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IN THE MATTER OF an application submitted by the Department of Parks and Recreation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 225 West 122nd Street (Block 1928, Lots 121 and 122) for use as a community garden, Borough of Manhattan, Community District 10.

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This application (C 190094 PCM) for the site selection and acquisition of privately-owned property was filed by the New York City Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS) on September 11, 2018. Approval would facilitate the preservation of an existing community garden as public open space in Central Harlem, Manhattan Community District 10.

## **BACKGROUND**

DPR and DCAS propose the site selection and acquisition of two privately-owned lots (Block 1928, Lots 121 and 122) to facilitate the preservation of a community garden currently operating on the site. The Joseph Daniel Wilson Memorial Community Garden (the Garden), is located on the north side of West 122<sup>nd</sup> Street between Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard in Manhattan Community District 10. The acquisition site comprises approximately 2,522 square feet, or about half of the total existing garden area.

The project area was mapped with an R7A zoning district in 2003 as part of the Frederick Douglass Boulevard Rezoning (C 030436 ZMM). The surrounding area is zoned R7A or R8A to the west of the site and R7-2 to the east. A few blocks north is 125<sup>th</sup> Street—Harlem’s main cultural and commercial corridor—which has a variety of commercial zoning districts and

buildings as tall as 19 stories. The Garden is roughly equidistant between the 125<sup>th</sup> Street stations of the 2/3 and A/C/B/D trains. Numerous downtown, uptown, and crosstown bus routes also run along nearby streets. Morningside Park is three blocks west of the site and Marcus Garvey Park is two blocks to the east. Manhattan Community District 10 is identified by DPR as having an open space ratio at 1.2 acres of open space per 1,000 residents.

West 122<sup>nd</sup> Street, between Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard, is primarily residential and characterized by three- to four-story brownstones and five- to eight-story multifamily residential buildings. Directly adjacent to the western edge of the Garden are a pair of four-story residential buildings built in 2002. To the east is vacant site where a seven-story residential building is proposed for construction.

J.D. Wilson is a lushly planted garden improved with a shed, seating, and public art. The Garden operates under a temporary GreenThumb agreement with DPR. The agreement requires that the Garden be open to the public at least 20 hours per week, that gardeners allow neighborhood residents to join the Garden on a first come, first served basis, and that information and signage be posted on the Garden's fence. The steward and gardener of record under the GreenThumb agreement is Project Harmony. In addition to meeting its GreenThumb obligations, Project Harmony also holds a wide array of public programs at the Garden and sponsors a neighborhood Community Supported Agriculture share program.

The Garden was founded by a group of Harlem neighbors in 1985. At the time, Central Harlem—like many parts of the city—was severely disinvested. The Garden's founders,

including the eponymous Joseph Daniel Wilson, initially reclaimed a total of nine tax lots, all of which were vacant and neglected, on the north side of West 122<sup>nd</sup> Street. Over time, as the real estate market in Harlem strengthened, some of these lots were sold for residential development. Today, the Garden operates across four tax lots (Block 1928, Lots 121, 22, 122, and 23). Two of the lots (22 and 23) were acquired by the City through *in rem* tax foreclosures and are now owned by DPR. The other two lots—which are the subject of this acquisition action—are privately owned. The publicly and privately-owned lots are not contiguous. Rather, the lots alternate between public and private ownership. In 2016, the current owner of the acquisition site began marketing the lots for sale. Recognizing that this would threaten the continued existence of the Garden, DPR, DCAS and the Borough President’s Office renewed their effort to acquire the lots from the owner. The parties have now reached an agreement for eventual sale.

## **ENVIRONMENTAL REVIEW**

The application (C 190094 PCM) 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 lead agency is DPR. After a study of the potential environmental impact of the proposed action, a Type II declaration was issued on July 30, 2018.

## **UNIFORM LAND USE REVIEW**

This application (C 190094 PCM) was certified as complete by the Department of City Planning on September 24, 2018, and was duly referred to Community Board 10 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 10 held a public hearing on this application (C 190094 PCM) on November 7, 2018 and on that date, by a vote of 40 in favor and none opposed, adopted a resolution recommending approval of the application.

### **Borough President Recommendation**

This application (C 190094 PCM) was considered by the Borough President, who issued a recommendation approving the application on January 3, 2018.

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

On December 19, 2018 (Calendar No. 5), the City Planning Commission scheduled January 9, 2019 for a public hearing on this application (C 190094 PCM). The hearing was duly held on January 9, 2019 (Calendar No. 38). There was one speaker in favor and none in opposition.

A representative from DPR spoke in favor of the application and described the Garden's history and DPR's involvement with the site.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for the site selection and acquisition of two privately-owned lots (Block 1928, Lots 121 and 122) is appropriate.

The acquisition of the two privately-owned lots will facilitate the preservation of the existing Garden and public open space. The non-contiguous nature of the Garden—in which two DPR-owned parcels are interspersed with two privately-owned parcels—means that the Garden would be effectively destroyed if the acquisition-site were to be sold for private development.

The Garden provides an important neighborhood amenity and peaceful greenspace to the residents of West 122<sup>nd</sup> Street and the wider Harlem community. The Commission applauds Project Harmony for its work reclaiming vacant and abandoned property for over three decades and for going above and beyond the requirements mandated by its GreenThumb agreement, particularly by hosting educational events that foster appreciation of art, ecology, and healthy living.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission has determined that the action described herein will have no significant adverse impact on the environment; 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 New York City Department of Parks and Recreation and the

Department of Citywide Administrative Services for the site selection and acquisition of property located at 225 West 122nd Street (Block 1928, Lots 121 and 122) for use as a community garden, is approved.

The above resolution (C 190094 PCM), duly adopted by the City Planning Commission on February 13, 2019 (Calendar No. 22), 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.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**ALLEN P. CAPPELLI, ALFRED C. CERULLO, III, MICHELLE R. DE LA UZ,  
RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,  
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*



CITY OF NEW YORK  
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**CICELY HARRIS**  
Chairperson

**SHATIC MITCHELL**  
District Manager

December 3, 2018

Marisa Lago  
Chair  
City Planning Commission  
120 Broadway  
31<sup>st</sup> Floor  
New York, NY 10271

Dear Chair Lago:

Manhattan Community Board (CB) 10 is writing this letter in support of the J.D. Memorial Garden ULURP application# C190094 PCM. The garden spans the following sites: Manhattan Block 1928, Lot 22, Manhattan Block 1928, Lot 23, Manhattan Block 1928, Lot 121, and Manhattan Block 1928, Lot 122.

Representatives from the New York City Department of Parks and Recreation met with the CB10 Land use Committee on October 18, 2018. The land use committee voted unanimously 10-0 to approve the transaction in support of the ULURP application.

Representatives from the New York City Department of Parks and Recreation presented at the CB10 Full Board public meeting on November 7, 2018. The full board voted unanimously 44-0 to approve the transaction in support of this ULURP application.

Sincerely,

Cicely Harris  
Chair  
Manhattan Community Board 10





OFFICE OF THE PRESIDENT  
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THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

January 3, 2018

**Recommendation on ULURP Application C 190094 PCM – JD Wilson Memorial Garden Addition by the Department of Parks and Recreation and the Department of Citywide Administrative Services**

**PROPOSED ACTION**

The Department of Parks and Recreation (DPR) and the Department of Citywide Administrative Services (DCAS) (The applicants) seek the site selection and acquisition of property located at 225 West 122nd Street (Block 1928, Lots 121 and 122) in Central Harlem, Community District 10, Borough of Manhattan.

**PROJECT DESCRIPTION**

The applicants are proposing to acquire Block 1928, Lots 121 and 122 ("Project Site") and assemble it with the JD Wilson Memorial Garden (Block 1928, Lots 22 and 23) which abuts the proposed acquisition site but has also been occupied by the gardeners since its inception in 1985. There are no plans for structures to be built at the site; the Project Site will be licensed through DPR's Green Thumb Program jointly with Lots 22 and 23 for continued use as a garden and passive open space. The continued use will be mandated through a declaration of restriction, as is the practice for all Green Thumb licenses. Project Harmony, the founders of the garden, is the steward and gardener of record of the JD Wilson Memorial Garden.

The acquisition of the Project Site would permanently add 2,522 square feet of lot area to the existing garden. The existing garden contains planting beds, seating areas, a shed, and a chicken coop.

**BACKGROUND**

Until 1985, when the JD Wilson Memorial Garden was founded, the lots occupied by the garden were vacant and neglected by absentee property owners. Lots 22 and 23 were the subject of *in rem* foreclosures in 1978 and 1985, respectively. In 1985, Project Harmony, a grass roots organization, worked with the DPR to establish a community garden at the Project Site and

several contiguous lots.<sup>1</sup> Some of the lots, like the current Project Site, were privately owned. In 1999, a tax lien was placed against the Project Site. Soon after, however, the owner of the parcels remedied the tax delinquency and the lien was removed.

The JD Wilson Memorial Garden has occupied the Project Site for three decades despite the fact that two of the four lots are privately owned. Lots 22 and 23 were licensed to Project Harmony for garden purposes in 1985. The original founders are Cynthia Nibbelink, a writer and teacher who had been living in Harlem just a few years at the time, and Joseph Daniel Wilson, her octogenarian downstairs neighbor and friend. In 1993, Mr. Wilson passed away and the garden was renamed in his honor. The Project Site remained in private ownership, and in 2016 the owner of the Project Site began marketing the lots for sale.

The JD Wilson Community Garden currently occupies a series of alternating privately-owned and city-owned lots. The western boundary of the garden is made up of a privately-owned lot (lot 121), immediately to the east of that lot is one city-owned lot (lot 22), another privately owned lot (lot 122) follows immediately to the east of lot 22, and another city-owned lot (lot 23) creates the eastern border of the garden.

The Office of the Manhattan Borough President has assisted in the acquisition of the Project Site, and has allocated the capital funding necessary to acquire the two lots that comprise the Project Site.<sup>2</sup>

## **Area Context**

The Project Site is located in the Harlem neighborhood within Community District 10 in Manhattan. It is three blocks from the 125th Street Special District. The Project Site is surrounded by multi-family residential apartment buildings with heights of four to six stories in an R7A contextual zoning district.<sup>3</sup> The Project Site is located in a mid-block between Adam Clayton Powell and Frederick Douglass boulevards. Buildings on the eastern and western ends of the block contain mixed-use residential buildings with ground floor retail uses.

The area surrounding the Project Site is rich with transportation options. It is within one-quarter of a mile of the 125th Street subway station at St. Nicholas Avenue serving the A/B/C/D lines, and the 125th Street Station located on Malcolm X Boulevard serving the 2/3 trains. The Project Site is also within one block from the M2 bus stop located on Adam Clayton Powell Boulevard,

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<sup>1</sup> The original garden consisted of lots 18, 118, 19, 119, 120, 121, 22, 122, and 23 on block 1928.

<sup>2</sup> The Manhattan Borough President's Office will be allocating a total of \$1,300,000 split between FY18 and FY19.

<sup>3</sup> The Project Site was rezoned to R7A as part of the Frederick Douglass Boulevard Rezoning (C 030436 ZMM) in 2003.

the M10 bus stop located on Frederick Douglass Boulevard, and the Bx15, M100 and M101 bus stops located on 125th Street.

Within one-half mile of the Project Site there are a number of City and non-City facilities. There are several schools, sitting triangles and parks, day care facilities, supportive housing, soup kitchens, health centers, and a fire station.

### **COMMUNITY BOARD RECOMMENDATION**

On November 7, 2018, Community Board 10 held a public hearing on this matter. The community board voted unanimously in favor of supporting the instant ULURP application.

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

This is the second ULURP application in as many months where I have the privilege to recommend the approval of real property acquisitions that will result in the permanent use of privately owned property as a community garden. I want to commend the administration for their work in accomplishing this feat. I especially want to thank Project Harmony and their team of advocates for their work in this effort, and the wonderful space they have created for Harlem residents over the past three decades.

As I previously stated in my recommendation for the Frank White Community Garden ULURP,<sup>4</sup> the value of community gardens cannot be understated; in the midst of abandonment by delinquent land owners and neglect by their government, residents of neighborhoods like Harlem transformed blighted private property into productive social spaces. Once littered with trash and inhabited by vermin, community gardens like the JD Wilson Memorial Garden now serve as fertile ground for plant life and social capital. They are a place where people meet, organize, and exchange ideas; they encourage a healthy diet, promote community engagement, and provide a place for cultural and educational programs. Sometimes they just provide a brief respite from the sun or the hustle and bustle of urban life. I understand that there are many competing priorities to consider and that Manhattan is facing a scarcity of developable land, but where we can, we must preserve and protect places like the JD Wilson Memorial Garden.

This project is another example of good public policy meeting neighborhood grit and gumption. When the owner of lots 22 and 23 failed to pay their taxes (money that goes toward supporting our schools and other community needs), those lots went back into the City's hands. Rather than resell them (as was the practice in the '90s) and return them to the tax roll, they became a public asset. For over three decades, Project Harmony, with the assistance of the DPR, has created an

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<sup>4</sup> ULURP No. C 180404 PCM

open space for people to meet, strengthen or develop new bonds, and for neighborhood youth to learn.

The arrangement of alternating privately-owned and city-owned lots places the garden in a precarious position; loss of the privately-owned lots to development would result in the decimation of the JD Wilson Memorial Garden. This acquisition is necessary to ensure that the JD Wilson Memorial Garden continues to serve the Harlem community.

My office has allocated a sizable amount of capital dollars for this project because I believe in its purpose and benefit. Project Harmony and its members have not only created a community garden, they helped protect and preserve a sense of community in Harlem. Over the years they have served as mentors to many current and future gardeners, and have become leaders in the urban agricultural movement. The garden is a product of their devotion to the well-being and sustainability of their neighborhood. I am grateful to be a part of this project.

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

**Therefore, the Manhattan Borough President Recommends approval of ULURP application No. C 190094 PCM.**

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

Gale A. Brewer  
Manhattan Borough President