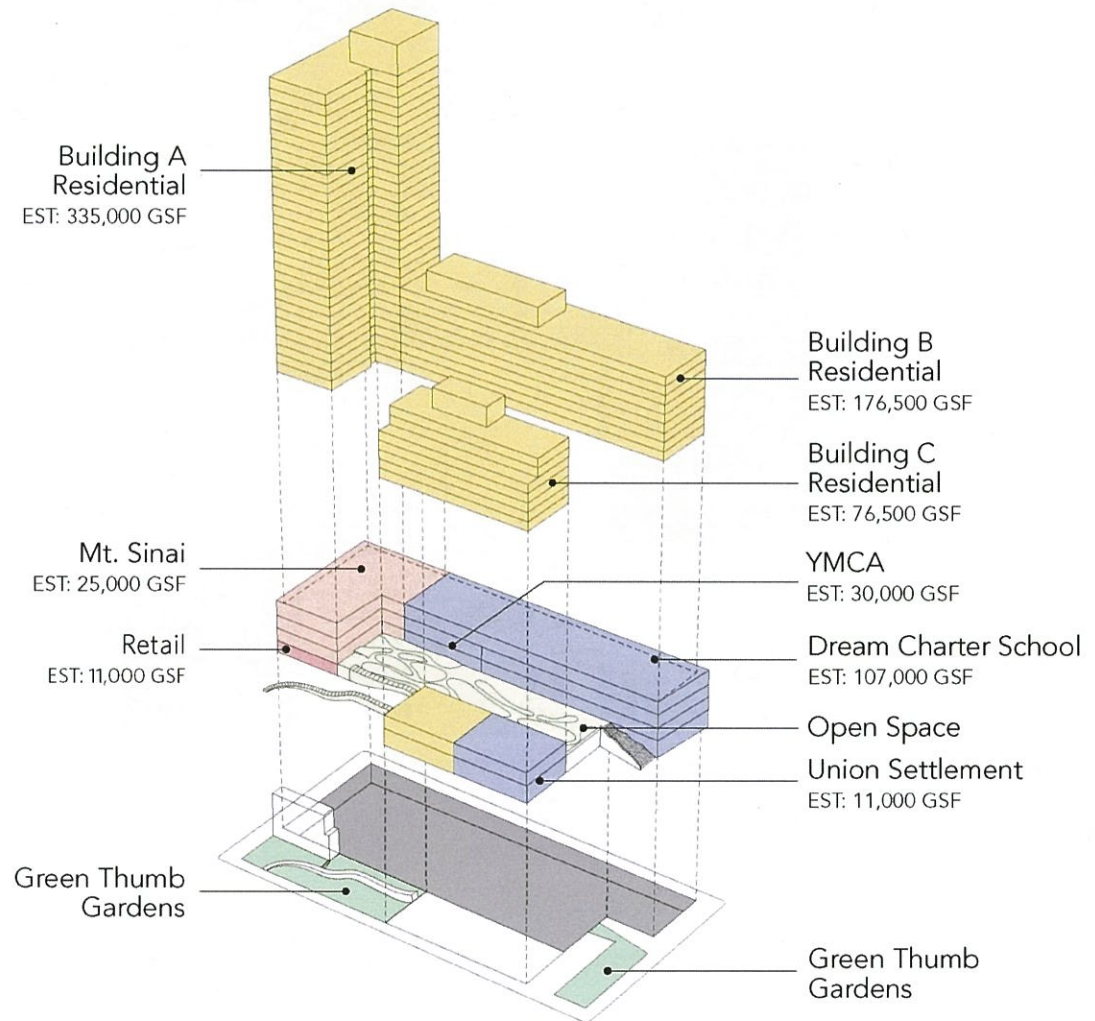
Gross Residential SF: 587,740

Gross Community Facility SF: 161,440

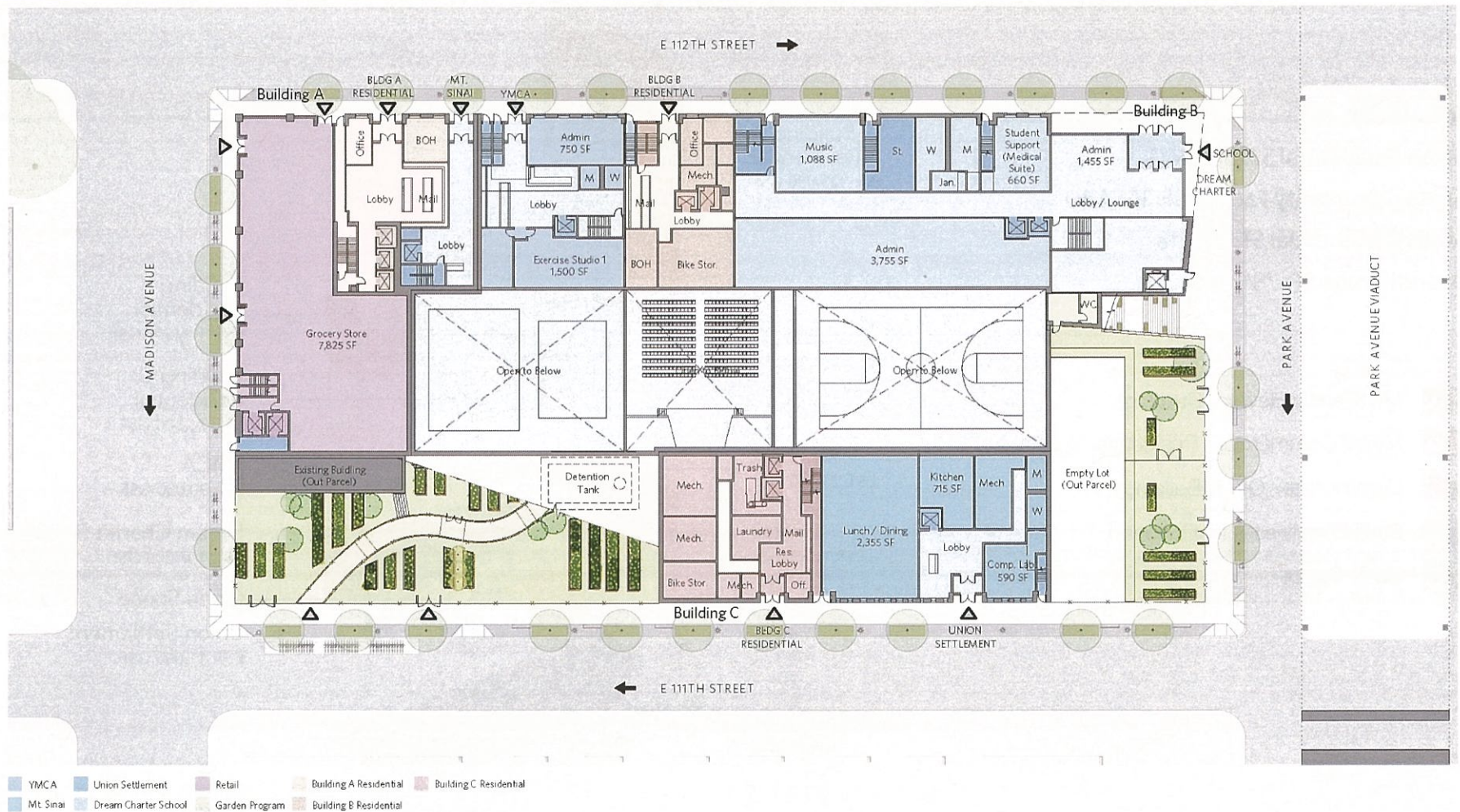
Gross Commercial SF: 36,218

Overall Gross SF: 785,398

- MultiFamily Elevator Buildings
- Mixed Commercial / Residential Buildings
- Commercial / Office Buildings
- Public Facilities & Institutions
- Open Space



GROUND FLOOR



SECOND FLOOR





Sendero
verde

View From
Park Av.

City Council Public Hearing



Sendero
verde

View from
corner of
111th and
Madison

PROPOSED RENTS

Affordable 30% AMI

Studio	39 units	\$327/mo	6%
1 Bedroom	49 units	\$418/mo	7%
2 Bedroom	28 units	\$509/mo	4%
3 Bedroom	18 units	\$582/mo	3%
TOTAL	134 units		20%

Affordable 60% AMI

Studio	31 units	\$775/mo	5%
1 Bedroom	63 units	\$970/mo	10%
2 Bedroom	51 units	\$1,162/mo	8%
3 Bedroom	29 units	\$1,344/mo	4%
TOTAL	174 units		27%

Affordable 40% AMI

Studio	8 units	\$464/mo	1%
1 Bedroom	12 units	\$590/mo	2%
2 Bedroom	7 units	\$714/mo	1%
3 Bedroom	5 units	\$819/mo	1%
TOTAL	32 units		5%

Affordable 80% AMI

Studio	7 units	\$1,050/mo	5%
1 Bedroom	21 units	\$1,320/mo	7%
2 Bedroom	9 units	\$1,590/mo	2%
3 Bedroom	5 units	\$1,831/mo	2%
TOTAL	109 units		17%

Affordable 50% AMI

Studio	7 units	\$599/mo	1%
1 Bedroom	21 units	\$758/mo	3%
2 Bedroom	9 units	\$917/mo	1%
3 Bedroom	5 units	\$1,053/mo	1%
TOTAL	42 units		6%

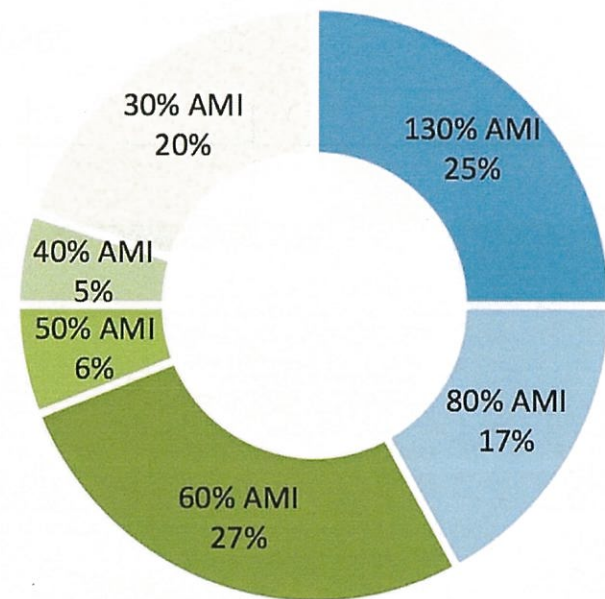
Affordable 130% AMI

Studio	33 units	\$1,727/mo	5%
1 Bedroom	49 units	\$2,168/mo	7%
2 Bedroom	49 units	\$2,609/mo	7%
3 Bedroom	33 units	\$3,008/mo	5%
TOTAL	164 units		25%

*Rents and AMI
levels are subject
to HPD approval

PROPOSED RENTS

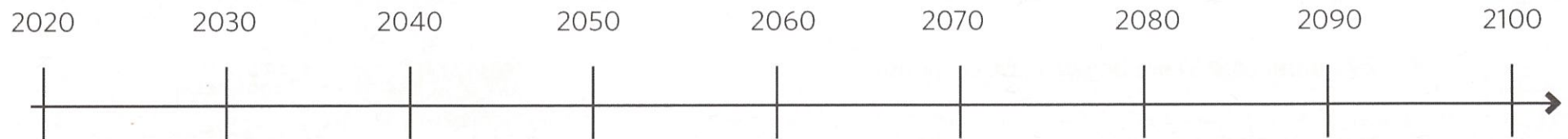
- **297 units (48%)** are below \$1,000/month
- **161 units (25%)** are below \$599/month
- **262 units (40%)** will stay permanently affordable
- **393 units (60%)** will stay affordable for at least 40-60 years



All Phases
655 Units

*Rents and AMI levels are subject to HPD approval

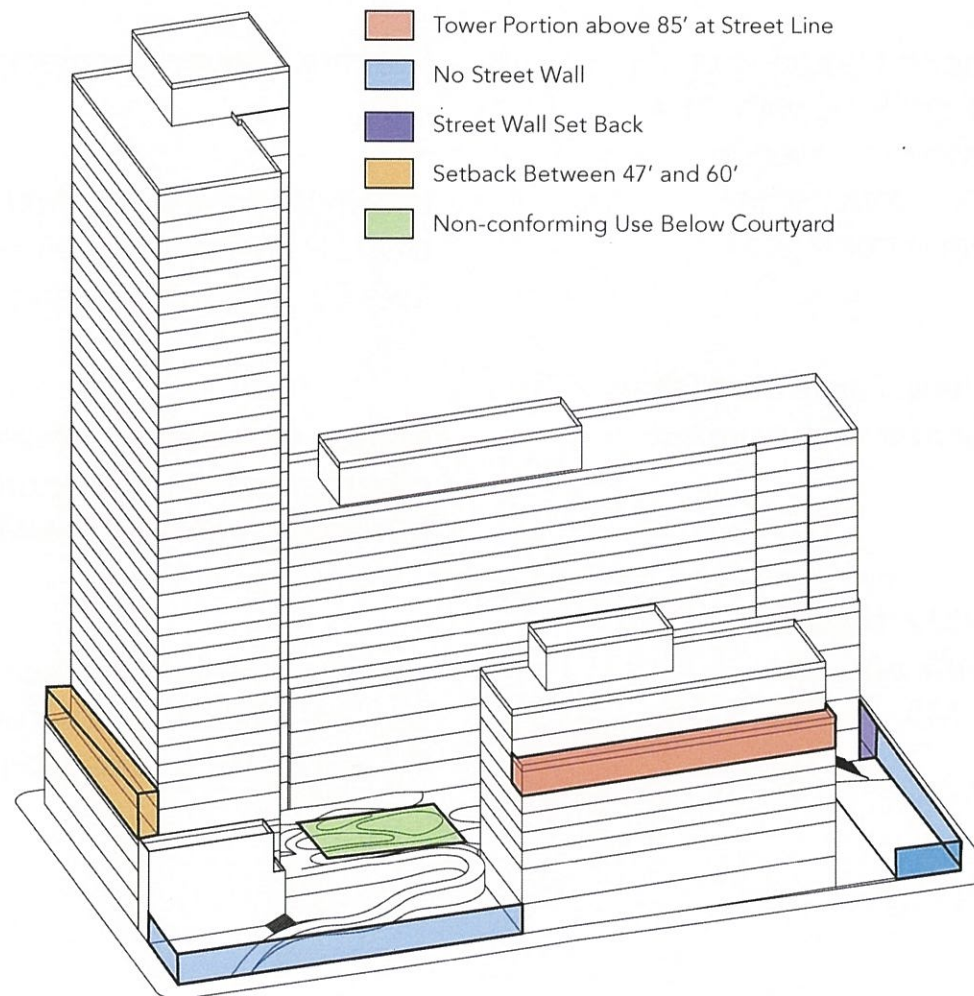
PERMANENT AFFORDABILITY



262 Units: Permanently Affordable

393 Units: 40 - 60 years

LARGE SCALE SPECIAL PERMIT WAIVERS



LAND USE ACTIONS

- **Zoning Map Amendment:** Rezoning of entirety of Block 1617 from R7-2 with C1-4 commercial overlays along the avenue frontages to R9 with C2-5 commercial overlays along the avenue frontages
- **Zoning Text Amendment:** Apply Mandatory Inclusionary Housing area over the project area
- **Large Scale General Development Special Permits for Bulk and Use Modifications:** ZR 74-743, 74-744
- **Parking Waiver Special Permit:** ZR 74-532
- **Urban Development Action Area Project:** UDAAP designation and project approval for Lots 20, 22-34, 35-54 and 121
- **Waiver of the requirement for 50% commercial at the ground floor in buildings located on a wide street**
- **City Authorization to acquire current lots 22, 121, 122, 35 and parts of lost 23, 25, 28 and 37 for use as Community Gardens**



City Council Public Hearing



**Land Use Subcommittee on Zoning & Franchises
East Harlem Neighborhood Rezoning
October 11, 2017**

Good afternoon. My name is Paula Segal. I am speaking today as an Attorney in the Equitable Neighborhoods practice of the Community Development Project (CDP) at the Urban Justice Center. Today, we are here to reinforce the remarks of Community Voices Heard, our partners in East Harlem. We urge the Committee to recommend that Council to heed the advice of the Borough President and the Community Board and vote NO on the proposed rezoning of East Harlem due to the inadequacy of the Final Environmental Impact Statement before you for consideration.

The EIS incredibly fails to include the Detailed Socioeconomic Assessment that the CEQR Technical Manual requires sponsors of land use actions that will drive significant neighborhood changes to perform. Detailed analyses are required whenever a proposed project will directly displace more than 500 residents,

If all the sites where direct displacement will become inevitable after an up-zoning were properly counted in the EIS, the number of residents likely to be directly displaced would be much more than 500. The EIS achieves its low count by excluding all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings under state law as a reason to leave them out of the count.

A detailed analysis is likewise required whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood.¹ The luxury development that is a prerequisite for the application of the Mandatory Inclusionary Housing (MIH)² on a per-project basis will bring markedly different uses, development and activities to what is now a predominantly Black and Hispanic low income³ neighborhood; this difference alone is sufficient to require a Detailed Assessment.

¹ CEQR Technical Manual Sec. 200

² MIH requires the developers of unregulated market-rate rental buildings to include some units that are available only to prospective renters who meet one of three sponsor-selected income requirements. These units will be rent stabilized at prices that those renters can afford. The options are designed to serve people who are dramatically much wealthier than current East Harlem residents; even the one that serves the lowest income residents fails to serve the 43% of the East Harlem community making less than 30% AMI. The bulk of income-tested units under all three MIH options is reserved for families of three making over \$100K per year, a population markedly different than the current population of the area where the zoning changes are proposed.

³ Median household income for Community District 11 (CD11) is less than \$31,000. (ACS 5-Year, DP03); only 34% of households make more than \$50,000 a year. (ACS 5-Year, B19001).

A Detailed Socioeconomic Assessment is not a mere exercise. Such an assessment is required because it will “allow the lead agency to understand the potential for, and extent of, a significant adverse impact *to a level that allows appropriate mitigation to be considered.*”⁴

Without a detailed analysis, it is impossible for the Department to show how it arrived at its determination of what mitigations are needed in the face of significant adverse impacts that the proposed change will have on the neighborhood. The City’s description of MIH, a program that cannot serve the majority of the area’s current residents as a “mitigation,” belies the paucity of analysis that has been done to understand the impact and develop a plan appropriate to that impact.

The proposal before you today does not include mitigations necessary to ensure that low income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents.⁵ Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City.

Approving the proposed action on the basis of the inadequate EIS that does not capture the impacts on the community required would be doing so in violation of state law and without appropriate mitigations.

⁴ CEQR Technical Manual Sec. 330

⁵ Appropriate mitigations could include (1) implementation of a citywide “Certificate of No Harassment” program, (2) commitment for NYCHA repairs in East Harlem, (3) requiring that 30% of all new residential units built on private land be permanently designated for households making 30% AMI or below and (4) requiring that 40% of all new residential units built on public land be permanently designated for households making 30% AMI or below and the rest be rent stabilized to be affordable to New Yorkers making more, but not more than 165% AMI, as Community Voices Heard has called for.

**TESTIMONY OF CHRIS WALTERS, AT
NEW YORK CITY COUNCIL SUBCOMMITTEE ON ZONING AND FRANCHISES
PUBLIC HEARING**

October 11, 2017

Good afternoon. My name is Chris Walters and I am the Rezoning Technical Assistance Coordinator for the Association for Neighborhood and Housing Development (ANHD). I'll be testifying on the residential displacement impacts that are of such concern in the proposed rezoning of East Harlem, and on problems with the City's methodology that allows them to find that there won't be negative impacts.

In evaluating the impacts of this rezoning on residential displacement the City excludes all buildings with 6 or more units built before 1974 from its analysis, on the false assumption that tenants in those buildings are rent stabilized and so free from risk. This assumption is wrong on two levels – one in assuming that all these buildings *are* rent stabilized and two, assuming that rent stabilized tenants are free from displacement pressure.

Excluding buildings with 6 plus units built before 1974 ignores the fact that in East Harlem hundreds of such buildings, totaling thousands of units – at the least - have left rent stabilization entirely over the past several decades. Tenants in these buildings can be evicted anytime their lease is up; development can and will happen on these sites – something that the proposed upzoning of East Harlem will strongly incentivize.

Furthermore, there is no guarantee that rent stabilized households are themselves free from displacement risk. In reality rent stabilized tenants face a wide range of harassment tactics or legal loopholes used to drive them out of their homes, especially where there is a financial incentive to do so. In East Harlem there are close to 5,000 households that are currently paying a



ANHD
50 Broad Street, Suite 1402
New York, NY 10004
Tel: (212) 747-1117

preferential rent for example. This means close to 5,000 families that *aren't* protected from steep and rapid rent increases - households that the City does not take into account when considering displacement effects.

In excluding rent stabilized buildings and buildings the City assumes are rent stabilized from its displacement analysis they are able to vastly underestimate the displacement potential of this proposed rezoning and its risk to the current residents of East Harlem. We urge the Council to take this into consideration and listen to the many voices in the community saying no to this rezoning as it's currently proposed.

East Harlem Neighborhood Study

The City's East Harlem Neighborhood Study is **more than just zoning**. We're taking a **comprehensive approach to neighborhood needs** that will include investments in a wide range of City programs, services, infrastructure and amenities to help foster a thriving community.

Engagement with the East Harlem Neighborhood Plan (EHNP)

Community Engagement

- Extensive community engagement effort led by the **City Council Speaker Melissa Mark-Viverito**.
- **21-member Steering Committee** comprised of community organizations and neighborhood representatives.
- Approximately **1,500 East Harlem residents** participated in **8 public visioning workshops** and **over 40 meetings**.
- Process resulted in the **East Harlem Neighborhood Plan (EHNP)**, which provided **200+ recommendations** to the City based on **12 key neighborhood topics** ranging from open space to housing to zoning and land use.



Interagency Coordination

After the release of the EHNP, the East Harlem Steering Committee subgroups and City agencies met on numerous occasions to discuss the following neighborhood topics:

- **Arts and Culture**
- **Open Space and Recreation**
- **School and Education**
- **Pre-K, Daycare & Afterschool**
- **Health and Seniors**
- **Housing Preservation**
- **Affordable Housing Development**
- **Small Businesses, Workforce & Economic Development**
- **Transportation**
- **Landmarks**
- **Zoning and Land Use**
- **Public Housing Developments**

These conversations with the Steering Committee and City Council will be continuing as the process progresses.

Responsiveness to the East Harlem Neighborhood Plan (EHNP)

Housing

- HPD released draft East Harlem Housing Plan on May 1; additional details at <http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan-draft.pdf>
- Piloting a **Landlord Ambassadors Program** to provide technical assistance to East Harlem property owners.
- Providing **\$4.6 million annually in legal services to low-income tenants** in East Harlem, including those facing harassment, through fiscal year 2021; working with the Tenant Harassment Prevention Task Force to investigate and act against landlords who harass tenants.
- Prioritizing the **surveying of distressed properties** in East Harlem; 283 buildings were surveyed between August 2016 and April 2017.
- **Prioritizing development of over 2,400 affordable homes** on publicly-owned land including at least 20% of units affordable to households below 30% of AMI on sites including Lexington Gardens II, Sendero Verde, and the 126th Street Bus Depot.
- Awarding **\$500,000** for the development of the **East Harlem / El Barrio Community Land Trust**
- Studying feasibility of a **Certificate of No Harassment** program in target areas
- Implementing **new term sheets** that reach deeper levels of affordability, and **new RFP policies** that make it easier for community development organizations to compete.

Learn more about the City's East Harlem Neighborhood Study at

<http://www1.nyc.gov/site/planning/plans/east-harlem/east-harlem.page>

Responsiveness to the East Harlem Neighborhood Plan (EHNP) – *Continued*

Public Health

- DOHMH has **opened a new Neighborhood Health Action Center in East Harlem** with co-located health and social services. The Action Center will include a new Federally Qualified Health Center and community kitchen.
- DOHMH, in partnership with the New York Academy of Medicine, NYS Health Foundation and Mount Sinai Hospital, provided a total of **\$275,000 in small grants and support to 11 local organizations** to implement health recommendations in the EHNP.

Education

- As part of the 2018 Fiscal Year Executive Budget, the administration has committed to **ensuring every classroom has air conditioning** by FY22. This will ensure that schools in East Harlem are able to address this critical facility need.
- **Three new community schools** will be coming to East Harlem for the 2017 – 2018 school year to expand comprehensive services provided to East Harlem students:
 1. PS. 83 Luis Munoz Rivera (City Year)
 2. P.S. 108 Assemblyman Angelo Del Toro Educational Complex (The Leadership Program)
 3. Esperanza Preparatory Academy School (Union Settlement)
- Administration for Children's Services (ACS) has converted vacant Head Start seats into **new Early Head Start seats** to serve toddlers in East Harlem.

Workforce / Economic Development

- **\$1.49M in Neighborhood 360 grants to local nonprofit partners** to staff, plan, and implement customized commercial revitalization programs informed by the Commercial District Needs Assessment of major East Harlem Commercial corridors over the next 3 years.
- As part of the East Harlem rezoning, the NYC Dept. of Small Business Services (SBS) has committed to opening a new **satellite Workforce1 Center** in the neighborhood.

Open Space

- NYC Parks, with funding through the New York State Department of State Local Waterfront Revitalization Program, has begun a **design process for the Harlem River Park Greenway Link esplanade** site, located between E125th and E132nd streets. Hosted first public meeting in July; will present alternative concept designs in Sept.
- Through its Community Parks Initiative, NYC Parks has **4 capital projects that are either completed or under way** in and around East Harlem.
- NYC Parks will kick off the **East Harlem Resiliency Study** to develop a plan for coastal and social resiliency that will reduce the risk of coastal flooding, improve upland drainage, and improve publicly-accessible open space. Study area includes the waterfront, from East 92nd to 154th St, as well as upland areas within the floodplain.
- The Randall's Island Park Alliance (RIPA) continues to support EHNP efforts through engagement with local stakeholders and the development of a **strategic plan** for redevelopment, stewardship and programming of the **Esplanade**.

Public Realm / Transportation

- The city is in the midst of reconstruction of a **new 125th Street Plaza** under the Park Avenue viaduct between 124th and 126th Streets to provide a newly constructed plaza and expanded sidewalks surrounding the MTA MNR station building between 125th and 126th streets. In addition to public space enhancement, the project includes changes to traffic signal timing and crosswalks to enhance pedestrian safety and add street lighting on Park Ave. sidewalks. Construction expected to commence Summer 2018.
- DOT implemented Vision Zero **pedestrian safety improvements** along the Park Avenue viaduct, most recently at East 110th St. These changes enhance the visibility and sight lines for pedestrians and motorists while creating shorter, safer and more accessible pedestrian crossings to and from the stone section of the viaduct.
- DDC, in cooperation with DOT, will begin constructing **two new bus bulbs for Select Bus Service at Lexington Ave. and 125th St.** This work includes bus pads and a new bus shelter.

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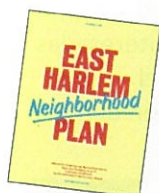
El Estudio Barrial del Este de Harlem

El Estudio Barrial del Este de Harlem **es mucho más que solamente zonificación**. Estamos abordando **las necesidades barriales mediante un enfoque comprensivo**, las cuales incluirán inversiones en una amplia variedad de programas públicos, servicios, infraestructura y amenidades que ayuden fomentar la prosperidad de la comunidad.

Participación con el Plan Comunitario de El Barrio (EHNP)

Participación Comunitaria

- Involucración intensiva con la comunidad liderado por la Presidenta del Consejo de la Ciudad **Melissa Mark-Viverito**.
- **Un Comité Directivo de 21 miembros** compuesto por organizaciones comunitarias y representantes del barrio.
- Aproximadamente **1,500 residentes de El Barrio** participaron en talleres públicos de planeación a largo plazo y mas de 40 juntas.
- El proceso resulto en el Plan Comunitario, contribuyendo con mas de 200 recomendaciones basadas en los 12 objetivos prioritarios del barrio entre espacios abiertos, vivienda, zonificación y uso de suelo.



Coordinación Inter-agencias

Después del lanzamiento del EHNP, los subgrupos del Comité Directivo y agencias ciudadanas se encontraron en numerosas ocasiones para discutir los siguientes temas barriales:

- **Artes y Cultura**
- **Espacios abiertos y Recreación**
- **Escuelas y Educación**
- **Pre-kinder y guarderías.**
- **Salud y personas mayores**
- **Preservación de vivienda**
- **Desarrollo de vivienda asequible**
- **Pequeñas empresas, trabajo y desarrollo económico.**
- **Transporte**
- **Monumentos**
- **Zonificación y Uso de suelo**
- **Vivienda pública**

Estas conversaciones con el Comité Directivo y el Consejo de la Ciudad continuaran a lo largo del proceso.

Receptividad al Plan Comunitario de El Barrio

Vivienda

- El 1ero de Mayo HPD publicó el plan de vivienda provisional. Mayores detalles aquí: <http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan-draft.pdf>
- Pilotaje del **Programa de Caseros Embajadores** para proporcionar asistencia técnica a propietarios dentro del Este de Harlem.
- Proporcionar **\$4.6millón anualmente hasta el 2021 en servicios legales a inquilinos de bajos recursos** en el barrio, incluyendo aquellos que se enfrentan a acoso; trabajando en coordinación con el grupo especial de prevención al acoso de inquilinos para investigar y actuar sobre caseros que acosen a sus inquilinos.
- Priorizar las inspección de propiedades en decadencia dentro del Este de Harlem; se inspeccionaron 283 edificios entre Agosto del 2016 y Abril 2017.
- **Priorizar el desarrollo de mas de 2,400 viviendas asequibles** en predios públicos incluyendo al menos el 20% de las unidades sean dirigidos ahogares con ingreso medio del 30% del ingreso medio del área en Lexington Gardens II, Sendero Verde y la central de camiones de la calle 126.
- Adjudicación de \$500,000 para el desarrollo del **Fideicomiso de Propiedades Comunitarias del Este de Harlem/El Barrio**.
- Estudiar factibilidad de un programa de **Certificación del No Hostigamiento** en áreas seleccionadas.
- Implementar nuevas hojas de condiciones y términos que alcancen niveles más profundos de asequibilidad y **nuevas políticas de RFP** que facilitar la competencia de las organizaciones de desarrollo comunitario.

Encuentre mas información acerca del Estudio Barrial del Este de Harlem aquí:
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Receptividad al Plan Comunitario de El Barrio – (Continuado)

Salud Pública

- DOHMH abrió un nuevo **Centro de Acción de Salud Comunitaria dentro del Este de Harlem** con servicios de bienestar y salud vital incluyendo un centro de salud calificado federal y una cocina comunitaria.
- DOHMH, en conjunto con la academia de Medicina de Nueva York, Fundación de Salud NYS, y Hospital Mount Sinai, **proporcionaron \$275,000 en pequeñas subvenciones y apoyo a organizaciones locales** para implementar las recomendaciones de salud en el EHNP.

Educación

- Como parte del presupuesto ejecutivo del año fiscal 2018, la administración se ha comprometido a **proporcionar cada salón de clases con aire acondicionado** para el año fiscal 2022. Esto asegurará que las escuelas del barrio tengan financiamiento para abordar esta necesidad crítica.
- **Tres escuelas comunitarias nuevas** llegaron al Este de Harlem para el año escolar 2017-2018 para expandir servicios comprensivos proporcionados a los estudiantes del barrio.
 1. PS. 83 Luis Muñoz Rivera (City Year)
 2. P.S. 108 Assemblyman Angelo Del Toro Educational Complex (The Leadership Program)
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- La Administración para los Servicios para Niños (ACS) ha convertido espacios vacíos de Head Start a **nuevos espacios de Head Start Temprano** para niños pequeños en el Este de Harlem.

Trabajo/Desarrollo Económico

- **\$1.49M en subvenciones de Neighborhood 360° a socios locales sin fines de lucro** para contratar personal, planificar e implementar programas de revitalización comercial personalizados, valiéndose de la evaluación de necesidades de distrito comercial (CDNA) de los principales corredores comerciales del Este de Harlem durante los próximos tres años.
- De parte del Estudio Barrial de Harlem, el Departamento de Nueva York de Servicios para Pequeños Negocios (SBS) se ha comprometido a abrir un nuevo **Centro satélite de Workforce1** en esta zona.

Espacios Abiertos

- NYC Parks, con financiamiento del programa de revitalización del litoral local del estado del Departamento de Estado de Nueva York, ha comenzado **el proceso de diseño para el malecón del parque "Greenway Link" en el Río Harlem**, ubicado entre las calles 125th y 132. Participación pública comenzó en Julio del 2017 con la primera junta pública. NYC Parks presentará conceptos de diseños alternativos en Septiembre.
- A través de la Iniciativa de Parques Comunitarios, NYC Parks **tiene cuatro proyectos que se han realizado o están en proceso de realizarse** en o cerca del barrio.
- NYC Parks comenzará el **estudio de resiliencia para el Este de Harlem**, para desarrollar un enfoque de diseño e ingeniería que reducirá el riesgo de inundación, mejorará el desagüe y crear un plan para los espacios abiertos. El área de estudio contempla el litoral desde la calle 92 hasta la 154, y además áreas elevadas que se encuentran en la llanura de inundación.
- La alianza por el parque de Randall Island (RIPA) continúa apoyando a los esfuerzos del EHNP mediante colaboración con partes locales interesadas y el desarrollo de **un plan estratégico** para el redesarrollo, administración, y programación del malecón del Este de Harlem.

Ámbito Público/ Transporte

- La Ciudad está en medio de la **reconstrucción de la plaza de la calle 125th** debajo del viaducto de la Avenida Park entre la 124 y 126 para proporcionar una plaza nueva y ampliar las aceras alrededor de la estación del MTA MNR entre 125 y 126. Además de mejorar el espacio público, el proyecto incluye cambios al cronometraje de las señales de tránsito y cruces peatonales para mejorar la seguridad del peatón y agregar iluminación pública en las aceras de la Avenida Park. Construcción comenzará en verano 2018.
- DOT implementó sus mejoras **Vision Zero en seguridad peatonal** en la parte norte de la calle 110. Estos cambios mejoran visibilidad y líneas de visión para peatones y automovilistas y ha creado pasos peatonales más cortos, seguros, y accesibles debajo de la sección de piedra dentro del viaducto de la Avenida Park
- DDC comenzará la construcción de **dos estaciones de autobús para el Servicio selectivo en la Avenida Lexington y la calle 125**. Este trabajo incluye una parada de autobús nueva.

Encuentre más información acerca del Estudio Barrial del Este de Harlem aquí:
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EAST HARLEM REZONING PROPOSAL



CITY COUNCIL HEARING PRESENTATION

OCTOBER 11 2017

NYCPLANNING



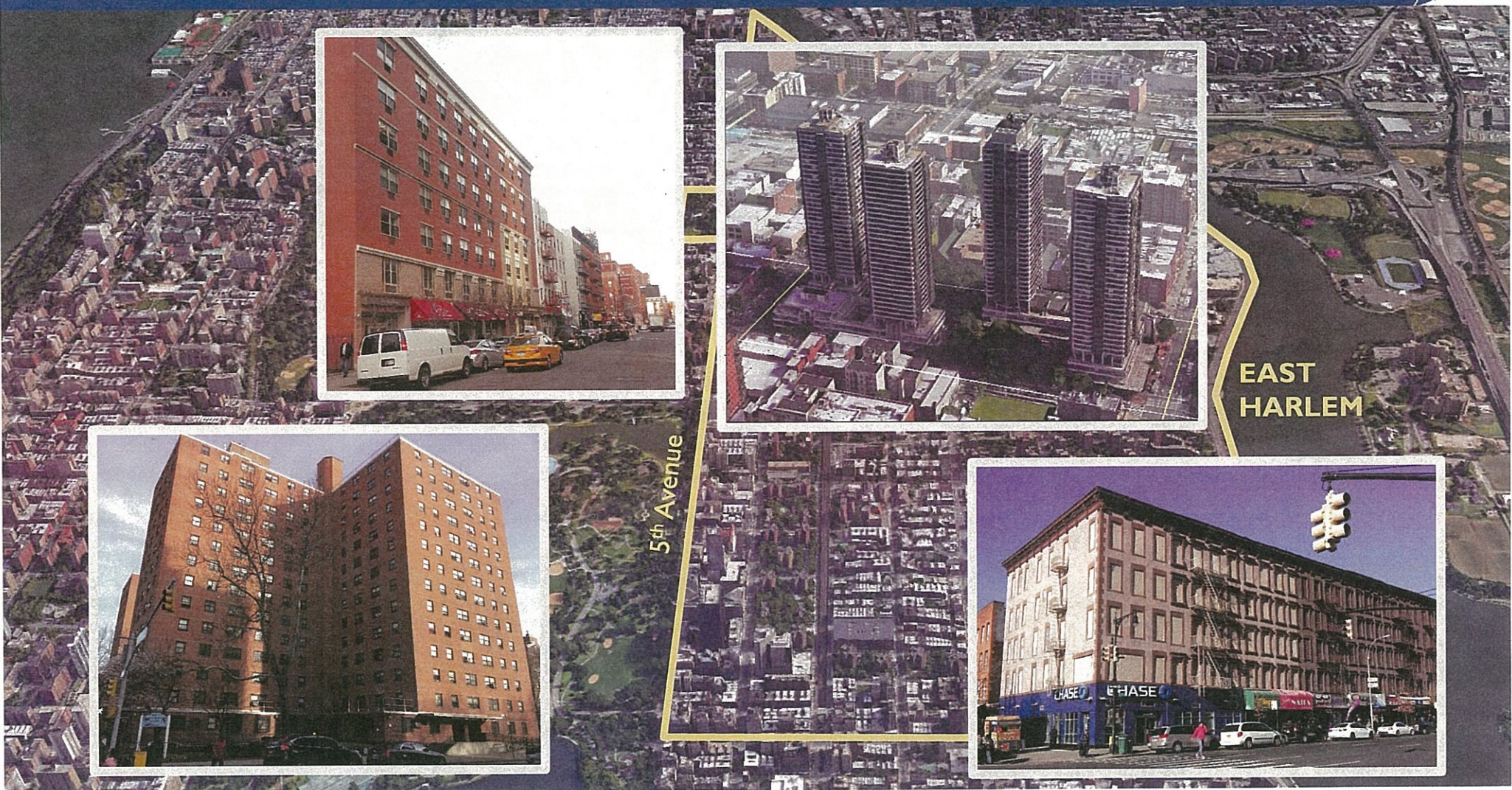
The City's East Harlem Initiative would...

- Bring **4,100 affordable homes** to East Harlem
- Require **all newly-constructed private residential buildings** to include **affordable homes** in upzoned areas
- Provide needed **infrastructure, programs and services** based on East Harlem community input
- Promote **spaces for jobs** at important transit nodes
- Preserve existing **neighborhood character** in areas with an established built context

East Harlem Geographic Context



East Harlem Geographic Context



EAST
HARLEM

5th Avenue

Demographic Profile and Development Trends

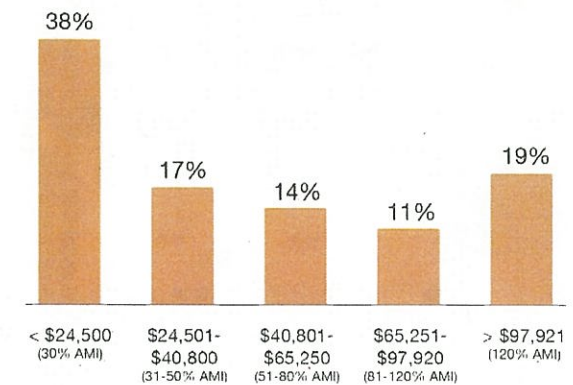
Approximately 43% of households in CD11 are at or below 30% of AMI¹

- Approximately **17%** of households in CD11 **not living in NYCHA** or other government-assisted housing are at or below 30% of AMI²
- HPD has created new term sheets specifically intended to serve those earning 30% of AMI in new affordable housing on public sites

East Harlem is currently facing **growing real estate pressures** and rapid neighborhood change:

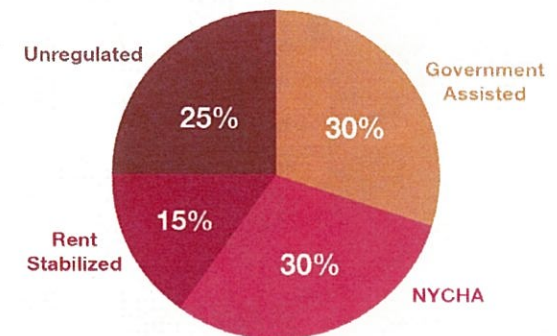
- More than half of all CD11 Households are considered “rent burdened”¹
- Between 2000 and 2014, median gross rents increased by 40% (compared to 24% citywide)¹
- **No affordability required** under current zoning

Household Income Distribution (CD11)



Sample incomes are for a three-person household based on 2016 HUD Income Limits; ACS, 2011-15

Regulatory Status of Existing Homes (CD11)



HPD Research and Evaluation, 2016

Existing Zoning in East Harlem

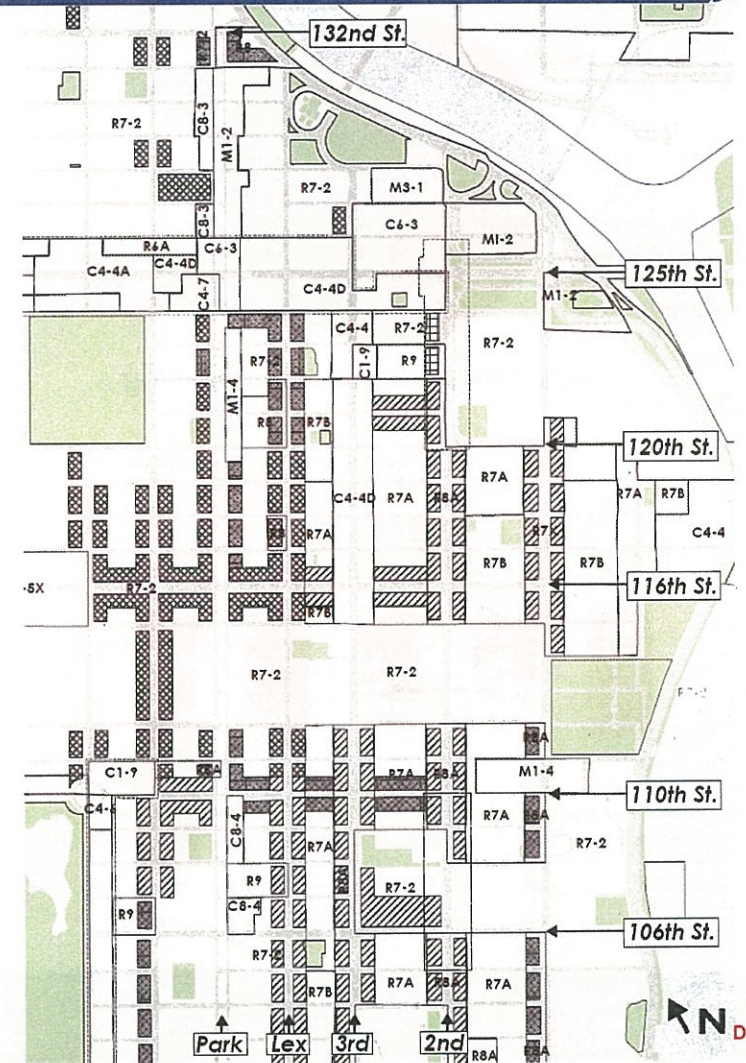
Tower Districts

Auto-Oriented Commercial and Manufacturing Districts

Special Transit Land Use (TA) Districts

2003 DCP Rezoning

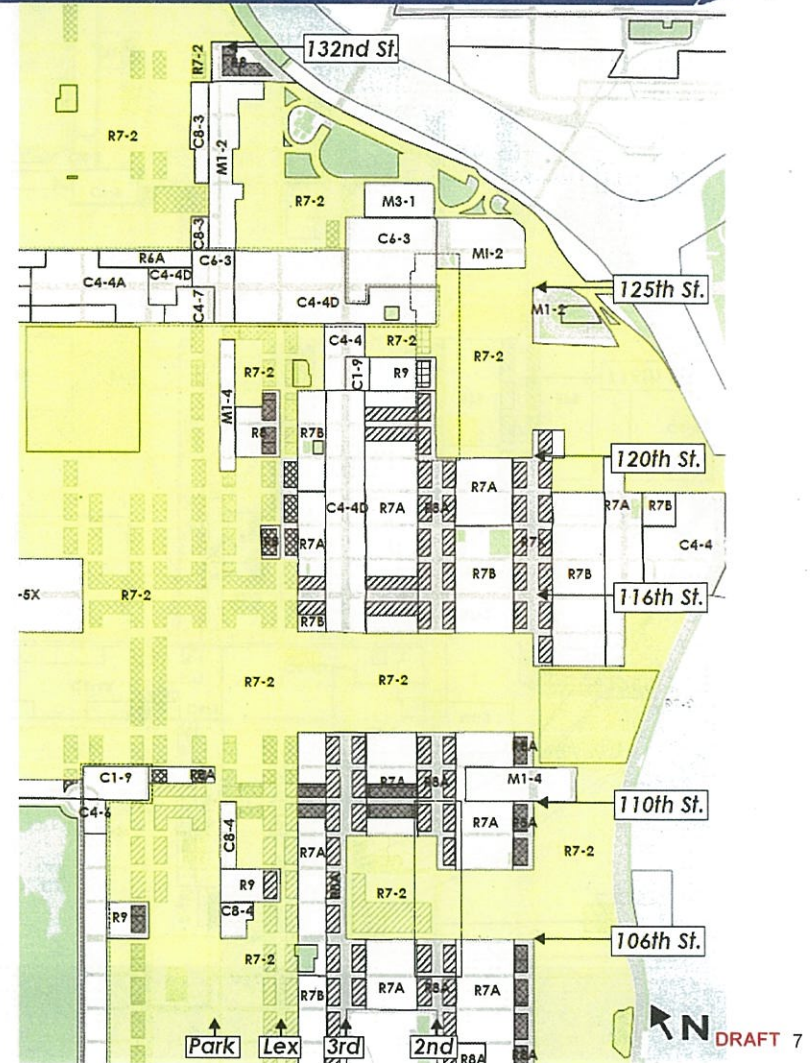
Special 125th Street District



Existing Zoning – Tower Districts

R7-2 “tower” districts were widely mapped in 1961

This resulted in several **20- to 35-story** “tower-in-a-park” buildings throughout the neighborhood

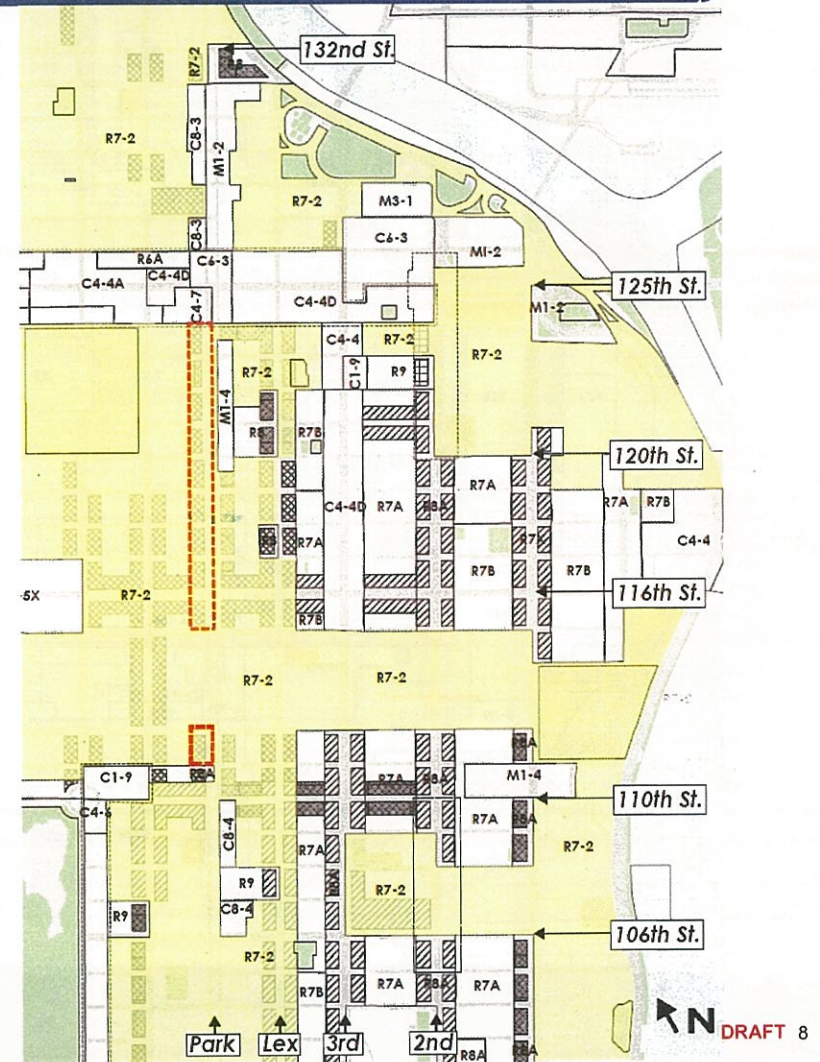
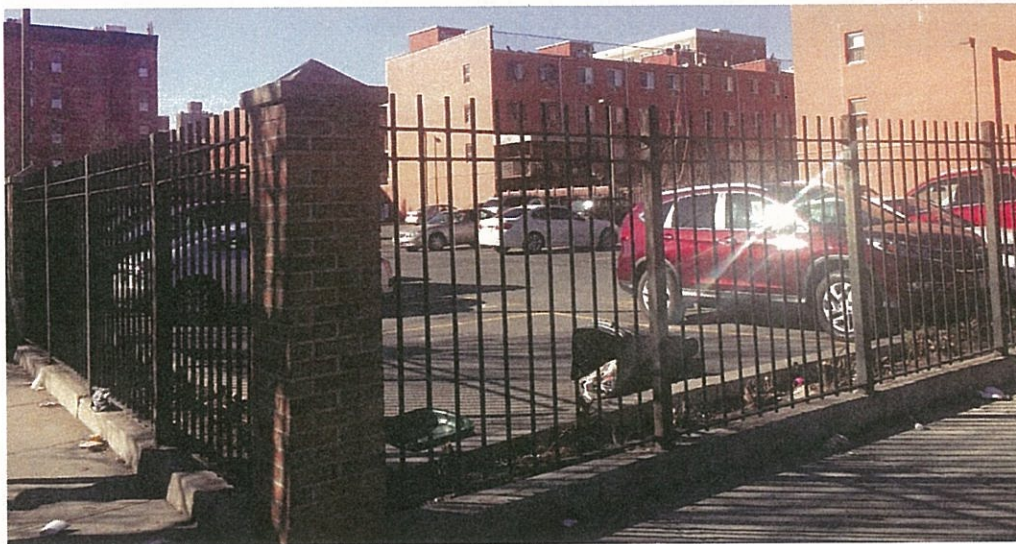


Existing Zoning – Tower Districts

R7-2 “tower” districts were widely mapped in 1961

This resulted in several **20- to 35- story** “tower-in-a-park” buildings throughout the neighborhood

Residential uses are **prohibited** near the Metro-North viaduct within the Milbank-Frawley Urban Renewal Area

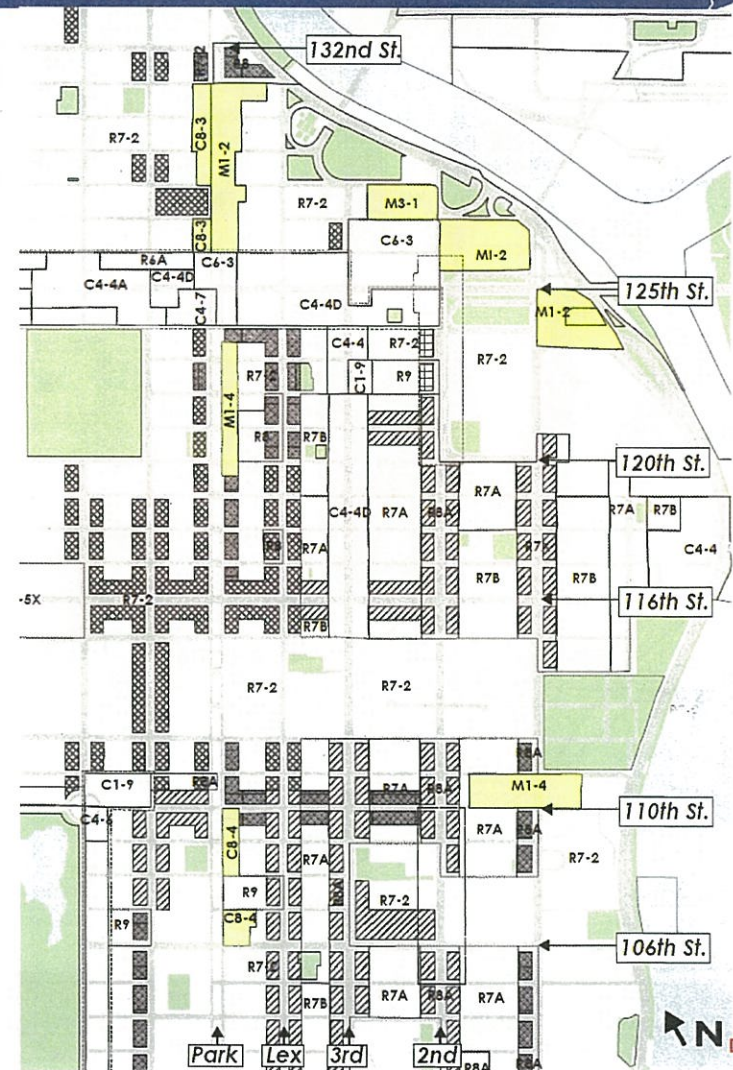


Existing Zoning – Auto-Oriented Commercial and Manufacturing Districts

Auto-oriented commercial and **manufacturing districts** are scattered throughout East Harlem

Residential uses are **not permitted** in these districts

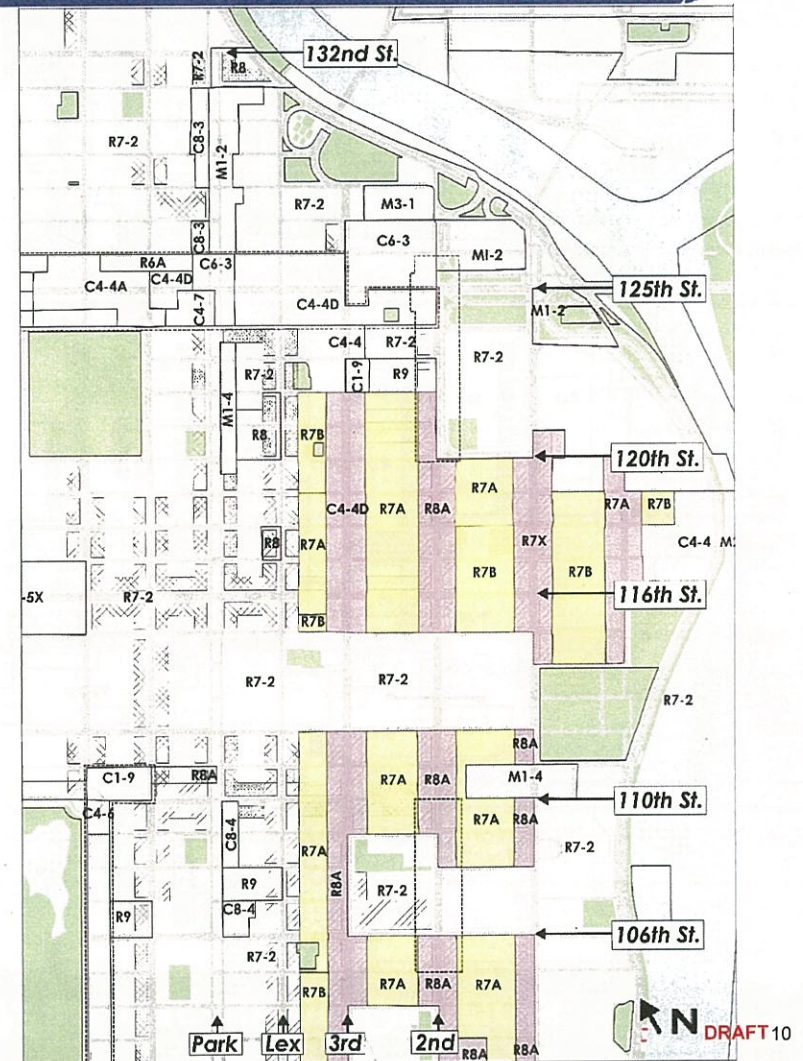
These are primarily **low-density districts**, many of which are located along Park Avenue



Existing Zoning – 2003 Rezoning

Intended to create **new housing** and **preserve** the **character** of East Harlem, east of Lexington Avenue

- **Upzoning** to R8-equivalents along First, Second and Third Avenues
- R7A and R7B **contextual districts** with height caps and required street walls introduced on many midblocks



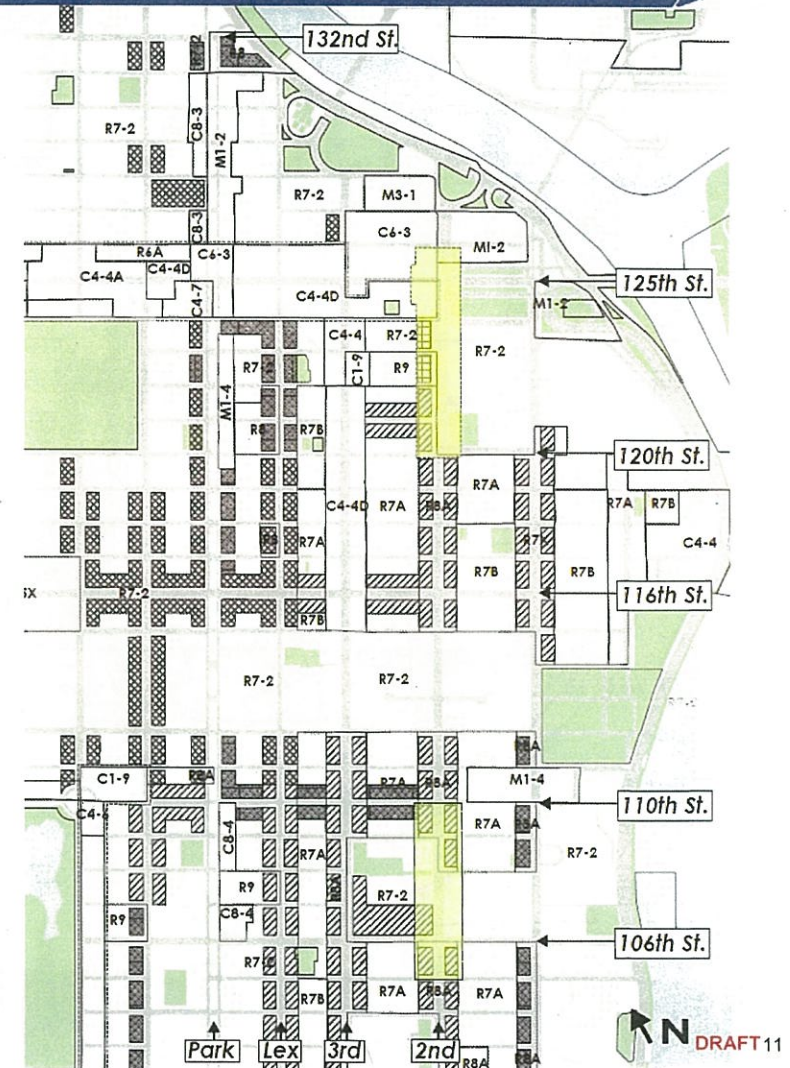
Existing Zoning – Special Transit Land Use (TA) Districts

TA Districts originally mapped in East Harlem in the 1970s

Intended to guide new development near future **Second Avenue Subway** stations

Encourages **direct connections** to **subway platforms** within new mixed-use developments

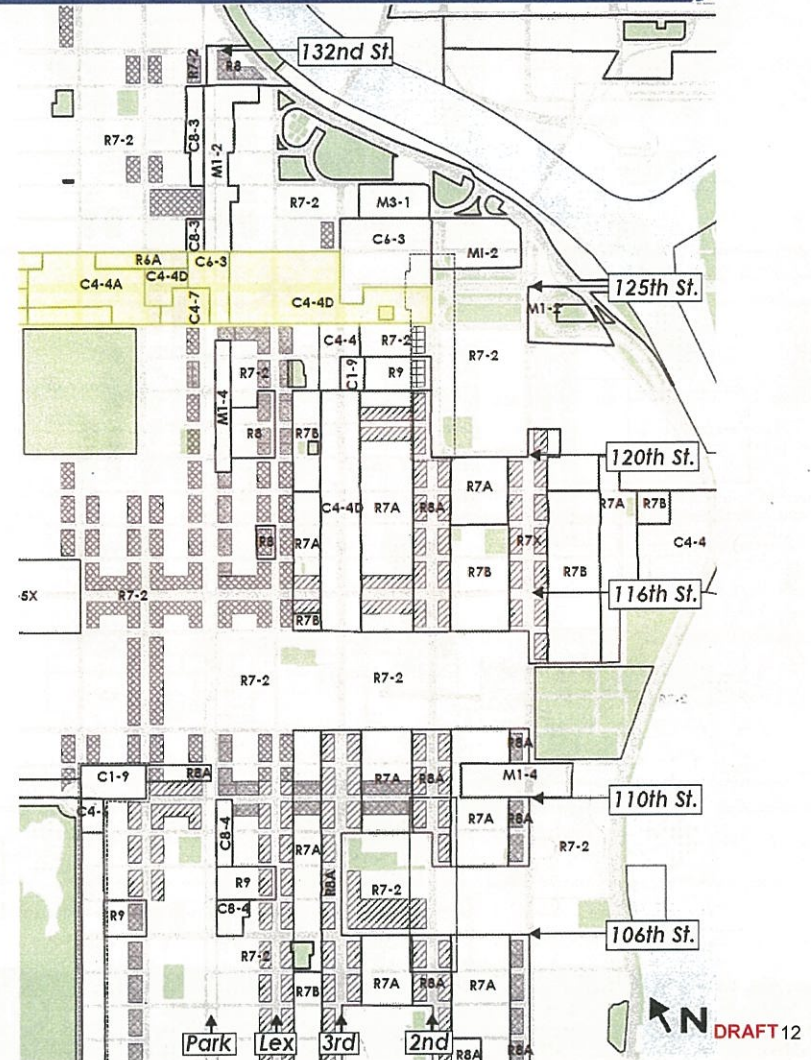
Establishes a process to determine whether an easement is needed for **subway access**



Existing Zoning – Special 125th Street District

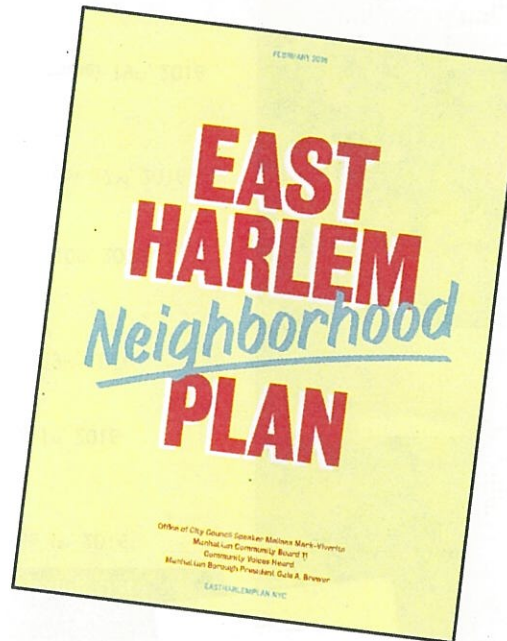
Established in 2008 to promote **economic revitalization** and **mixed-use development** along the corridor

- **Overly-restrictive height limits** throughout
- Includes **Voluntary Inclusionary Housing (IH)** program areas



Steering Committee East Harlem Neighborhood Plan

- The Administration's East Harlem Initiative was announced in 2015 as a part of *Housing New York*
- In response, City Council Speaker Melissa Mark-Viverito spearheaded the **East Harlem Neighborhood Plan (EHNP)** process
 - Led by a **Steering Committee** comprised of local residents, stakeholders and elected officials
 - Intended to **place community needs front and center** in future rezoning efforts
 - The EHNP document was released in February of 2016



PROJECT PARTNERS
Office of City Council Speaker
Melissa Mark-Viverito
Manhattan Community Board 11
Community Voices Heard
Manhattan Borough President
Gale A. Brewer

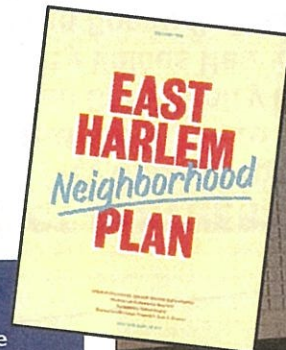
STEERING COMMITTEE

32BJ Service Employees
International Union
Artimus Construction
CIVITAS
Community Voices Heard
Construction & General Building
Laborers Local 79
Councilmember Inez Dickens
El Barrio's Operation Fightback
Elmendorf Reformed Church
El Museo del Barrio
Harlem RBI
Johnson Houses Tenant
Association
Lott Community Development
Corporation
Manhattan Community Board 11
Manhattan Borough President
Gale Brewer
New York Academy of Medicine
New York Restoration Project
Office of City Council Speaker
Melissa Mark-Viverito
Renaissance Charter High
School for Innovation
Union Settlement Association
Union Settlement Business
Development Center
WE ACT for Environmental
Justice

Steering Committee East Harlem Neighborhood Plan - Process

City Planning participated in the extensive East Harlem Neighborhood Planning process, as organized by the Steering Committee.

Neighborhood Topic	Steering Committee Lead	City Agency	Steering Committee Meeting Date
Open Space & Recreation + Arts & Culture	New York Restoration Project (NYRP) El Museo	Parks and Recreation Cultural Affairs	June 4 th , 2016
Pre-K, Daycare & Afterschool + Schools & Education	Harlem RBI Innovation High School	DOE, DYCD, ACS	July 1 st , 2016
Housing Preservation + NYCHA	Lott CDC Operation Fightback Johnson Houses TA Pres.	HPD, NYCHA	July 29 th , 2016
Small Businesses, Workforce & Economic Development	Union Settlement	SBS, EDC	Sept. 10 th , 2016
Zoning & Land Use + Affordable Housing Development	CIVITAS	DCP	October 22 nd , 2016
Transportation, Environment & Energy + Safety + Health & Seniors	NYAM, WeAct	DOT, DOHMH, DFTA	November 19 th , 2016



PRIORITY OBJECTIVES

**Open Space &
Recreation**

**Schools &
Education**

**Pre-K, Daycare &
Afterschool**

NYCHA

Safety

**Small Businesses,
Workforce &
Economic
Development**

Arts & Culture

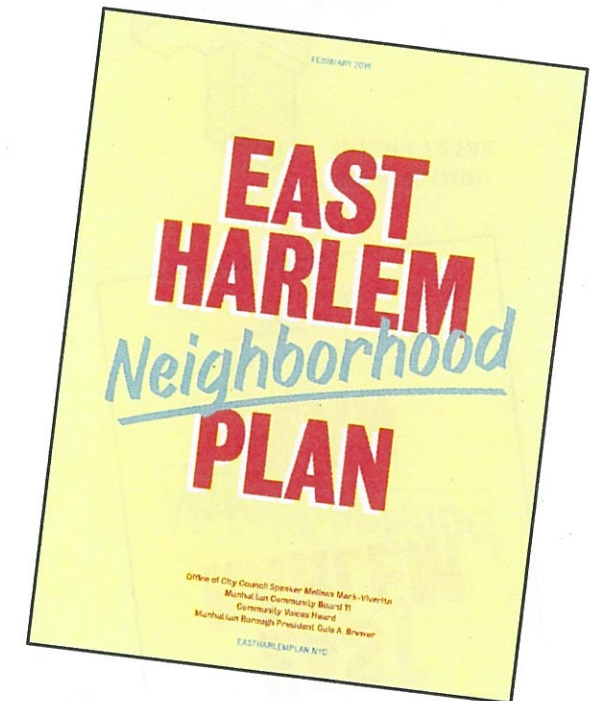
**Transportation,
Environment &
Energy**

Health & Seniors

**Zoning &
Land Use**

**Housing
Preservation**

**Affordable
Housing
Development**

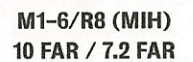


OBJECTIVES & RECOMMENDATIONS

Preserve important East Harlem buildings and reinforce neighborhood character.

Allow for increased density in select places to create more affordable housing and spaces for jobs.

Improve and create more services and amenities for the East Harlem community through any new development on private and public sites.



DCP East Harlem Rezoning – Objectives

- Create opportunities for requiring permanently **affordable housing**
- Create opportunities for **economic development**
- Incorporate relevant capital **infrastructure** needs
- Preserve the built **neighborhood character**
- Establish **urban design** controls

Steering Committee and DCP Zoning Proposal Comparison



RECOMMENDED REZONING AREAS

- Proposed rezoning: privately-owned sites
- Proposed rezoning: publicly-owned sites
- Proposed rezoning for preservation privately-owned sites
- Pipeline sites: plans underway
- Existing NYCHA Developments (no proposed rezoning)



- Residential
- Commercial
- Commercial Overlay
- Mixed Use
- Special Transit Land Use District
- Preservation Area
- Existing NYCHA Developments (no proposed rezoning)



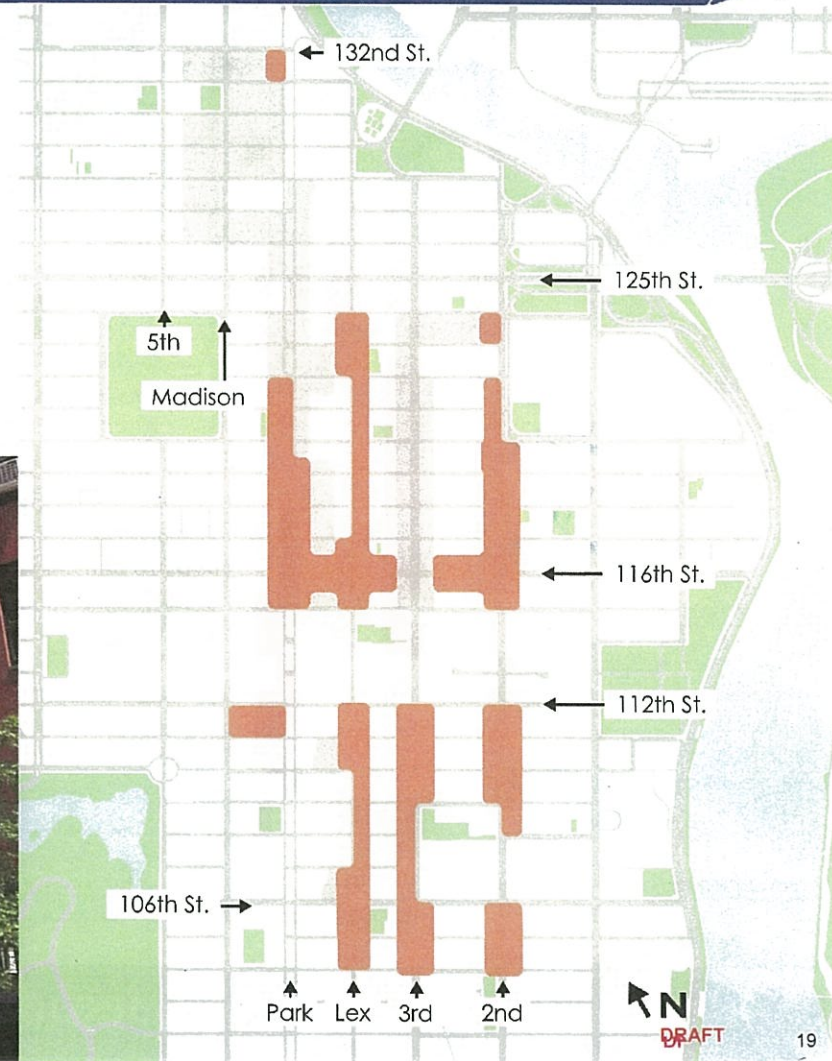
DRAFT



DCP East Harlem Rezoning – Proposed Zoning Approach




- **Require affordability** through the MIH program
- Promote housing in **opportunity areas** where it's most appropriate

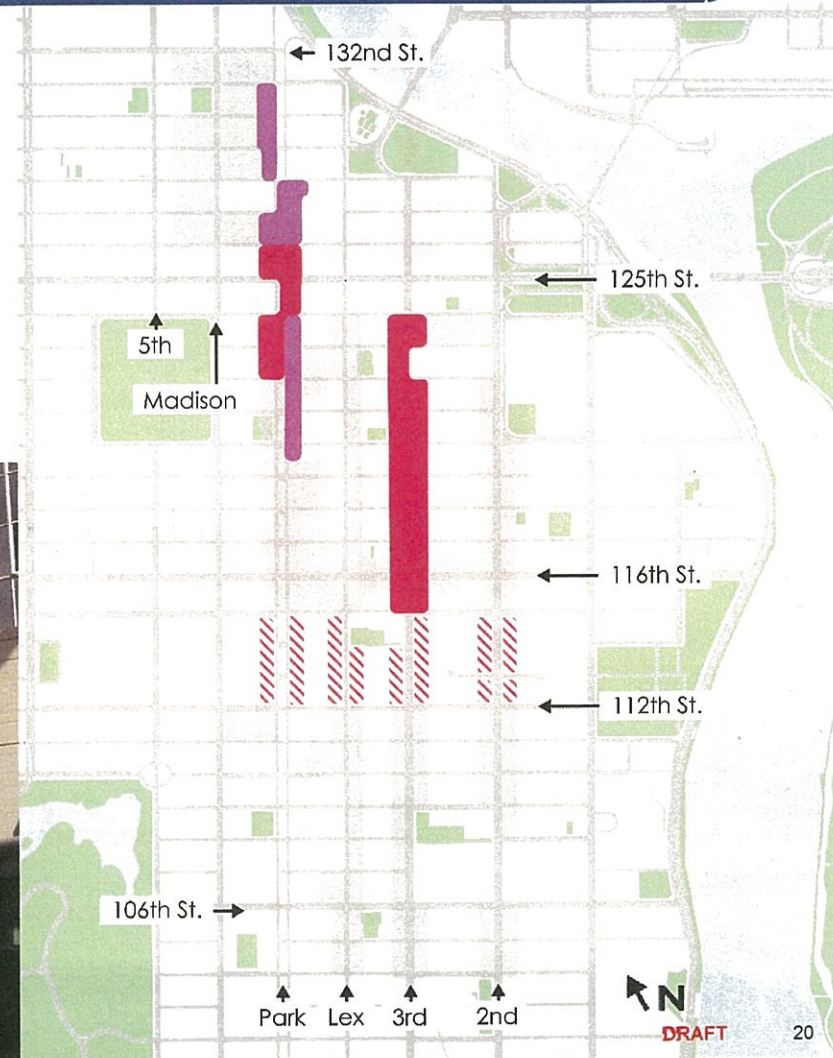
Residential



DCP East Harlem Rezoning – Proposed Zoning Approach

- Require the creation of **spaces for jobs**
- Bring economic development to **transit-rich** areas of East Harlem

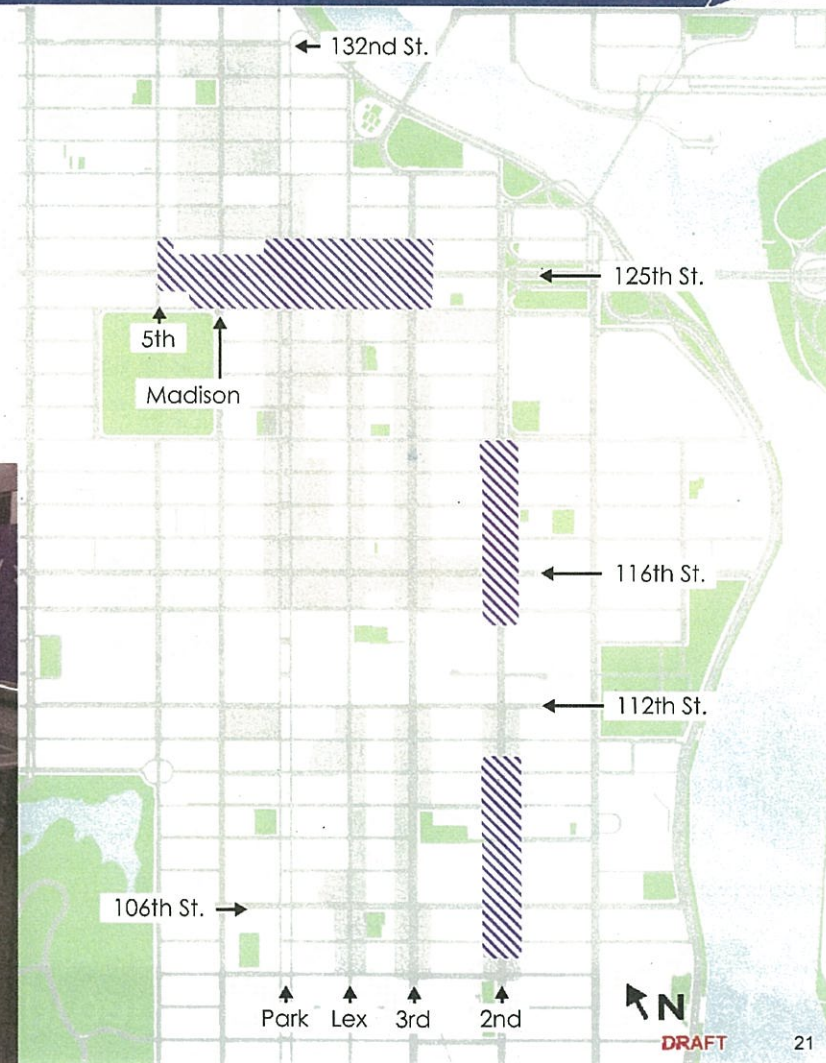
Commercial 
Commercial Overlay 
Mixed Use 



DCP East Harlem Rezoning – Proposed Zoning Approach

- Reflect current plans for **Phase II** of the **Second Avenue Subway**
- Encourage **direct connections to the subway** within new mixed-use buildings

Special Transit Land Use
(TA) District



DCP East Harlem Rezoning – Proposed Zoning Approach

- **Protect the neighborhood character of East Harlem**
- **Ensure new buildings are appropriate within the established built context**

Proposed Preservation Area

Existing contextual district



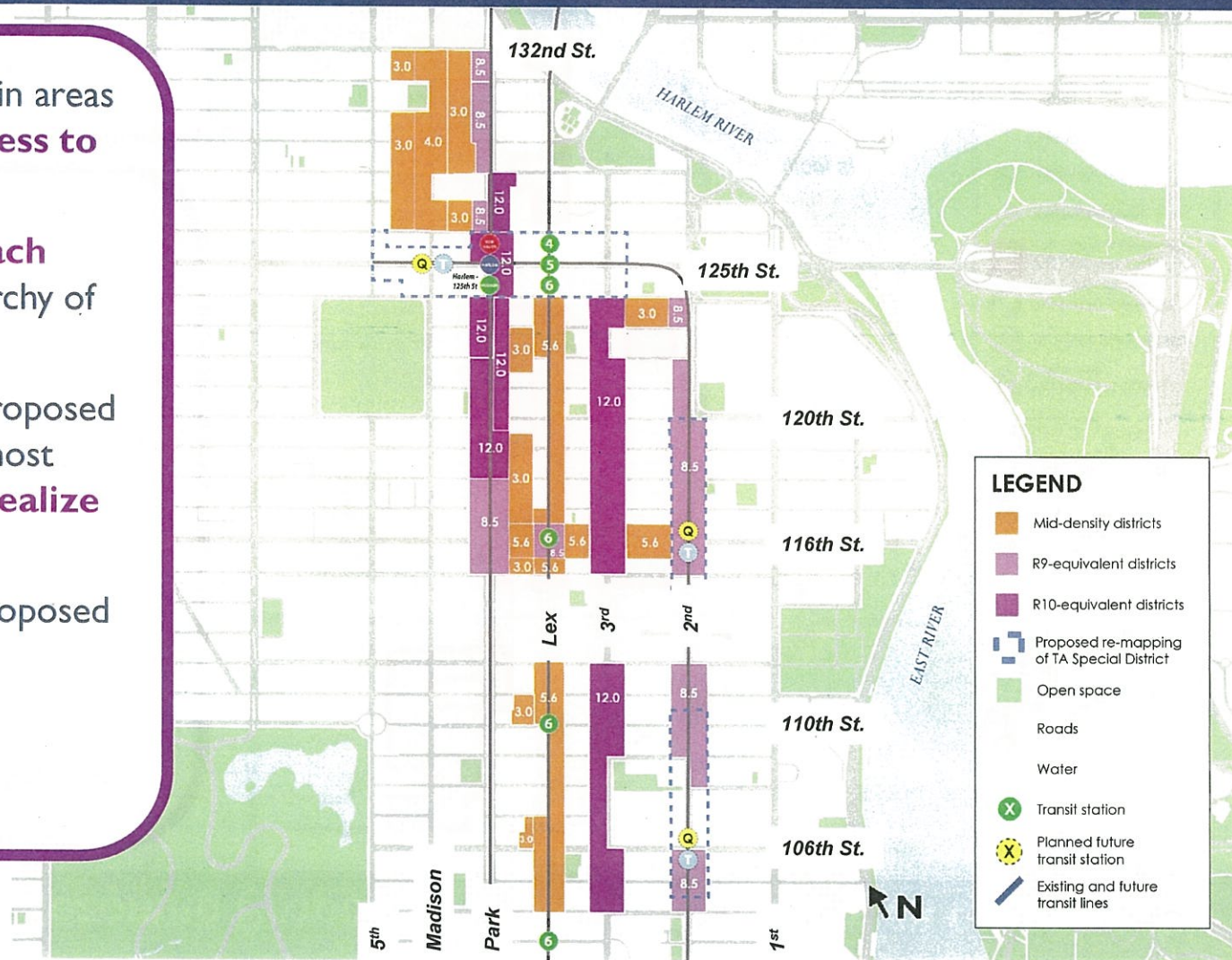
DCP East Harlem Rezoning Proposal – Maximum Permitted Density (FAR)

Density proposed in areas with the most **access to transit**

Balanced approach establishes a hierarchy of corridors

Higher densities proposed in areas with the most **opportunity to realize shared goals**

Lower densities proposed in areas with an **established and consistent built context**



DCP East Harlem Rezoning Proposal – Maximum Heights as certified (ft)

Certified height limits:

Depicted in areas outlined in **orange**:

Contextual Districts

R7B – 7 stories (75')

R7A – 8 stories (85')

R7D – 11 stories (115')

Mixed-use Districts

MI-6/R9 –
28 stories (285')

MI-6/R10 –
35 stories (350')

No height limit originally
proposed in other areas

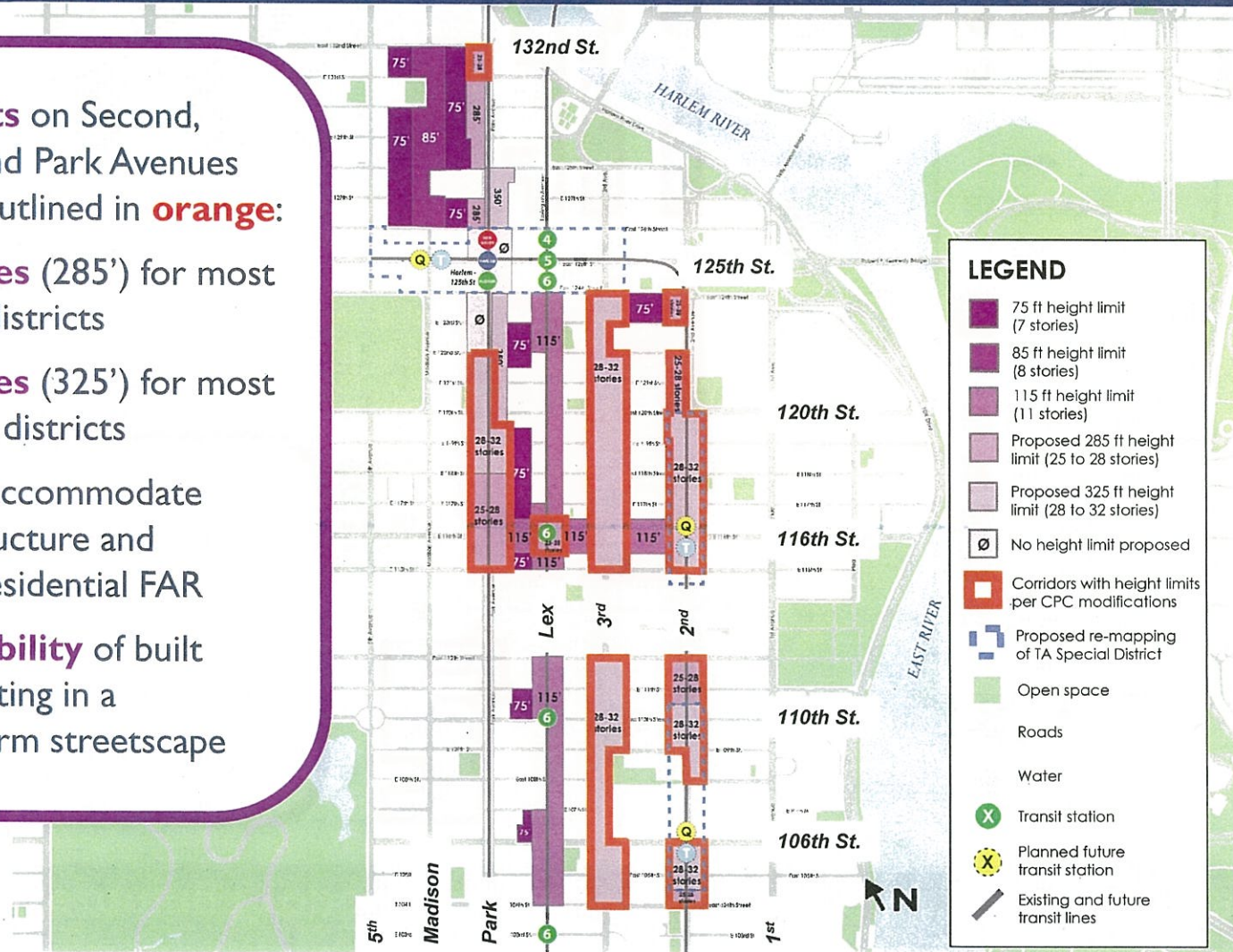


DCP East Harlem Rezoning Proposal – City Planning Commission Modifications

New height limits on Second, Third, Lexington and Park Avenues depicted in areas outlined in **orange**:

- **25 to 28 stories** (285') for most **R9**-equivalent districts
- **28 to 32 stories** (325') for most **R10**-equivalent districts
- **Flexibility** to accommodate subway infrastructure and required non-residential FAR

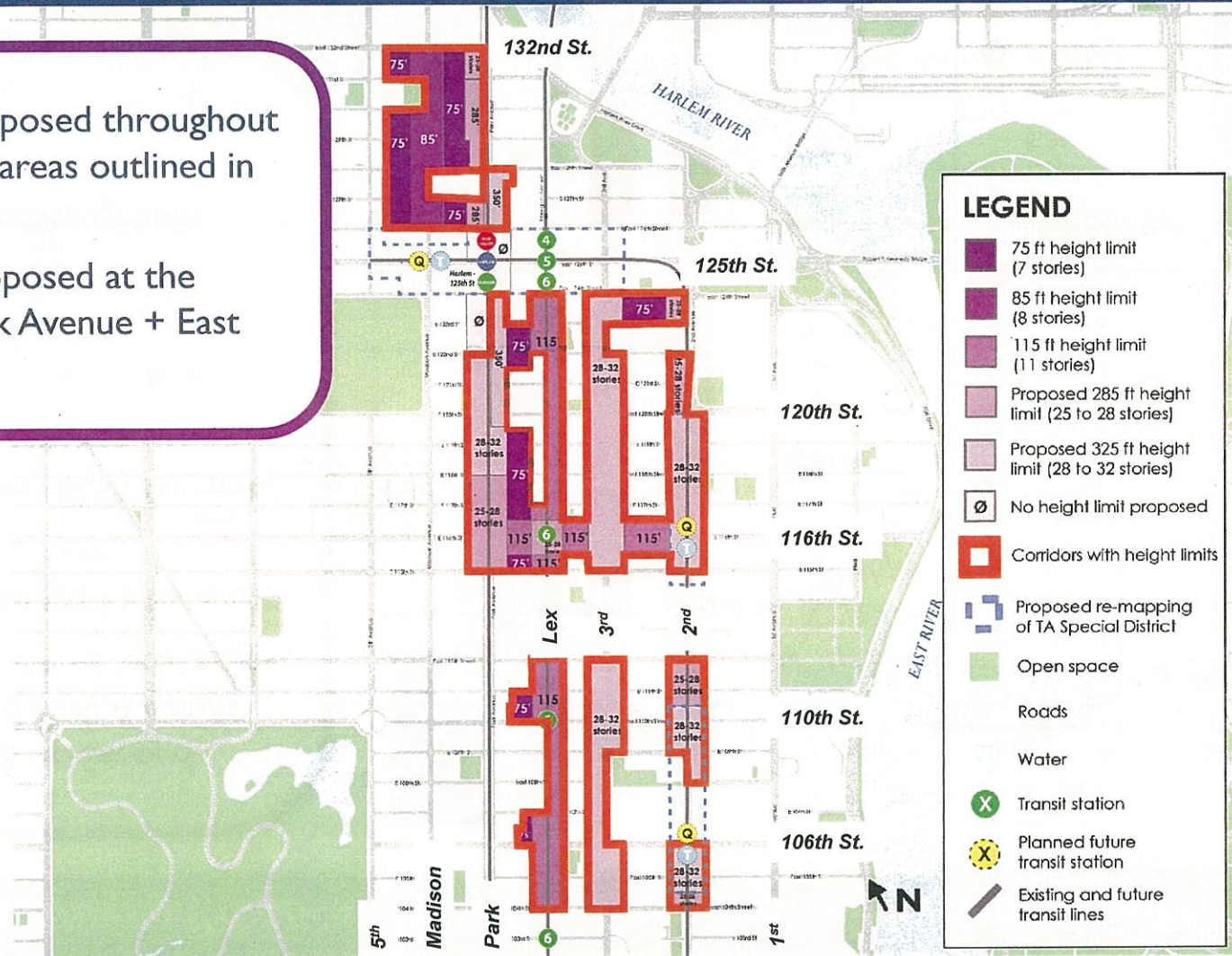
Provides **predictability** of built form without resulting in a monotonous, uniform streetscape



DCP East Harlem Rezoning Proposal – All Areas Covered by Height Limits

Height limits proposed throughout the project area in areas outlined in **orange**.

No height limit proposed at the transit node at Park Avenue + East 125th Street



DCP East Harlem Rezoning – Proposed Actions

Zoning Map Amendments

- Zoning district changes
- Map Special East Harlem Corridors District
- Re-map Special Transit Land Use Districts

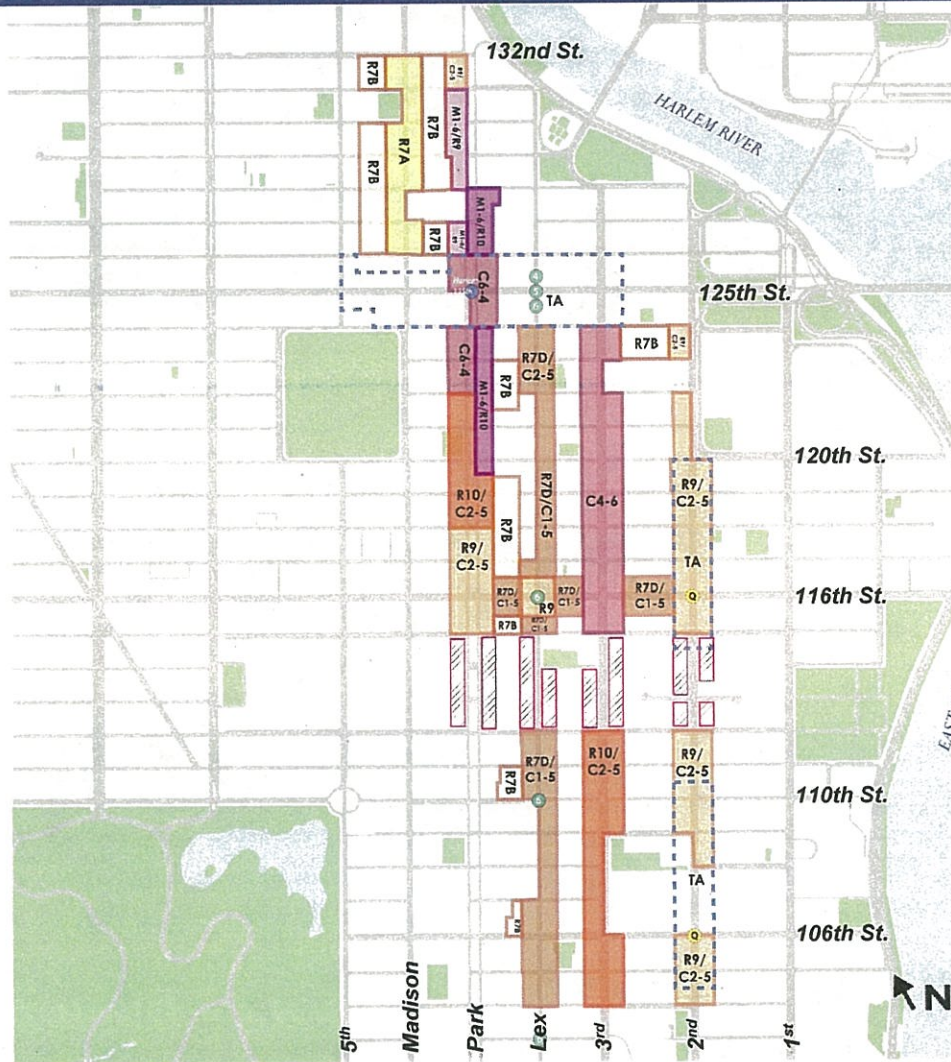
Zoning Text Amendments

- New Special East Harlem Corridors District text
- Amend Special 125th Street District text
- Amend Special Transit Land Use District text
- Amend Appendix F to establish MIH areas

Amend Milbank-Frawley Urban Renewal Plan



DCP East Harlem Rezoning Proposal



DCP East Harlem Rezoning Proposal



East Harlem Neighborhood Initiative – Interagency Coordination

The rezoning is **only one piece** of the City's larger East Harlem Initiative

We've collaborated with other agencies, community stakeholders and the EHNP Steering Committee to **prioritize** and **target neighborhood investments**

We're also working to document and catalog potential **public realm** improvements to ensure a coordinated, neighborhood-wide approach



Department of
Housing Preservation
& Development



Interagency Efforts – Housing Preservation & Affordable Housing Development

Achievements to date:

East Harlem Housing Plan

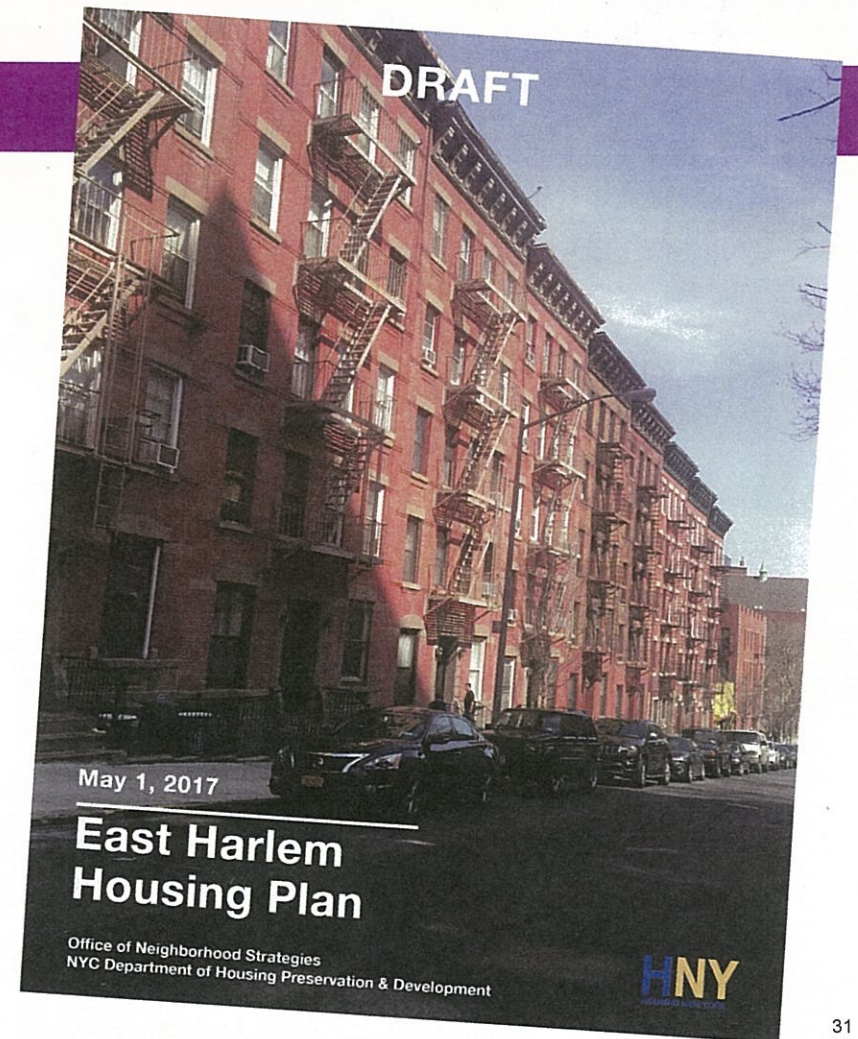
Draft issued: May 1, 2017



Department of
Housing Preservation
& Development

Recommendations include:

- Prioritize the development of **2,400 affordable homes** and community amenities on publicly-owned land;
 - Commitment that 20% of units will be made available at **30% of AMI** at three sites
- Implement **new term sheets** that reach deeper levels of affordability, and **new RFP policies** that make it easier for community development organizations to compete.
- Award \$500,000 for the development of the **East Harlem/ El Barrio Community Land Trust**
- Study feasibility of a **Certificate of No Harassment** program in target areas



Interagency Efforts – Health & Seniors

Achievements to date:

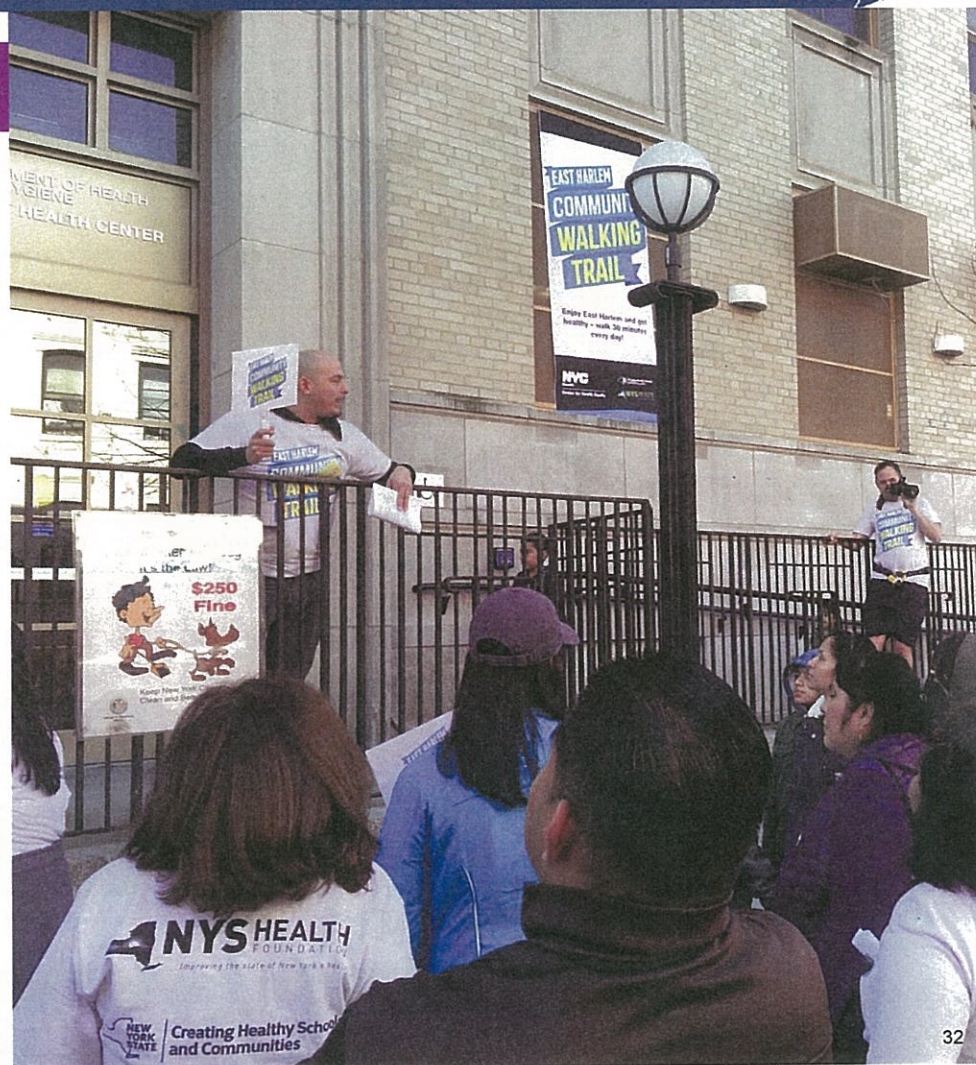
New Dept. of Health and Mental Hygiene (DOHMH) **East Harlem Neighborhood Health Action Center**



- Provides co-located health and social services, including a Family Wellness suite and nutrition classes
- Will also include a Federally Qualified Health Center and a community kitchen

\$275,000 provided to 11 local organizations to implement health recommendations in the EHNP

- Small grants and support provided by DOHMH, the New York Academy of Medicine and Mt. Sinai



Interagency Efforts – Schools & Education

Achievements to date:

As part of the 2018 Fiscal Year Executive Budget, the administration has committed to ensuring every classroom in East Harlem has **air conditioning** by FY 2022.



Three new Community Schools will be coming to East Harlem for the 2017-2018 school year, in addition to the 5 existing ones:



1. PS 83 Luis Muñoz Rivera (City Year)
2. PS 108 Assemblyman Angelo Del Toro Educational Complex (The Leadership Program)
3. Esperanza Preparatory Academy School (Union Settlement)

NEW! To help ensure neighborhood access to high-quality early care and education, the Administration for Children's Services (ACS) has converted vacant Head Start seats into **new Early Head Start seats** to serve toddlers in East Harlem.



Interagency Efforts – Open Space & Recreation

Achievements to date:

NYC Parks, with funding from the NYS Dept. of State Local Waterfront Revitalization Program, has begun a design process for the **Harlem River Park Greenway Link** site, located between East 125th and East 132nd Streets.

- Hosted second public meeting in September
- Final concept design anticipated for November

Through their Community Parks Initiative, NYC Parks is focusing on the East Harlem neighborhood and has **four capital projects** that are either completed or under way.



Interagency Efforts – Open Space & Recreation

Achievements to date:

NYC Parks will kick off the **East Harlem Resiliency Study** to develop a plan for coastal and social resiliency, underpinned by design and engineering, in order to reduce the risk of coastal flooding, improve upland drainage, and improve publicly-accessible open space.

- Study area includes the waterfront, from East 92nd to East 154th Streets, as well as upland areas within the floodplain

The Randall's Island Park Alliance (RIPA) continues to support EHNP efforts through engagement with local stakeholders and the development of a strategic plan for redevelopment, stewardship and programming of the Esplanade.



Interagency Efforts – Transportation & Safety

Achievements to date:

A new **East 125th Street Plaza** will be constructed under the Park Avenue viaduct, between East 124th and 126th Streets.

The project will include:

- A newly-constructed **plaza** area
- **Expanded sidewalks** surrounding the Metro-North Harlem-125th St Station
- Improved **crosswalks** and new **street lighting** to enhance pedestrian safety
- Traffic signal timing changes



Interagency Efforts – Transportation & Safety

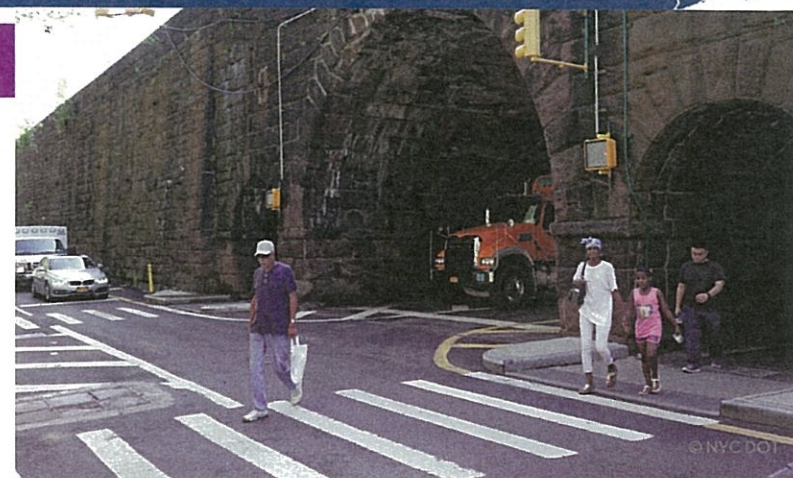
Achievements to date:

The NYC Dept. of Transportation (DOT) implemented Vision Zero **pedestrian safety improvements** along the Park Avenue viaduct, most recently at East 110th Street

- These changes enhance the visibility and sight lines for pedestrians and motorists while creating shorter, safer and more accessible pedestrian crossings to and from the stone section of the viaduct.

The NYC Dept. of Design and Construction (DDC), in cooperation with DOT, will begin constructing **two new bus bulbs** for Select Bus Service

- These will also include bus pads and a new bus shelter.



Interagency Efforts – Small Business, Workforce & Economic Development

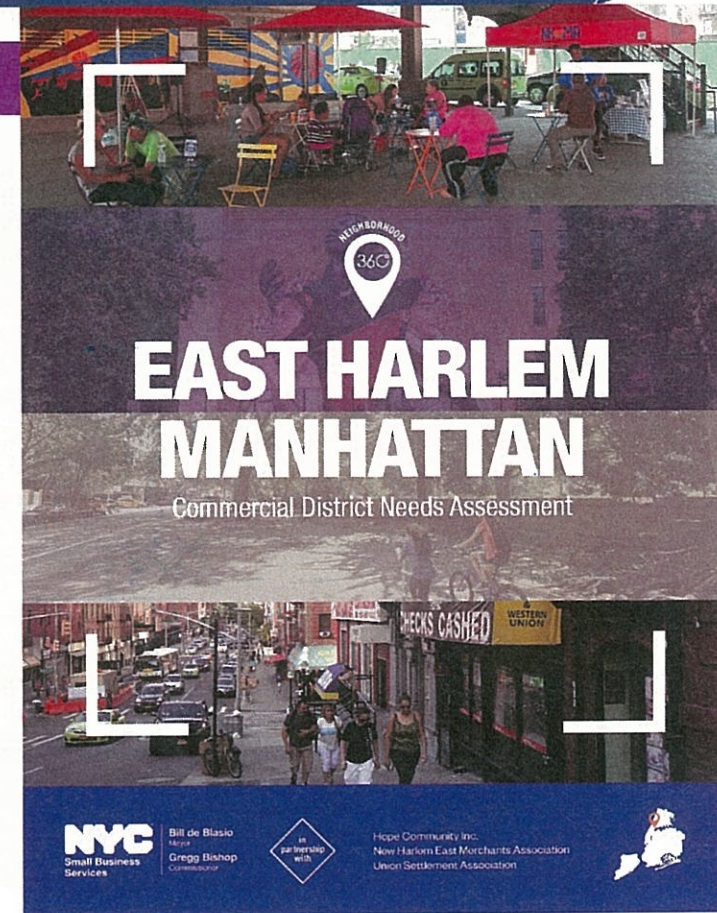
Achievements to date:


\$1.49 million in Neighborhood 360° grants are being provided to local nonprofit partners over the next 3 years to staff, plan and implement customized commercial revitalization programs for major East Harlem commercial corridors

- These programs will be informed by the recently-completed Commercial District Needs Assessment for East Harlem
- Responds to EHNP recommendations to protect and enhance the viability of East Harlem's small businesses

NEW! As part of the East Harlem rezoning, the NYC Dept. of Small Business Services (SBS) has committed to opening a new satellite **Workforce Center** in the neighborhood

- Responds to recommendations from the EHNP Small Business, Workforce & Economic Development subgroup to enhance the skills of East Harlem residents





October 11, 2017

East Harlem Draft Housing Plan

HNY
HOUSING NEW YORK

Building on a Community-Driven Process



EAST HARLEM *Neighborhood* **PLAN**

Office of City Council Speaker Melissa Mark-Viverito
Manhattan Community Board 11
Community Voice Board
Manhattan Borough President Gale A. Brewer

FEBRUARY 2016

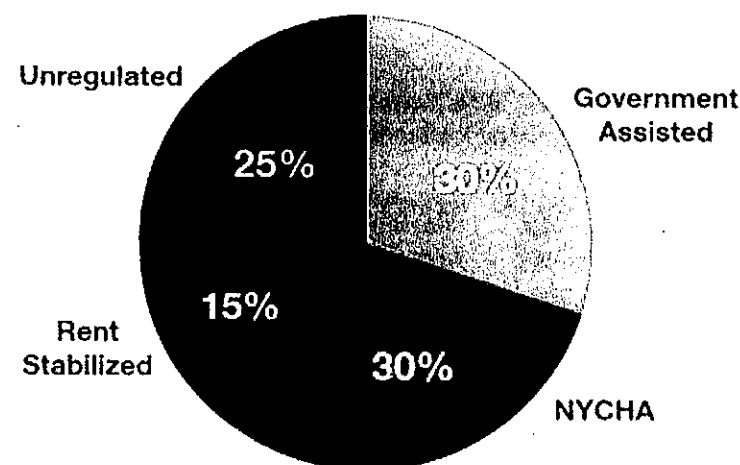
WWW.EASTHARLEMPLAN.NYC

East Harlem Housing Snapshot

Housing Stock

- East Harlem has one of the largest concentrations of rent-regulated housing in NYC
 - Includes about 15,000 apartments managed by NYCHA
- Since 2003, HPD has financed the construction or preservation of about 14,000 units of affordable housing in East Harlem

Regulatory Status of Existing Homes (CD11)



HPD Research and Evaluation, 2016

Affordable Units financed in East Harlem (2003-2017)

Type	2003-13	2014-17	Total
New Construction	2,590	844	3,434
Preservation	7,064	3,387	10,451
Total Units	9,654	4,231	13,885

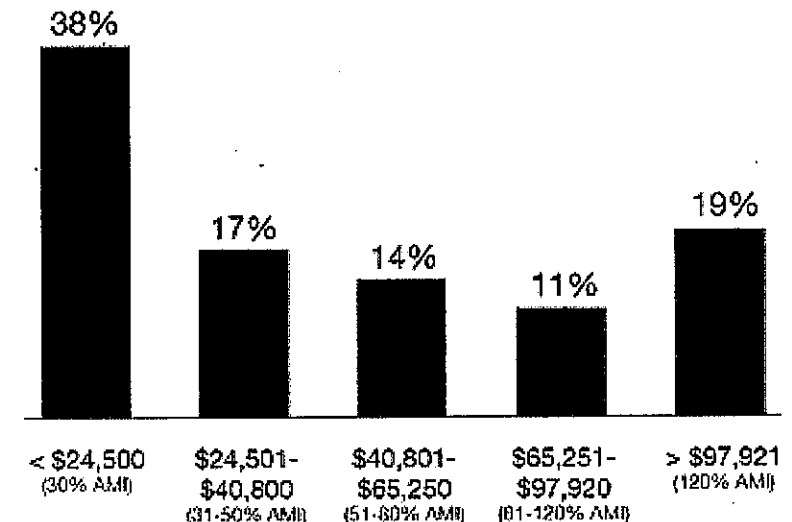
Source: HPD Performance Management and Analytics 2017

East Harlem Housing Snapshot

Incomes and Affordability

- City's population growth is putting pressure on housing supply.
- Between 2002 and 2014, median rent increased by 40%, while rents increased only 24% citywide.
- Households in East Harlem earn a range of incomes.
- Over half of all households are rent burdened.

Household Income Distribution (CD11)



Sample incomes are for a three-person household based on 2016 HUD Income Limits; ACS, 2011-15

East Harlem Housing Plan Goals

01 Preserve Existing Affordable Housing

- Finance and Safeguard Affordability
- Promote Safe and Healthy Housing
- Protect Tenants

02 Develop New Affordable Housing

03 Increase Access to Affordable Housing

04 Promote Economic Opportunity

01 Preserve Existing Affordable Housing

Finance and Safeguard Affordability

1. Continue to offer loans and tax incentives to preserve affordability
2. Proactive outreach to property owners
 - Mailings and calls
 - Events
 - Referrals
 - Surveying distressed properties
3. Pilot a Landlord Ambassadors Program
4. Explore Community Land Trust Models
 - **New!** Award \$500,000 to the East Harlem/ El Barrio Community Land Trust



195 East 100 St. part of La Casa Nuestra HDFO portfolio financed in 2016, including 46 units across 5 buildings in East Harlem. Currently undergoing rehabilitation.

01 Preserve Existing Affordable Housing

Promote Safe and Healthy Housing

5. Continue rigorous enforcement of the Housing Maintenance Code
6. Survey distressed properties (“block sweeps”)

Aug 2016-July 2017	CD11
Buildings surveyed	426
Identified as distressed and undergoing further HPD action (e.g., litigation, monitoring)	19



One of HPD's bed-bug sniffing beagles on the Code Enforcement team

01 Preserve Existing Affordable Housing

Protect Tenants

7. Provide free legal representation
8. Coordinate with the Tenant Harassment Prevention Task Force
9. Educate tenants about their rights and resources
10. Explore the creation of a Certificate of No Harassment (CONH) Pilot Program



HPD Tenant Resource Fair

02 Develop New Affordable Housing

1. Prioritize over **2,600** affordable homes on publicly owned land
2. Implement Mandatory Inclusionary Housing (MIH) ~**1,500** affordable homes
3. Incentivize the development of affordable housing on private sites
4. Support mission-driven groups interested in developing affordable housing on underutilized land
5. Explore opportunities for affordable artist housing



Acacia Gardens, 179 affordable units for low-income households and formerly homeless households. Currently under construction.

02 Develop New Affordable Housing

1. Prioritize over **2,600** affordable homes on publicly owned land

- Commitment of 20% of homes at 30% of AMI on three sites
- Continuing to explore additional public sites
- **New!** RFP reforms to ensure long-term public control and make it easier for community groups to compete



Sendero Verde, featuring over 650 affordable units for extremely low to moderate/middle income households and amenities at East 111th Street

02 Develop New Affordable Housing

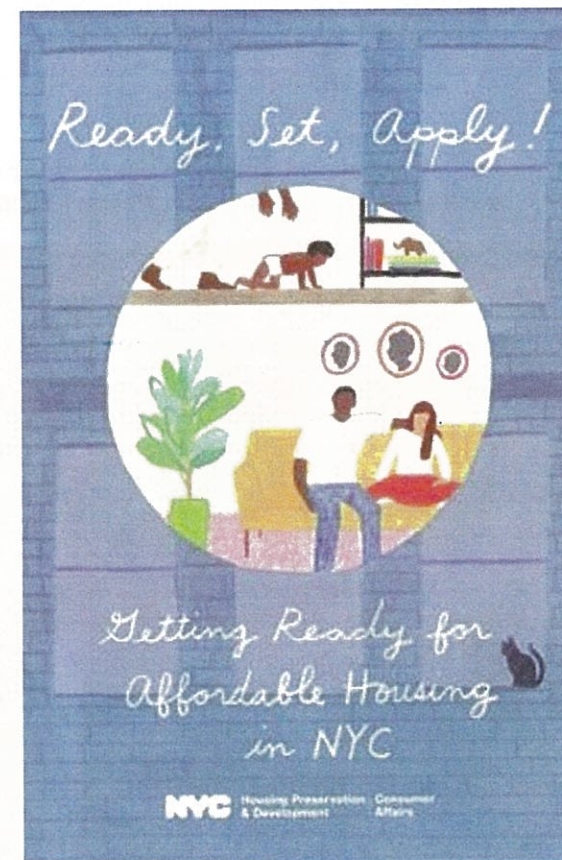
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4. Support mission-driven groups interested in developing affordable housing on underutilized land
5. Explore opportunities for affordable artist housing



HPD staff providing information to a faith-based leader interested in affordable housing development

03 Increase Access to Affordable Housing

1. Make it easier for residents to understand, prepare for, and complete the affordable housing application process
 - Housing Ambassadors
 - Ready, Set, Apply brochure
 - Video guide
 - Housing Connect redesign
2. Better advertise open housing lotteries
3. Improve Marketing Guidelines to reach New Yorkers most in need




04 Promote Economic Opportunity

1. Connect residents to good jobs in the building trades and services
2. Expand local hiring incentives in HPD-financed developments
3. Expand opportunities for Minority and Women-Owned Business Enterprises (M/WBEs)
4. Promote healthy and diverse retail environments



Students at a Workforce1 center job training

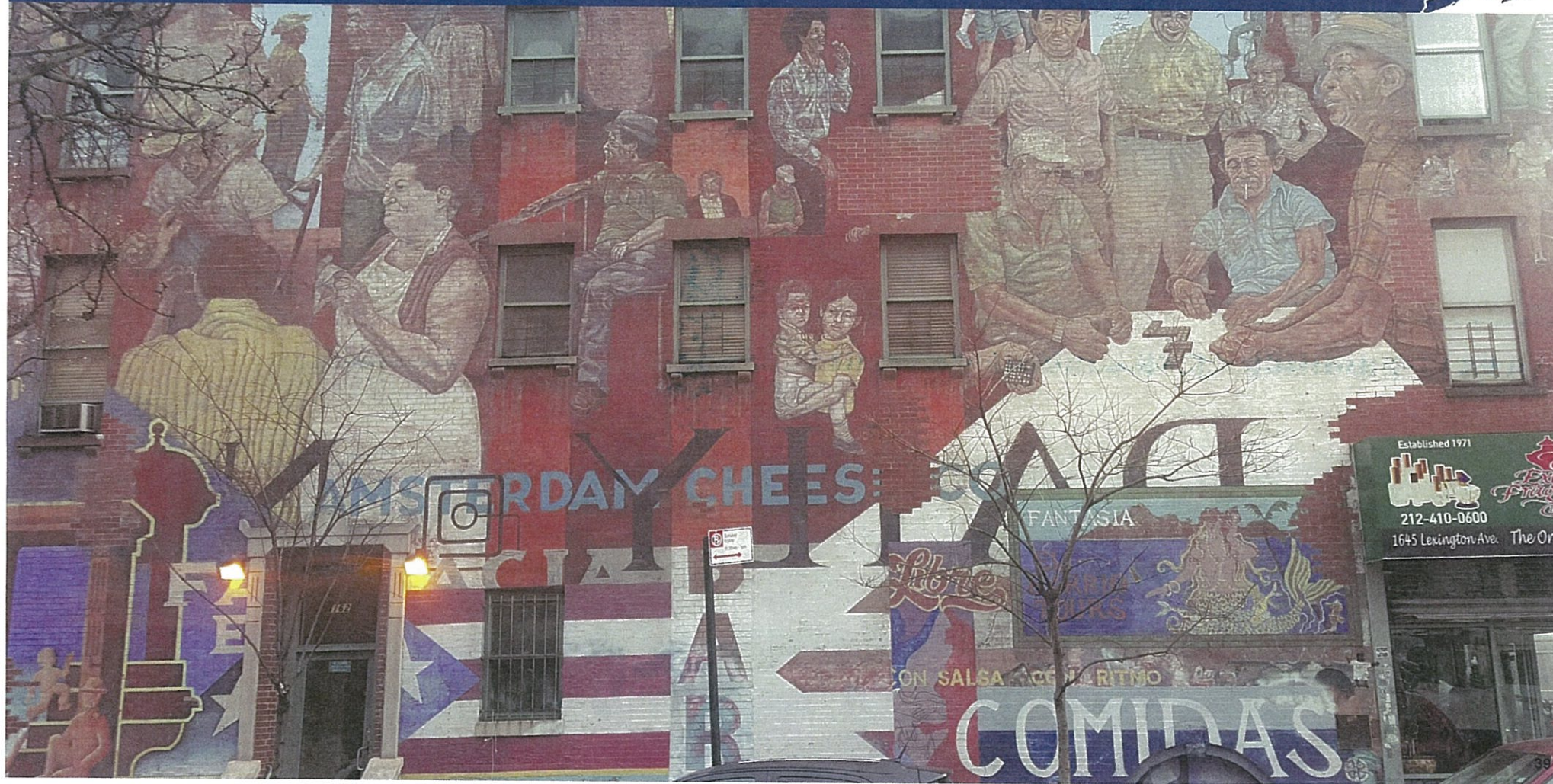


October 11, 2017

East Harlem Draft Housing Plan

HNY
HOUSING NEW YORK

Questions?





October 9, 2017

The Honorable Melissa Mark-Viverito, Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Mark-Viverito:

We formed Landmark East Harlem (LEH) so that the East Harlem community would have an ongoing voice in how our neighborhood is developed. We also want to support developments that preserve the unique cultural and historical significance of the neighborhood.

Currently, East Harlem has only twenty-two (22) city-designated landmarks and zero city-designated historic districts. LEH has compiled a list of buildings and historic districts for evaluation by the Landmarks Preservation Commission (LPC). We strongly urge the City Council, our local elected officials, and Manhattan Community Board 11 to secure commitments from LPC that they will act to protect these endangered properties before any rezoning takes effect in East Harlem. Development pressures already threaten many of these irreplaceable properties and we cannot afford to lose any more pieces of the neighborhood's history.

LEH supports the zoning recommendations contained in the East Harlem Neighborhood Plan, developed through your auspices in a community-based planning process. We strongly oppose the rezoning proposal approved by the Department of City Planning (DCP).

LEH is not opposed to rezoning or sensitive new development. We do believe, however, that the greatest neighborhoods are those that incorporate and celebrate older buildings and streetscapes. LEH supports upzoning only to the extent that it will trigger the implementation of Mandatory Inclusionary Housing (MIH) requirements in East Harlem. DCP's proposed upzonings for Third and Park Avenues would yield the maximum residential density allowed anywhere in New York City. We believe the proposed rezoning gives developers license to build "as of right," with no opportunity for community input to determine the appropriateness of such large structures.

Landmark East Harlem
c/o CIVITAS NYC, 1457 Lexington Avenue, New York, NY 10128
Facebook: Landmark East Harlem



Landmark East Harlem urges the New York City Council to vote NO on the Department of City Planning plan and to strongly advocate instead for a rezoning that implements the recommendations of the East Harlem Neighborhood Plan.

Sincerely,

Christopher Cirillo, Member, LEH, and Executive Director, Lott Community
Development Corporation

Joanna Delson, Founding Member, LEH, and Executive Vice President, CIVITAS
Board of Directors

Kathleen Benson Haskins, Founding Member, LEH

Connie Lee, Founding Member, LEH, and President, Marcus Garvey Park Alliance

Robin Stratton Rivera, Member, LEH, and Director, CIVITAS Board of Directors

Landmark East Harlem
c/o CIVITAS NYC, 1457 Lexington Avenue, New York, NY 10128
Facebook: Landmark East Harlem



PICTURE THE HOMELESS

Testimony on East Harlem Rezoning (Land Use Application No. C 170358 ZMM and related applications.)

October 11th, 2017

My name is Althea York and I am a member of Picture the Homeless and I am a former resident of East Harlem, specifically 225 E. 96th street, where I lived for 18 years. Due to a family emergency in 1979, I had to leave my home and when I came back to New York everything had changed. I don't know what pull my ex-landlord has but his four pre-war 5-story walkup buildings, on which penthouses were added are the only ones still around in a two-block or more radius. Everything else are high-rises and not affordable to former residents like myself. They got rid of all the rent-controlled units around there and I doubt very much if they became rent stabilized before going to market rate. Only one person that was my neighbor was still living there the last time I checked—he might be going through hell!!

This was only possible because where I lived on 96th street was zoned for buildings much taller than areas north of it—while 96th street was zoned R10, the street just north of 96th and most of East Harlem is zoned only R7. I don't want to see what happened in lower East Harlem happen to Upper East Harlem. Then everyone will be displaced like I am, today. I live in the Bronx but I want to move back to El Barrio!

What has been done to El Barrio's 'La Marqueta' is preposterous—that market under the El used to run from 110th to 125th streets and you could get clothing, food, shoes, you name it right there. It was a big draw to East Harlem—people came from Brooklyn, Queens, all over to shop there. Our Spanish movie theater, our famous paella restaurant on 116th street, Key Food, A&P supermarkets and so many of our little local, cultural businesses were all taken away from us.

To preserve our East Harlem culture and stop the displacement of the residents, who have made their homes here for decades, please ignore all the attempts at blackmail, and threats to withhold investments in the neighborhood, funding for NYCHA repairs, subsidies for housing and other things our neighborhood deserves. PLEASE VOTE NO against this rezoning.



PICTURE THE HOMELESS

Testimony on East Harlem Rezoning
(Land Use Application No. C 170358 ZMM and related applications.)

October 11th, 2017

My name is Maria Walles and I'm a member of Picture the Homeless. I'm testifying today in opposition to the current neighborhood rezoning proposal. Two years ago, I started getting involved with the East Harlem Neighborhood Plan, talking to people at the community meetings we held about what we wanted in the neighborhood. They asked everyone who works and lives in the neighborhood to contribute to this plan. We thought this plan was going to help us get what our neighborhood needs. But I feel like all of our work went down the toilet. Nothing seems to be getting done.

As far as the rezoning is concerned, instead of talking about what we're supposed to do, it feels like things are deteriorating. I don't like the fact that we're getting ready to decrease our mom-and-pop stores and small businesses in the area, we're getting rid of retail like the local Pathmark or the Rainbow shop. The people who used to work in these stores, the people who used to live in this neighborhood, may be facing eviction or facing entry into the shelter. But the building is just sitting there, empty. We thought something would go up right away. Instead we have nothing.

Why do we have to build luxury buildings, when people in the neighborhood are low income? They can't afford that. We are throwing people into shelters, including cluster-sites with shelter residents and tenants living in the same building. This rezoning will lead to paying tenants getting kicked out of their homes, and entering the shelter system, going through the whole process over again.

This neighborhood needs real low-income housing. We need to keep our supermarkets in the neighborhood. We need community gardens and playgrounds, community centers, services for senior citizens, after school programs, and a lot more. I don't see how that is going to be accomplished through this rezoning. We don't need for this rezoning to go any further, not at all.



PICTURE THE HOMELESS

Testimony on East Harlem Rezoning
(Land Use Application No. C 170358 ZMM and related applications.)

FOR THE RECORD

October 11th, 2017

My name is Andres Perez, and I am a member of Picture the Homeless. I used to be homeless a few years back. I'm also a single parent raising a seventeen year old son. We lived at a homeless shelter for two years before finding permanent housing on the Lower East Side. I am asking the borough president to vote NO against the rezoning, and with no conditions.

I am testifying today because I feel that there are a lot of families who don't have adequate funding to pay the rent that is in the market these days. They are living on a fixed income such as social security, disability, or receiving public assistance. I personally receive public assistance income, not disability. We only receive \$138 every two weeks towards rent, \$277 per month.

That is simply not enough to keep up with the rents in this housing market. There should be some kind of low-income housing for families who aren't making enough money to afford the cost of housing these days and in this market.

Through my knowledge and work with various organizations such as Picture the Homeless, Banana Kelly, and Community Voices Heard, I have learned a lot about what a rezoning does, and my understanding is that rezoning won't be a good thing for families who already can't afford the rent, and that the rents will increase after these families move out. Therefore, I believe that it would be a better choice to renovate housing in the community than using rezoning and displacing families and individuals out of their neighborhood.

I am here because I believe that this rezoning will result in more people being displaced into homeless shelters. Having experienced the shelter system—both before and after I had a child—I want to do everything I can do to make sure no one else has to have that experience. If we are continuing to allow the system to allocate for us—where are we going to live? We need to be able to allocate for ourselves.

We all need to gather together, stand up, and fight back against this rezoning. Instead of giving these rich developers funding to build high rise condominiums, I would prefer that we allocate that funding to rebuild the community by building more housing, perhaps parks and gardens, and libraries. That would be a better resource for the people in our communities.

Talking Points - Purnima Kapur

Run of show

- *Purnima to give introduction*
 - *Erik Botsford to discuss zoning proposal*
 - *Calvin Brown to discuss interagency approach*
 - *David Quart to discuss HPD Housing Plan*
-
- Acknowledge Thank You Madam Speaker, ^{on}Chair Perkins, Chair Richards, Chair Greenfield & *council members,*
 - Introduction of City team:
 - Purnima Kapur, Executive Director, DCP
 - Erik Botsford, Deputy/Acting Director of City Planning's Manhattan Office
 - Calvin Brown, Team Leader and Project Supervisor for the East Harlem Initiative
 - David Quart, Deputy Commissioner for Strategy, Research, and Communications, HPD
 - Leila Bozorg, Deputy Commissioner for Neighborhood Strategies, HPD

~~SBS staff TBD~~

- We are very pleased to be here with you today to present and discuss the Administration's East Harlem Initiative
- The initiative includes a package of land use actions that are complemented by an extensive effort that involves a host of City agencies working together to serve the residents of East Harlem, improve quality of life, and provide needed programs and services
- Our work in East Harlem has been done in concert with an extraordinary, community-driven process, led by Speaker Mark-Viverito, that brought together community members and stakeholders to discuss local issues and develop proposals to address these challenges.
- This process, and the City's continuing engagement with the Steering Committee, has allowed us to benefit from the wealth of local knowledge provided by Steering Committee members
- The Committee's report, the East Harlem Neighborhood Plan, together with the ongoing work we are doing with the Steering Committee and its subgroups, has provided a solid foundation for our proposal.
- We have striven throughout the process to create a plan that
 - is responsive to and builds off of the East Harlem Neighborhood Plan,

- that is balanced, providing opportunities for growth as well as measures to protect sensitive and vulnerable areas

- The reason we are acting here, and the reason the Steering Committee came together to do their extraordinary work, is to pro-actively manage change in East Harlem and obtain the best outcome for its residents
- East Harlem is changing before our eyes, with market forces at work in the neighborhood and bringing change.

- Fortunately, many East Harlem residents have been able to remain in the neighborhood due to the large share of government regulated housing which includes New York City Public Housing that provides secure housing for residents with the lowest incomes

- But we are starting to see new market-rate housing coming to the neighborhood ^{today} and there are no requirements for the provision of any affordable housing in these buildings. We want to change that and require, for the first time in East Harlem, permanently affordable housing for the new development, ~~being constructed~~.

- Not acting and turning our backs on East Harlem would be a ^{not good} ~~bad~~ outcome, ^{it} ~~that~~ would do a disservice to this strong and vibrant community.

■ Our zoning proposal is a targeted approach that addresses the challenges and opportunities head on and does the following

- Allows for new housing on East Harlem's wide avenues, that are proximate to the rich public transit options.
- Protects side streets and areas of the neighborhood with existing character
- Allows for East Harlem's businesses to expand and requires job-generating uses in areas close to transit
- Weaves careful design controls to create safe and walkable streets with ground floor uses that provide services for East Harlem residents

■ During the extensive East Harlem public review process, we have heard many voices speaking on our proposal. We have heard concerns and fears about the effects of a rezoning and the change it may bring to East Harlem.

■ We acknowledge that these are difficult discussions and complex set of issues to weigh in making decisions about the future of East Harlem.

■ However we have listened and we have modified our proposal The City is coming to the table with a wide range of tools and programs to address the issue of affordability and concerns about a changing neighborhood.

- One of these tools provided by zoning is Mandatory Inclusionary Housing, the most extensive and aggressive affordable housing requirements in the entire nation. Our rezoning puts MIH in place wherever we anticipate new housing, requiring private developers to foot the bill for 1,500 permanently affordable apartments.
- This makes our public dollars go farther and allows the City to focus our resources on getting more and deeper affordability on public sites and more housing preserved through HPD's programs.
- To compliment the Department's zoning efforts, HPD has created a housing plan specifically targeted at protecting the existing affordable housing stock while creating new opportunities for permanently affordable apartments on the corridors included in our rezoning area.
- Taken together, new development with MIH paired with aggressive requirements on public sites will bring nearly 4,000 new affordable apartments to East Harlem.
- But the City's efforts in East Harlem aren't just about zoning. We believe that new housing must be complemented by many other investments in this neighborhood. We'll discuss these in more detail, but they include
 - programs to connect residents to good jobs and training,

- park and open space improvements
 - transit investments and preparation for the second phase of the Second Avenue Subway,
 - health care services,
 - schools and education
- Overall, I think you'll see that we are bringing forward a balanced, thoughtful, and responsive approach that respects this unique neighborhood and puts in place measures to preserve and enhance it today and into the future
- Now I'll hand it over to Erik B to talk a bit more about the zoning proposal, which is just one component of a much larger City initiative to bring needed resources to East Harlem

Subject: East Harlem Rezoning (El Barrio)

My name is Norma Carrillo Cochran and I live at 315 East 106 Street apt. 6e and I have lived here in El Barrio all of my sixty six years. I see all the changes going on around me and I don't feel very comfortable. It upsets me that my two sons who were born at this address and never lived anywhere else had to move to the Bronx because the rents are not affordable here anymore. When there were gangs every two blocks, Heroin and Crack epidemics and it wasn't easy living here, I was here with first, my parents and then when I started my own family and would like to still be here when I meet my maker. I always have it on my mind that I will not be able to stay in my home of thirty nine years because the rents will rise to a level I cannot pay. All of a sudden this neighborhood is now very desirable and that scares me.

I am a member of St. Cecilia's Parish since I was baptized there as a baby and I retired from Mt. Sinai Hospital. So you see I was born, educated, worshipped here in East Harlem. I keep track on Yimby about new construction in this area and when the the project starts it is going to be reasonable rent and then as the building is completed they become condos. I see my neighborhood changing so much and it saddens me.

The streets are losing there Latin flavor and that also saddens me. I hope the people voting will keep my people on there minds as they make a decision that will affect so many of us.

God bless you all,

Norma Carrillo Cochran

**Testimony for the New York City Council
Subcommittee on Zoning and Franchises Public Hearing
on the Proposed East Harlem Rezoning**

October 11, 2017

Kimberly Libman, PhD, MPH
Director for Prevention and Community Development
Center for Health Policy and Programs
The New York Academy of Medicine

The New York Academy of Medicine [the Academy] was founded in 1847 to take on the critical health problems facing New York City at that time, and we continue to advance solutions that promote the health and well-being of people living in cities worldwide. We approach our priority issues of healthy aging, disease prevention, and eliminating health disparities with a deep and long-standing commitment to understanding the complex factors that determine health in cities.

The Academy was appointed to the East Harlem Neighborhood Plan (EHNP) Steering Committee, convened by City Council Speaker Melissa Mark-Viverito, to convene community members to develop recommendations for health and aging in the EHNP. The Steering Committee created a comprehensive neighborhood plan that not only includes recommendations for rezoning, but also key investments to support the growth of the existing community.

As an EHNP Steering Committee member, The Academy has been engaged in the neighborhood planning process for over two years. We are providing the New York City Council this testimony on the potential health impacts of the proposed rezoning, and how they differ from the major findings from the Public Health chapter of the Draft Environmental Impact Statement (DEIS) for the East Harlem Rezoning.

In our role as a member of the EHNP Steering Committee, we conducted a Health Impact Assessmentⁱ (HIA) to provide information about the potential health effects of the plan's affordable housing and zoning recommendations, and to make this tool available to the East Harlem community during this rezoning process. HIA is a structured process to assess the potential health impacts of a policy, plan, or project, and make recommendations on how to mitigate negative health impacts and to maximize potential health benefits of that policy, plan, or project. Our HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community. The HIA concluded, "To prevent negative health impacts and promote health equity, implementation [of the proposed rezoning in connection to Mandatory Inclusionary Housing] should prioritize maintaining existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses."

As stated in the testimony the Academy provided for the Public Scoping Meeting on the DEIS for the East Harlem Rezoning, the current City Environmental Quality Review and State Environmental Quality Review Act (CEQR and SEQRA) frameworks and requirements take a limited perspective on what social and environmental factors affect community health. CEQR's goal with respect to public health is "to determine whether adverse impacts on human health may occur as a result of a proposed project and, if so, to identify measures to mitigate such effects."

Chapter 18 of this DEIS concludes that the Proposed Actions:

- would not result in significant adverse public health impacts
- would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials
- could result in unmitigated construction noise impacts, but it was determined that the construction noise impact would not generate a significant adverse public health impact
- and concludes, "neither the magnitude nor the duration of the construction noise reaches the public health impact threshold."

In our assessment, the Public Health chapter of the DEIS does not address the health impacts of changes to what are commonly known as the broader determinants of health – such as education, employment, discrimination, socioeconomic status, and housing.

We know that residential displacement can negatively impact health. Evidence shows that displacement may cause people to accept affordable but inadequate, substandard, or poorer quality housing. Displacement can result in the disruption of important social support, erosion of social capital, and social cohesion as well as increased transportation costs for a family. We also know that some displaced residents may become homeless, which is itself linked to several negative health outcomes, including increased risk of respiratory infections, infectious diseases, mental illness (particularly among children), hunger, and that the death rates for homeless individuals are several times higher than the general population. Displacement can also lead to high levels of stress, which studies have linked with chronic diseases including heart disease, hypertension, and diabetes. These potential impacts of displacement are not discussed in the environmental impact statement. Similarly, evidence links open space, transportation, and climate change to public health and yet the potential health impacts of changes in these environmental factors are not included in the proposed analysis.

Regarding residential displacement, this DEIS states that, under the Reasonable Worst Case Development Scenario, the Proposed Actions “could directly displace an estimated 27 residents living in 11 DUs [domestic units],” and “would result in the incremental development of 3,488 DUs, well over the 200-unit threshold warranting assessment of potential indirect residential displacement.” However, residential displacement is not addressed in the DEIS chapter on Identified Impacts for Mitigation.

In conclusion, we find that DEIS significantly underestimates the potential negative impacts of the proposed rezoning to the health of the East Harlem community, and therefore there are unidentified needs for mitigating adverse impacts of these Proposed Actions on the broader determinants of health in East Harlem.

As currently proposed, the scale of the City Planning rezoning for East Harlem would adversely impact the health and character of this community. The lower density rezoning proposal outlined in the East Harlem Neighborhood Plan achieves a better balance between creating new affordable housing and preserving the existing character of the community.

The Department of City Planning and the Administration must reduce the zoning density on Park and Third Avenues, and make commitments to invest in community priorities identified through the East Harlem Neighborhood Plan.

¹ Realmuto, L., Owusu, S., Liman, K. (2016). East Harlem Neighborhood Plan Health Impact Assessment: Connecting Housing Affordability and Health. The New York Academy of Medicine. Available at: https://www.nyam.org/media/filer_public/de/46/de46ec8b-ae8f-4dca-a6b2-c7ce3bfb9ffe/healthimpassessfinal2016.pdf

The Manhattan skyline is nothing more than a conglomeration of high rise buildings often with structures that lack architectural merit. The few that do, are surrounded by many that do not. It has also been turned over to billionaire real estate developers whose sole purpose is create luxury housing for the very wealthy. All this has been accomplished by past and present Mayoral administrations, aided and abetted by a City Planning Commission and City Council, who view their constituents as the real estate moguls and the poor and little people and middle class be damned.

Comes now the East Harlem Rezoning proposal, yet another example of turning over to the the real estate moguls

a huge area in East Harlem consisting of 96 blocks stretching from Fifth to Second Avenues. from 104th to 132nd Streets, so that more towers many of them 30 stories and higher, will be constructed. It will extinguish the old human-scale of East Harlem. Thousands of affordable housing and small Mom and Pop retail stores will be demolished. Even if one were to describe this proposal as outrageous, such description would be generous.

The proposed rational for this destruction of a viable neighborhood is that of 2700 luxury units, 900 would be so called affordable units. What the latter really means is left to speculation. History makes it clear when all is said and done, the amount of luxury housing the so called 1800 luxury units, is nonsense. It will be far more and so called affordable units not increased. When all is said and done the East Harlem area in question will simply be an addition to the jungle for the rich that already exists in Manhattan.

The record should be clear. Mayor De Blasio's support for this abomination because he wants more affordable housing, like 900 units in a 96 block area, is a joke and a bad one at that. If he is serious about affordable housing, he can push for the Willets Point area in Queens, where thousands of such units could be constructed. He will not pursue that area, because there again there is the heavy hand of real estate and possibly sporting interests.

Finally, will there ever come a time, our City Council will look at this kind of a proposal that will destroy 96 blocks of a viable neighborhood, and reject it simply because the little people who live and work there, are overwhelming against it? In short, it is their voices that should carry the day, and not billionaire real estate moguls. Will that ever happen? hope so, but I doubt it.

Benjamin M. Haber
138-27 78th Drive
Flushing, New York 11357
78-380-3955

Dear Council:

We strongly object to the Mayor's proposal to rezone East Harlem. The Real estate Industry has ruined 2nd Avenue with high rise buildings achieving less light, overly crowded side walks, a non-human feel regarding the height of the buildings to the size of people.

We don't want this to happen in the low rise historical community of East Harlem. Please learn from past errors. You need to have different guidelines when thinking about affordable and luxury apartment buildings, their scale and their place!

Sincerely.

--

Julia P. Herzberg, Ph.D.
Art historian and curator
1150 Park Avenue
New York, NY 10128

Tel. 212 722-0042
Fax 212 369-5126

To the City Council:

I am writing to express my opposition to the proposed DeBlasio rezoning of East Harlem. I have listened attentively to the arguments in favor of the rezoning and find them specious at best. We (residents) know that these projects throughout New York City history have principally benefitted the developers who construct them and the politicians who receive support from the same developers. After these so-called "affordable housing" initiatives are built, they revert to market pricing not long after - and in the end it is "out of towners" and absentee tenant speculators who wind up living in them (with a few thoroughly cleaned bones thrown to those real residents who most desperately need the space).

What these fake "affordable housing" projects actually bring to the neighborhoods is over-development, a destruction of all neighborhood character and human scale, obstruction of sky and light, overcrowding an already overcrowded infrastructure on the ground (mass transit, sidewalks, etc.), higher rents and taxes for everyone, and undue strain on support services such as vital Fire Department, EMT, Police, and Sanitation - not to mention Schools.

I am sorry, but cynically I expect the politicians to ignore the wishes of the residents of East Harlem. You will likely approve this proposal because that is what you do. Those of us who love our city and our neighborhoods will lose - and we'll just fade away as always, while the politicians and developers retire to some other locale with whatever they have been able to extract from their labors on "behalf of the people" they claimed to serve.

Sincerely,

Chris Snyder

East 97th Street

New York, NY 10029

Council members.

I will skip the details of my community demographics and all the other things that you seem to ignore at this time. My name is Raymond Delgado I have been part of the East Harlem community all my life, it was the bridge that my parents used to stay close to their homeland Puerto Rico. It was a place of joy for many other ethnic groups and nationalities where else in the world can I buy clothing from a Jewish merchant, cold cuts and pizza from an Italian merchant, take my shirts to a Chinese laundry and buy food at a Spanish American Grocery. This is the East Harlem that many loved this was the place that was once neglected but was full of joy and unity. Now a new merchant has arrived, realtors and developers who have turned some quite parts of our community into malls and housing that the poor and working class can't afford. Retirees having to leave a place they called home all their lives. Many of our community members have to pay rent but can't buy food, because the cost of rent is so high. Yes you have passed laws that have protected a few of us but not enough of us, rezoning will just turn places like Pleasant Avenue a once quite Italian enclave into a major city street as you can already see with the building of East River Plaza Mall. This rezoning promises a lot to our new merchants and many politicians are on board ignoring the pain that these changes can bring. We already suffer with lost of parking spaces for those of us who drive and own a vehicle there are no solutions although we pay taxes, insurance, buy gas, and pay for repairs to our vehicles and this cost includes taxes. Your rezoning venture will only cost more problems unless you equally distribute housing and make it affordable for the people of East Harlem. Always remember one thing. "we vote".

**THE COUNCIL
THE CITY OF NEW YORK**

East
Harlem
Rezoning

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Robert Thibault

Address: 10001

I represent: The people of El Barrio

Address: 7000

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11

(PLEASE PRINT)

Name: CIVITAS - Alexander Adams

Address: 1457 Lexington Av

I represent: CIVITAS

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

East Harlem Rezoning
Hearing

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/13/17

(PLEASE PRINT)

Name: Daby Carreras

Address: 2021 Lexington Avenue NY NY 10035

I represent: my self

Address: 2021 Lexington Avenue NY NY 10035

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

East Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Jennifer Hyman

Address: 882 E Third St

I represent: Picture the Homeless

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

East Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Guillermina Solano

Address: 312 E 106 St Harlem, NY

I represent: Movement for justice in El Barrio

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

East Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Ashley Ramos

Address: 312 E 106 St Harlem NY

I represent: Movement for justice in El Barrio

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

East
Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: TOM DEMOTT

Address: 550 Riverside Drive

I represent: Coalition to preserve 3

Address: Communit 3 West Harlem
Coalition

THE COUNCIL
THE CITY OF NEW YORK

E. HARLEM
REZONING

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: JIM SHELTON

Address: 324 CLINTON AVE

I represent: MUNICIPAL ART SOCIETY OF NY

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

EAST
HARLEM
REZONING

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☒ in opposition

Date: 10/11

(PLEASE PRINT)

Name: EMILY PARKEY

Address: 1991 2ND AVE. 333 E. 108TH ST.

I represent: DREAM NY, NY 10029

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. SENDER VERDE Res. No. _____

☒ in favor ☐ in opposition

Date: 10/11

(PLEASE PRINT)

Name: EMILY PARKEY

Address: 333 E. 108th St. NY, NY 10029

I represent: DREAM

Address: 1991 2ND AVE. NY, NY 10029

THE COUNCIL TH reznog
THE CITY OF NEW YORK oppose.

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17.

(PLEASE PRINT)

Name: Pilar De Jesus

Address: 1945 3rd AVE

I represent: Self.

Address: _____

THE COUNCIL East Harlem
THE CITY OF NEW YORK recony

Appearance Card

I intend to appear and speak on Int. No. 1 Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: David Eisenbach

Address: 201 E 12th PH 12 NY NY 10003

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

Name: Gale A. Brewer, Manhattan Borough President (PLEASE PRINT)

Address: _____

I represent: Manhattan Borough President

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

Name: Ray Rogers (PLEASE PRINT)

Address: 2170 First Ave # 3205 NYC 10029

I represent: East Harlem Resident

Address: "

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

Name: Mahfuzur Rahman (PLEASE PRINT)

Address: 1735 Madison

I represent: Self & people of East Harlem

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Daria Fane

Address: _____

I represent: The Fane Organization

Address: 68 E 131st St #309

NY NY 10037

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/11/12

(PLEASE PRINT)

Name: EVAN BLUM

Address: 216 EAST 125TH ST.

I represent: MYSELF

Address: 216 E 125TH ST, N.Y.C. 10035

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Tom De Mott

Address: 550 Riverside Drive

I represent: Coalition to Preserve Community

Address: PO BOX 660 Manhattanville

Station NYC 10027

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. T2017-6717 Res. No. _____

☒ in favor ☐ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Lisa Orrantia, Akerman LLP

Address: 666 Fifth Ave, 20 Fl, NY NY 10103

I represent: AUER'S MOVING & RIGGING CO

Address: 1721 PARK AVE, M.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Up zoning Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Denise Rickles

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Up zoning Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Ekaterina Bezborodko

Address: _____

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

Name: Esther Dink (PLEASE PRINT)

Address: 221 E 122nd St #1003

I represent: Harlem Drumline

Address: 221 E 122nd

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. EAST HARLEM REZONING Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: MARGE OTHROW

Address: 412 WASHINGTON AVE BXLN NY

I represent: MYSELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. EAST HARLEM REZONING Res. No. _____

☐ in favor ☒ in opposition

Date: _____

Name: Kimberly Libman (PLEASE PRINT)

Address: 12116 Fifth Ave

I represent: The New York Academy of Medicine

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East Harlem Branch Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Xosha Alustair Santiago

Address: 117 E. 102nd St. New York NY 10029

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East Harlem Branch Res. No. _____

☐ in favor ☒ in opposition

Date: Oct 11, 2017

(PLEASE PRINT)

Name: William H Raudenbush

Address: 139 W. 80th St #4B

I represent: City Council Candidate

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Juan Peralta

Address: 1637 Park Ave 10029

I represent: Justice Center encl Barrio

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Marina Ortiz
Address: 1622 Madison Avenue
I represent: East Harlem Preservation
Address: →

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East Harlem Rezoning Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Michelle Robut
Address: 165 Seaman Ave NYC 10034
I represent: Save Inwood Library
Address: N/A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. E. HARLEM REZONING Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Valinn Ranelli (VALINN RANELLI)
Address: 11 Seaman Ave #413 NY, NY 10034
I represent: NORTHERN MANHATTAN NOT FOR SALE
Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East 11th Ave Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: BEN HABER

Address: 138-27 - 78 DRIVE FLEETING RD

I represent: SELF

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Daria Crespo

Address: East Harlem Rezoning

I represent: Pratt Institute

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Chris Walters

Address: East Harlem Rezoning

I represent: AMHD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Paula Segal NYC

Address: East Harlem Rezoning

I represent: Urban Justice Center CDP

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East Harlem Rezoning Res. No. _____

☐ in favor ☒ in opposition

Date: Oct 11 '17

(PLEASE PRINT)

Name: Lynn Ellsworth + Alan Berger

Address: _____

I represent: Human Scale NYC

Address: 165 Duane NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Maria T. Velez

Address: 69 West 225th Street

I represent: Pickup the Homeless

Address: 109 E. 121st Street

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

EAST HARLEM
REZONING

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: JOYA WILENO

Address: 10452

I represent: JUSTICE CENTER ENCL BARBIO

Address: 1637 PARK AVE NY NY 10029

THE COUNCIL
THE CITY OF NEW YORK

East Harlem
REZONING

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Yanina Calderon

Address: 1637 PARK AVE 10029

I represent: Peoples Congress of Resistance

Address: 1637 PARK AVE NY NY 10029

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10.11.2017

(PLEASE PRINT)

Name: LINDA CORCELES

Address: 315 E 106 ST NYC 10029

I represent: FRANKLIN PLAZA APTS

Address: 2085 2ND AVE NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. East Harlem Res. No. Rezoning Proposal

☐ in favor ☒ in opposition

Date: October 11, 2017

(PLEASE PRINT)

Name: Kathleen B. Haskin's

Address: 249 West 101st St #2 NYC 10025

I represent: Landmark East Harlem

Address: 90 CIVITAS, 1457 Lexington Ave NYC 10128

**THE COUNCIL
THE CITY OF NEW YORK**

East Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: ALTHEA YORK

Address: _____

I represent: PICTURE THE HOMELESS

Address: 104 E. 126th St.

**THE COUNCIL
THE CITY OF NEW YORK**

East Harlem

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Paul Barkley

Address: 2205 2nd Ave

I represent: The Community of East Harlem

Address: 2205 2nd Ave 4B

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. East Harlem Res. No. _____

☐ in favor ☒ in opposition

Date: 10/11/17

(PLEASE PRINT)

Name: Seamus Cullen

Address: 423 E 114th St

I represent: New Design Design HS and El Barrio

Address: 350 Grand St

THE COUNCIL East Harlem
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☒ in opposition

Date: 10-11-17

(PLEASE PRINT)

Name: ANDRES PEREZ

Address: 104 E 126th

I represent: Picture the HOMELESS

Address: see above

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. East Harlem Res. No. _____

☐ in favor ☒ in opposition

Date: _____

(PLEASE PRINT)

Name: Ryan Cullen

Address: 423 E 114 ST

I represent: East Harlem

Address: 423 E 114 ST

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL ^{51ST HARLEM}
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☒ in opposition

Date: 10-11-17

(PLEASE PRINT)

Name: JOSE LUIS RODRIGUEZ

Address: 580 SOUTHERN BLVD

I represent: PICTURE THE HOMELESS

Address: 104 S 126TH ST. NYC

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☒ in favor ☐ in opposition

Date: _____

(PLEASE PRINT)

Name: Bryant Brown

Address: 25 W. 18th ST

I represent: 32 BT SEIU

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 10/11/2017

(PLEASE PRINT)

Name: Leila Bazzani

Address: _____

I represent: HPD

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 10/11/2017

(PLEASE PRINT)

Name: Purnima Kapur

Address: DGP

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 10/11/2017

(PLEASE PRINT)

Name: David Gant

Address: _____

I represent: HPD

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
☐ in favor ☐ in opposition

Date: 10/11/2017

(PLEASE PRINT)

Name: Calvin Brown

Address: _____

I represent: DGP

Address: _____

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/11/17

Name: Erik Botsford (PLEASE PRINT)

Address: _____

I represent: DCR

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☒ in favor ☐ in opposition

Date: 10/11/17 Sender Verde

Name: Jordan Press (PLEASE PRINT)

Address: _____

I represent: HPD

Address: 100 Gold Street

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

☐ in favor ☐ in opposition

Date: 10/11/17 Sender Verde

Name: FRED HARRIS (PLEASE PRINT)

Address: 1 Morningside Dr., NY, NY 10025

I represent: Jonathan Rose Companies

Address: 551 5th Ave, NY, NY 10017

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Sender Verde Res. No. Verde

☒ in favor ☐ in opposition

Date: 10/11/12

(PLEASE PRINT)

Name: Lymares Albers

Address: Acacia Network

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Sender Verde Res. No. _____

☒ in favor ☐ in opposition

Date: 10/11/12

(PLEASE PRINT)

Name: Laura Johnson

Address: _____

I represent: Union Settlement

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Sender Verde Res. No. _____

☒ in favor ☐ in opposition

Date: 10/11/12

(PLEASE PRINT)

Name: Deborah Moelis

Address: _____

I represent: Handel Architects

Address: _____

Please complete this card and return to the Sergeant-at-Arms