



## CITY PLANNING COMMISSION

---

February 16, 2011 / Calendar No. 16

C110096 HAM

---

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

- 1.) pursuant to Article 16 of the General Municipal Law of New York State for:
  - a) the designation of property located at 1945/1957 Park Avenue (Block 1780, Lot 1) as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of three, mixed use buildings with a total of approximately 314 dwelling units to be developed under HPD's Low Income Rental Program.

---

Approval of three separate matters is required:

1. the designation of property located at 1945-1957 Park Avenue (Block 1780, Lot 1) as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
3. the disposition of such property to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on September 28, 2010.

Approval of this application would facilitate the development of three, mixed-use buildings with a total of approximately 314 dwelling units to be developed under HPD's Low Income Rental Program.. The proposed development would also provide for 2,340 square feet of commercial space and 10,300 square feet of community facility space.

The Department of Housing Preservation and Development states in its application that:

The project area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, unsanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is

therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

## **RELATED ACTION**

In addition to the Urban Development Action Area Project designation and the project approval and the disposition of city-owned property for a site located at 1945/1957 Park Avenue (Block 1780, LOT 1), which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

**C 110097 ZMM:** An application by the Department of Housing Preservation and Development for an amendment to the zoning map from an R7-2 to an R8 with a C2-4 commercial overlay.

## **BACKGROUND**

The Department of Housing Preservation and Development (HPD) is seeking an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of city-owned property for a site located at 1945-1957 Park Avenue (Block 1780, Lot1) to facilitate the development of three connected mixed-use residential buildings, providing approximately 314 affordable dwelling units, as well as 10,300 square feet of community facility space, and 2,340 square feet of commercial space. The site is located in the East Harlem neighborhood of Manhattan within Community District 11. It is currently located within an R7-2 zone. HPD is proposing to change the zone to an R8 zone with a C2-4 commercial overlay along both Park Avenue and East 131<sup>st</sup> Street. The R8 zoning district would allow a base FAR of 6.02 for residential development and a 6.50 for community facility uses. The C2-4 commercial overlay allows for a commercial FAR of 2.0 within R8 zoning districts.

The project site was identified as a location for affordable housing development in the 2008 Points of Agreement between the City and City Council for the 125<sup>th</sup> Street Rezoning. The agreement requires the construction of 300 affordable units with a maximum FAR of 5.0. HPD's Request For Proposals for the site included Urban Design Guidelines, created by the Department of City Planning, which dictated street wall heights, maximum building heights, and required a view corridor and other open space requirements for the proposed project.

The project site is an irregular-shaped block of city-owned property totaling approximately 60,477 square feet. The site is currently occupied by a vacant four-story institutional building that was formerly used as a Welfare Central Intake Center by the New York City Human Resources Administration. The building has been vacant for two years and it will be demolished to facilitate the proposed development.

The surrounding neighborhood is predominately developed with residential buildings, including low-rise residential buildings on the south side of East 131<sup>st</sup> Street and the Abraham Lincoln Houses (New York City Housing Authority Development) northwest of the site, extending from East 132<sup>nd</sup> Street to East 135<sup>th</sup> Street. The block to the west of the site consists of several HPD projects that are in various stages of completion.

Due to the site's location between the Metro-North elevated railway to the west and the Harlem River drive to the east, the open space within the Project would be vulnerable to increased noise levels. In order to comply with noise remediation requirements, the development would include two sound barriers to buffer noise from the elevated Metro North Railway and the Harlem River Drive. The western sound barrier, along Park Avenue, will extend the approximate 36 feet high mid-block portion of the front wall by approximately 19 feet; 6 inches. The second sound barrier, along the Harlem River Drive will measure 10 feet tall at its highest point and run the length of the project site.

The project would be developed under HPD's Low Income Housing Program.

### **UDAAP designation, approval and disposition of city-owned property (C110096 HAM)**

HPD requests UDAAP designation and project approval to facilitate the disposition of city-owned property and the construction of the proposed buildings. The city-owned property, located at 1945-1957 Park Avenue (Block 1780, Lot1), is 60,477 square feet in area and developed with a vacant four-story building formerly used as a Welfare Central Intake Center.

### **Zoning Map Amendment from R7-2 to R8 (C2-4) (C 110097 ZMM)**

HPD also proposes to rezone the 60,477 square foot site from R7-2 to R8 with a C2-4 commercial overlay. R7-2 districts are medium-density apartment house districts and these districts are mapped in much of the Greater Harlem Area. However, R7-2 districts limit residential development to a 3.44 FAR. The proposed R8 district enables the proposed project to achieve a residential maximum FAR of 5.0 which was one of the conditions of the 125<sup>th</sup> Street Rezoning Points of Agreement.

R8 zoning districts permit a maximum of 6.02 FAR for residential uses and a 6.5 FAR for community facility uses. The proposed C2-4 commercial overlay allows a commercial FAR of 2.0. Pursuant to the Urban Design Guidelines the maximum building height above 85 feet would be 130 feet and the street wall height would range from 25 to 85 feet.

The proposed development does not comply with the zoning requirements relating to on-site accessory parking (Section 25-25 of the Zoning Resolution) and setbacks (Section 23-632 of the Zoning Resolution). In this instance, the City is exercising its option not to be subject to its zoning requirements when performing a government function.

### **ENVIRONMENTAL REVIEW**

This application (C 110096 HAM), in conjunction with the application for the related action (C 110097 ZMM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10HPD025M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on September 23, 2010.

### **Uniform Land Use Review**

This application (C 110096 HAM), in conjunction with the application for the related action (C 110097 ZMM), was certified as complete by the Department of City Planning on October 12, 2010, and was duly referred to Community Board 11 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Community Board 11 held a public hearing on this application on December 21, 2010, and on that date, by a vote of 27 in favor, 0 opposed, 4 abstaining adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on January 18, 2011.

### **City Planning Commission Public Hearing**

On January 5, 2011 (Calendar No. 12), the City Planning Commission scheduled January 26, 2011, for a public hearing on this application (C 110096 HAM). The hearing was duly held on January 26, 2011 (Calendar No. 26), in conjunction with the application for the related action (C 110097 ZMM).

There were six speakers in favor of the application and no speakers in opposition.

A representative of HPD, the project's architect, and several other development team members spoke in favor and described the project. A representative of the Manhattan Borough President's office reiterated the Borough President's support for the proposal.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the approval of this application for UDAAP designation, project approval, and the disposition of city-owned property (C 110096 HAM), along with the application for the related action (C 110097 ZMM), is appropriate.

This application would facilitate the development three, mixed use buildings providing a total of approximately 314 affordable housing units to be developed under the Department of Housing Preservation and Development's Low Income Rental Program. The three buildings will range in height from three to thirteen stories and will have street walls and building heights that are consistent with the prescribed Urban Design Guidelines. The street walls, setbacks and height requirements for some portions of the site established by the Urban Design Guidelines are pursuant to the proposed R8 zoning district.

The project would provide 2,340 square feet of commercial space, 10,300 square feet of community facility space, along with 12,380 square feet of central open space which would be located between the three buildings. There will also be approximately 27,000 square feet of open space planned, as a roof/deck, courtyard. The project would also include a 20 foot green buffer zone along the eastern property line, to buffer the Harlem River Drive.

The project includes 160 spaces for bicycle parking on the ground floor of the north and south buildings and would provide for the planting of 24 trees. The proposed project will not provide parking.

The Commission notes that public open space would be provided on the corner of East 131<sup>st</sup> Street and Lexington Avenue and they are also aware that all other open spaces would be fenced and limited to residents with the exception of this corner.

The Commission notes that as part of the proposed project, the proposed sound barrier along the eastern edge of the project site would be approximately ten feet at its highest point and constructed in a green buffer zone. The proposed wall would be a backdrop to a series of woodland plantings and generous seating areas. The Commission further notes that the landscaped gardens would open up to a linear path that would be parallel to the highway and the Harlem River.

The Commission believes that the approval of the UDAAP for the development site would facilitate the redevelopment of a vacated city-owned property thereby eliminating a blighting influence on the neighborhood. The Commission further believes that the proposed project would enable this city-owned property to be developed with uses that would serve the needs of Manhattan Community District 11 and the City of New York.

The rezoning of the site is not only necessary to enable all of the proposed uses to fit on the site, but it is also responsive to the existing context of the surrounding area. The proposed C2-4 overlay is consistent with the commercial overlay mapped immediately west of the site, across Park Avenue between East 131<sup>st</sup> Street and East 132<sup>nd</sup> streets.

!

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

**WHEREAS**, the Department of Housing Preservation and Development has recommended the designation of property located at 1945-1957 Park Avenue (Block 1780, Lot 1), as an Urban Development Action Area; and

**WHEREAS**, the Department of Housing Preservation and Development has also recommended the approval of an Urban Development Action Area Project for such property;

**THEREFORE, BE IT FURTHER RESOLVED**, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- a. the designation of property located at 1945-1957 Park Avenue (Block 1780, Lot1) as an Urban Development Action Area; and
- b. an Urban Development Action Area Project for such area; and

**BE IT FURTHER RESOLVED**, the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of property located at 1945-1957 Park Avenue (Block 1780, Lot 1), Community District 11, Borough of Manhattan, to a developer selected by HPD, is approved.

The above resolution (C 110096 HAM), duly adopted by the City Planning Commission on February 16, 2011 (Calendar No. 16), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair**  
**KENNETH J. KNUCKLES, Esq., Vice Chairman**  
**ANGELA M. BATTAGLIA, RAYANN BESSER, ALFRED C. CERULLO, III,**  
**BETTY Y. CHEN, MARIA M. DEL TORO, RICHARD W. EADDY,**  
**NATHAN LEVENTHAL, ANNA HAYES LEVIN**  
**SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners**

## Community/Borough Board Recommendation

CITY PLANNING COMMISSION  
 22 Reade Street, New York, NY 10007  
 FAX # (212) 720-3356

Application # C 110096 HAM  
 CEQR # 10HPD025M  
 Community District No. 11 Borough: Manhattan  
 Community District No. \_\_\_ Borough: \_\_\_\_\_  
 Project Name: 1951 Park Avenue

**INSTRUCTIONS**

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.
2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description*

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

- 1 Pursuant to Article 16 of the General Municipal Law of New York State for:
    - a the designation of properties located at 1945/1957 Park Avenue (Block 1780, Lot1) as an Urban Development Action Area, and
    - b an Urban Development Action Area Project for such area; and
  - 2 Pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;
- to facilitate development of three, mixed use buildings with a total of approximately 314 dwelling units.

*Applicant(s):*

NYC Dept. of Housing Preservation & Development  
 100 Gold Street  
 New York, NY 10038  
 Phone: (212) 863-5200

*Applicant's Representative:*

Sara Levenson  
 NYC Dept. of Housing Preservation & Development  
 100 Gold Street  
 New York, NY 10038

Community Board No. 11 Borough: **Manhattan**

Borough Board

Date of public hearing: December 21, 2010

Location: 1249 Fifth Ave, New York, NY 10029

Was a quorum present? YES  NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: Dec. 21, 2010

Location: 1249 Fifth Ave, New York, NY 10029

**RECOMMENDATION**

- Approve  Approve With Modifications/Conditions  
 Disapprove  Disapprove With Modifications/Conditions

*Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)*

**Voting**

In Favor: 27      Against: 0      Abstaining: 4

Total members appointed to the board: 50

  
 Community/Borough Board Officer

Chair  
 Title

December 22, 2010  
 Date

v.012006w

\* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.

# Borough President Recommendation

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

## INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: C 110096 HAM

### Docket Description:

**C 110096 HAM – IN THE MATTER OF** an application submitted by the Department of Housing Preservation and Development (HPD):

1. pursuant to Article 16 of the General Municipal Law of New York State for:
  - a. the designation of properties located at 1945-1957 Park Avenue (Block 1780, Lot 1), as an Urban Development Action Area; and
  - b. an Urban Development Action Area Project for such area; and
2. pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD; to facilitate development of three, mixed use buildings with a total of approximately 314 dwelling units to be developed under the Department of Housing Preservation and Development's Low Income Rental Program.

See Attached.

COMMUNITY BOARD NO: 11

BOROUGH: Manhattan

## RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
BOROUGH PRESIDENT

1/13/11  
DATE

RECEIVED  
CITY PLANNING COMMISSION  
JAN 19 AM 9:53  
CITY PLANNING COMMISSION



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

RECEIVED  
2011 JAN 19 AM 9:50  
DEPT OF CITY PLANNING

SCOTT M. STRINGER  
BOROUGH PRESIDENT

January 18, 2011

**Recommendation on  
ULURP Application Nos. C 110096 HAM and C 110097 ZMM  
Harlem River Point  
by the New York City Department of Housing Preservation and Development**

**PROPOSED ACTION**

The New York City Department of Housing Preservation and Development ("HPD") seeks approval of several actions to facilitate the development of three primarily residential mixed-use buildings, together known as "Harlem River Point," in Manhattan Community District 11. HPD seeks designation of City-owned property located at 1945-1957 Park Avenue (Block 1780, Lot 1) as an **Urban Development Action Area** ("UDAA") and an **Urban Development Action Area Project** ("UDAAP"). In addition, HPD seeks approval of the **disposition** of said property to Harlem River Point North LLC<sup>1</sup> ("HRPN").

To facilitate the project and pursuant to Sections 197-c and 201 of the New York City Charter, HPD proposes to **amend the Zoning Map (C 110097 ZMM)** to change from an R7-2 district to an R8 district for the entire project site, bounded by Harlem River Drive, East 131<sup>st</sup> Street, and Park Avenue. HPD also proposes a C2-4 district overlay within the proposed R8 district mapped along the entirety of the site along Park Avenue and East 131<sup>st</sup> Street to a depth of 100 feet.

City-owned properties that are no longer in use or are in deteriorating condition are eligible to be designated as a UDAA and a UDAAP, pursuant to the Urban Development Area Act (Article 16 of the State General Municipal Law). UDAA and UDAAP provide incentives for private enterprise to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or a UDAAP designation the City Planning Commission and the City Council must find that:

- (a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;

<sup>1</sup> The LLC is a joint venture of L+M Development Partners and Artimus Construction.

east side of Park Avenue from East 131<sup>st</sup> Street to East 126<sup>th</sup> Street, and there are C8-3 districts mapped along the west side of Park Avenue.

The project site was identified as a location for affordable housing development in the 2008 Points of Agreement between the City and City Council for the 125<sup>th</sup> Street Rezoning. The agreement required the construction of 300 affordable units with a maximum FAR of 5.0. HPD's Request for Proposals for the site included urban design guidelines, which dictated street wall heights, maximum building heights, view corridor, and open space requirements for the proposed project.

HRPN proposes to construct three buildings ("North Building," "West Building" and "South Building") ranging from 3 to 13 stories in height. The 296,486-SF (4.9 FAR) development will contain 314 dwelling units (285,006 SF), 2,340 SF of ground-floor retail, and a 10,300-SF community facility space expected to be a publicly-funded child care center. The project will also include 27,301 SF of at-grade open space for residents, including a 12,380-SF central courtyard and a 20-foot wide landscaped buffer along the eastern edge of the property that would separate the proposed buildings from Harlem River Drive. These buildings will be oriented in a U-shaped configuration on the project site surrounding the central courtyard. The project will be developed in two phases, with the North and West Buildings developed in the first phase and the South Building in the second phase.

The proposed development's residential units consist of studios, one-, two-, and three-bedroom units, with the majority of the units one- (92) and two-bedroom (143) apartments. The units are targeted to a mix of incomes ranges between 40 and 110 percent of AMI. Units for households earning up to 40 percent and 60 percent of AMI are distributed throughout the three buildings, and units for households earning 90 percent and 110 percent of AMI would be located in the South Building. 60 units are targeted at 40 percent of AMI; 184 units are targeted at 60 percent of AMI; 35 units are targeted at 90 percent of AMI, and the remaining 35 units are targeted at 110 percent of AMI. The resident selection process will be according to HDC guidelines and criteria, and will include a community preference for 50 percent of the units. HRPN intends to make the North and West buildings permanently affordable. Further, the South Building will have a 50-year affordability requirement.

The West Building is proposed to be an L-shaped building with frontages on Park Avenue and East 131<sup>st</sup> Street. The 59,843 SF building will accommodate residential uses, ground-floor retail, and a publicly-funded day care that would extend through to the ground floor of the North Building. The building will accommodate 65 residential units targeted to households earning up to 40 percent and 60 percent of AMI. The building's residential entrance will be on East 131<sup>st</sup> Street and will have separate commercial and community facility entrances located on Park Avenue. The West Building is three stories (36 feet 2 inches) at the midblock on Park Avenue, six stories (64 feet 2 inches) at the intersection of Park Avenue and East 131<sup>st</sup> Street, and eight stories (84 feet 10 inches) for the remainder of the building's East 131<sup>st</sup> Street frontage.

The North Building is proposed to be a primarily residential building with 100,218 SF of residential and community facility uses (the aforementioned day care facility). The building will accommodate 108 units targeted to households earning up to 40 percent and 60 percent of AMI.

## BOROUGH PRESIDENT'S COMMENTS

The proposed development represents a superior use of land compared to the existing conditions. The Human Resources Administration building has been vacant for over two years, and without the development of this project, the site would otherwise remain an underutilized vacant lot. The development provides much needed affordable rental opportunities to low-income households, and includes a substantial number of affordable housing units targeted to income ranges that the community supports.

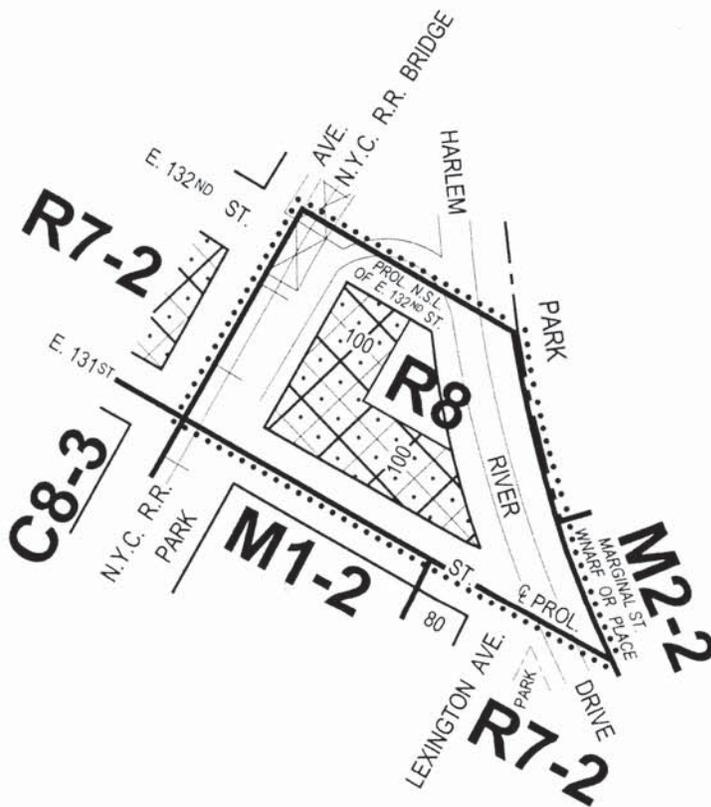
HPD's disposition of this site to HRPN will promote sound growth and planning necessary to obtain the UDAA and UDAAP designations. In addition, the promotion of mixed-use development in this area, which will serve a public purpose, is a highly appropriate use of City-owned land. As East 132<sup>nd</sup> and East 131<sup>st</sup> streets terminate at Harlem River Drive on this block, there is limited pedestrian activity around the project area. The combination of housing, retail, and child care services will help to enliven the surrounding area, as these active uses increase pedestrian traffic. Further, the publicly-funded child care center, which is located within the project site to minimize noise from Park Avenue and maximize natural sunlight from the central courtyard, is a necessary community amenity since the nearest three day cares are near or above capacity.

The proposed R8 zoning district's maximum density is equal to the existing maximum density of the R7-2 zoning. While the R8 district will increase the total allowable residential density, this density is necessary to facilitate the creation of affordable residential units, which were identified as priorities of the community during the 125th Street Rezoning process and codified in the Points of Agreement. Additionally, the proposed development's maximum height and density are below that of other buildings in the immediate vicinity.

The proposed commercial overlay would allow for ground-floor commercial uses as of right along this block. The commercial overlay is necessary to promote active uses and serve the needs of the local community and the future population to be housed at the site. The proposed C2-4 overlay is consistent with the C2-2 overlay mapped on west side of Park Avenue between East 131<sup>st</sup> Street and East 132<sup>nd</sup> Street and the C8-3 zoning district mapped to the south of the site.

In addition to providing much needed income-targeted affordable housing and community amenities, the proposed development will meet, and in some areas exceed, the criteria for Enterprise Green Communities certification. Some of the environmentally sustainable elements incorporated into the project include: Energy Star appliances, light fixtures and heating systems, low or no-VOC adhesives and paints, and low-flow plumbing fixtures.

L+M Development Partners, Artimus Construction, East Harlem Triangle, and Friendly Hands Ministry have worked closely with Community Board 11 to produce an extensive marketing plan and educational workshops to reach out to and prepare community members in advance of the housing application period and HDC lottery. These efforts will educate qualified applicants of the requirements of information required by the housing application and assist them in providing the necessary documentation. The community education program will include credit counseling

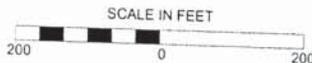


CITY PLANNING COMMISSION  
 CITY OF NEW YORK  
 DIAGRAM SHOWING PROPOSED  
**ZONING CHANGE**  
 ON SECTIONAL MAP  
**6a**

BOROUGH OF  
**MANHATTAN**

*S. Voyages*  
 S. Voyages, R.A. Director  
 Technical Review Division

New York, Certification Date  
 OCTOBER 12, 2010



- NOTE:
- Indicates Zoning District Boundary.
  - ..... The area enclosed by the dotted line is proposed to be rezoned by changing from an R7-2 District to an R8 District and by establishing a C2-4 District within a proposed R8 District.
  - ▣ Indicates a C2-4 District.