



CITY PLANNING COMMISSION

October 29, 2008 / Calendar No. 6

C080504 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 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56) 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 an eight-story residential building, tentatively known as Doña Petra Santiago Apartments, with approximately 56 residential units, to be developed under the Department of Housing and Urban Development's Section 202 Program, Community District 3, Borough of Manhattan.

Approval of three separate matters is required:

1. the designation of property located at 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56) 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 June 17, 2008.

Approval of this application would facilitate the development of an eight-story HUD Section 202 residential building, providing approximately 56 low-income, rental housing units for the elderly and one ground-floor residential unit for a live-in superintendent. The project is tentatively known as the Doña Petra Santiago Apartments.

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 subject site consists of three city-owned properties, 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56), is currently vacant and used for parking by Police Department vehicles which would be re-located. The proposed project would provide approximately 56 rental units and one live-in superintendent's unit, in an eight-story building of approximately 40,085 square feet. All of the rental units would be affordable at 50% of the Area Median Income as required by the HUD Section 202 program. The proposal includes approximately 2,850 square feet of open space in the rear yard, which will include a garden, outdoor seating, walkways and planted areas. There will be a community room of approximately 580 square feet, laundry room facilities and an administrative office.

Currently located in an R7-2 zoning district, the site is within the boundaries of the Department of City Planning's proposed East Village/Lower East Side rezoning (C 080397 (A) ZMM), which is currently pending action by the City Council. Should the proposed rezoning become effective, the site would be located in an R8B zoning district.

The project's intended sponsor, the Lower East Side Coalition Housing Development Inc., occupies space in a residential building located one block away from the proposed site. Residents there are provided use of a library, lunchroom and full kitchen, and access to this space would be extended to residents of the Doña Petra Santiago Apartments. Additional services provided at this location include Visiting Nurse Services, which provides advocate care.

The surrounding area is characterized by mid-rise, multi-family residential buildings, community facilities and a number of community garden sites. Residential buildings along the north-south Avenues typically feature ground-floor retail uses serving local shopping needs. Tompkins Square Park is located approximately one-and-a-half blocks to the west.

The subject lots were a part of an earlier disposition application (C 000074 PPM), approved by the City Planning Commission in 2000 with the condition that they be sold as an assemblage. That application, which included other parcels, was subsequently disapproved by the City Council.

The proposed development would not comply with the rear setback requirements of the existing R7-2. It would also not comply with the maximum FAR permitted in the proposed R8B zoning. In this instance, the city is exercising its option not to be subject to its zoning requirements when performing a governmental function.

ENVIRONMENTAL REVIEW

This application (C 080504 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 lead agency is the Department of Housing Preservation and Development. The designated CEQR number is 06HPD011M.

After a study of the potential environmental impact of the proposed action, a negative declaration was issued on June 19, 2006.

Uniform Land Use Review

This application (C 080504 HAM) was certified as complete by the Department of City Planning on June 30, 2008, and was duly referred to Community Board 3 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 3 held a public hearing on this application on July 15, 2008, and on July 22, 2008, by a vote of 32 in favor, 0 opposed, and 0 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 September 15, 2008.

City Planning Commission Public Hearing

On September 24, 2008 (Calendar No. 1), the City Planning Commission scheduled October 7, 2008, for a public hearing on this application (C 080504 HAM). The hearing was duly held on October 7, 2008 (Calendar No. 32).

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

A representative of HPD and the project architect appeared in favor of the project. A representative of the Manhattan Borough President's office re-iterated the Borough President's support for the proposal.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

This application would facilitate the development of a HUD Section 202 project, providing 56 units of low-income rental housing for the elderly. The project will provide 2,850 square feet of open space for residents in the rear yard, including a garden, seating, walkways and planted areas. The proposal will provide needed new units of supportive housing to the East Village community and New York City residents.

The return of this vacant lot to productive use would eliminate its blighting influence on the neighborhood and would enable this city-owned property to be developed with uses that would serve the needs of Manhattan Community District 3 and the City of New York.

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 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56), 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 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56) 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 finds that:

- a. The present status of the area tends to impair or arrest the sound development of the municipality;
- b. The financial aid in the form of tax incentives if any, to be provided by the municipality pursuant to Section 696 of Article 16 of the General Municipal Law is necessary to enable the project to be undertaken; and
- c. The policy is consistent with the policy and purposes stated in Section 691 of Article 16 of the General Municipal Law; 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 723, 719, and 717 East 9th Street (Block 379, Lots 53, 54 and 56), Community District 3, Borough of Manhattan, to a developer selected by HPD, is approved.

The above resolution (C 080504 HAM), duly adopted by the City Planning Commission on October 29, 2008 (Calendar No. 6), 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, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, AIA,
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JOHN MEROLO, KAREN A. PHILLIPS, Commissioners