



CITY PLANNING COMMISSION

February 18, 2009/Calendar No. 24

C 090145 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 213 East 99th Street (Block 1649, Lot 9) 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 the rehabilitation of an existing five-story building, tentatively known as P.S. 109, with approximately 74 residential units.

Approval of three separate matters is required:

1. The designation of property located at 213 East 99th Street (Block 1649, Lot 9) as an Urban Development Action Area;
2. An Urban Development Action Area Project for such area; and
3. The disposition of property located at 213 East 99th Street (Block 1649, Lot 9) 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 24, 2008.

Approval of this application would facilitate the rehabilitation and conversion of an existing five-story building.

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, insanitary, 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.

BACKGROUND

The Department of Housing Preservation and Development (HPD) seeks approval of an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of one city-owned property located at 213 East 99th Street (Block 1649, Lot 9). The proposed subject site is located on the north side of East 99th Street between Second and Third avenues in East Harlem Community District 11.

The site consists of one city-owned vacant elementary school located within an R7-2 zoning district. The existing building was used as a public from 1905 until 1996, when it was closed by the New York City Board of Education.

The project site is surrounded by the New York City Housing Authority's (NYCHA) George Washington Houses which contain fourteen 12-14-story buildings spanning 20.8 acres from East 99th to East 104th streets. Cherry Tree Playground is located west of the site and along Third Avenue. It is a .95 acre playground owned by the New York City Housing Authority but maintained by the New York City Department of Parks and Recreation.

9

The proposed project will be converted pursuant to the Quality Housing Program. The site will provide approximately 74 units of affordable housing for artists and their families, 13,715 square feet of community facility space will be provided in the basement of the building. Additionally, six trees will be planted as part of the proposed project. All units would be targeted at 60% and below the area AMI.

The existing building consists of lot line windows on the east, west, and north sides of the building. A Mayoral Override is necessary to waive the minimum distance between lot line windows. Additionally, the proposed project has an easement of 30 feet from the lot lines on the east west and northern sides of the building, from the New York City Housing Authority. The easement and the zoning override will allow for lot line windows on three sides of the existing building.

Local shopping is located along First and Second avenues. The project site is served by the 4, 5 and 6 trains. Local trains stop at East 96th Street and Lexington Avenue and East 103rd Street and Lexington Avenue. The area is also served by three bus lines; the M101, M102, and M103.

ENVIRONMENTAL REVIEW

This application (C 090145 HAM) 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 09HPD011M. The Lead Agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on October 19, 2008.

UNIFORM LAND USE REVIEW

This application (C 0090145 HAM) was certified as complete by the Department of City Planning on October 27, 2008, and was duly referred to Manhattan Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application (C 090145 HAM) on December 16, 2008 and on that date, by a vote of 28 in favor, 2 opposed and 2 abstentions, adopted a resolution recommending approval with the following conditions:

The development team should work to increase the utilization of local and/or MWBE contractors, subcontractors and professional services (architects, engineers, etc.) in all aspects of development and pre-development. The development team should provide Community Board 11 regular updates on their progress and make available all information on open contracting and subcontracting opportunities.

The development team should partner with Community Board 11 and local cultural partners to assist in developing a selection process, selection criteria and selection team for potential tenants. Representatives from Community Board 11 should be present while the appointed team of local cultural partners and artists are reviewing tenant applications.

Borough President Recommendation

This application was considered by the Manhattan Borough President who, on January 29, 2009, issued a recommendation approving the application.

City Planning Commission Public Hearing

On January 21, 2009 (Calendar No. 7), the City Planning Commission scheduled February 4, 2009 for a public hearing on this application (C 090145 HAM). The hearing was duly held on February 4, 2008 (Calendar No. 19). There were nine speakers in favor.

The Director of Land Use for the Borough President's office restated the Borough President's recommendation for approval.

A representative from HPD spoke in favor of the proposed project. She mentioned her department's selection process, that the Department of Housing Preservation and Development would set aside fifty percent of the units for local residents.

Three representatives spoke in behalf of Artspace Projects, Incorporated (Artspace). They explained the organization's mission, which included making affordable space available for artists and their families. They described their selection process and that each project is defined by local participation and that members of the review committee would come from the community. Another representative of the group mentioned that they do not preclude others from applying, only that they give first preference to artists.

A community artist spoke in favor of the project and mentioned that without this housing type

East Harlem was in danger of losing the remaining artists in the community because they have difficulty qualifying for other housing. The project architect was in attendance, in support of the proposed project and offered to answer any questions the commission members might have.

The community co-sponsor, which has been designated as the proposed owner of P.S. 109, mentioned that his organization has been located within the community for over twenty years and that they have a track record of providing affordable housing for the East Harlem community. He also stated that the community facility would be open to the public.

There were no other speakers on the application and the hearing was closed.

CONSIDERATION

The Commission believes that the application for UDAAP area designation and project, and the disposition of city-owned property is appropriate.

The proposed project, would occupy the vacant five-story building of P.S. 109, located at 213 East 99th Street between Second and Third avenues which is situated within an R7-2 zoning district. As proposed, the project would require the gut rehabilitation and conversion of the existing school building to facilitate the development of approximately 74 units of affordable housing for artists and their families.

The Commission has noted that the co-sponsors of the proposed project are Operation Fightback and Artspace Projects, Incorporated, and that Artspace is the largest “arts” developer in the country. They are also aware that Artspace Projects, Incorporated has completed twenty-three projects throughout the nation.

The project area consists of underutilized vacant property that tends to impair or arrest the sound

9

development of the surrounding community, with or without tangible blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions.

RESOLUTION

WHEREAS, the Department of Housing Preservation has recommended the designation of property located at 213 East 99th Street (Block 1649, Lot 9) in Community District 11m Borough of Manhattan, as an Urban Development Acton 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 properties located at 213 East 99th Street (Block 1649, Lot 9) as an Urban Development Action Area; and
- b) an Urban development Action Area Project for such area; and

the City Planning Commission recommends that the New York City Council find that :

- a) The present status of the area tends to impair or arrest sound development of the municipality;
- b) The financial aid in the form of tax incentives to be provided by the municipality pursuant to Section 696 of the Urban Development Action Area Act, is necessary to enable the project to be undertaken; and
- c) The project is consistent with the policy and purposes stated in the Section 691 of the Urban Development Action Area Act, and

BE IT FURTHER RESOLVED, by 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 city-owned property located at 213 East 99th Street (Block 1649, Lot 9) in Community District 11, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 090145 HAM).

The above resolution (C 090145 HAM), duly adopted by the City Planning Commission on February 18, 2009 (Calendar No. 24), 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, ANGELA R.CAVALUZZI,AIA., IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,
RICHARD W. EADDY, SHIRLEY A. MCRAE, JOHN MEROLO, KAREN PHILLIPS,
Commissioners