



IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-851 of the Zoning Resolution to modify the street wall location requirements of Section 35-64 (Special Tower Regulations for Mixed Buildings), and the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23-651 (Tower-on-a-Base), in connection with a proposed mixed-use development on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Community District 10.

This application for a special permit was filed by La Hermosa Christian Church (“La Hermosa”) on May 2, 2019. The requested special permit, along with its related actions, would facilitate the development of a mixed-use building at the northeast corner of Central Park, containing residential and community facility uses. The development site, 5 West 110th Street (Block 1594, Lots 30 and 41), is bounded by West 110th Street (also known as Central Park North) to the South, Duke Ellington Circle to the southeast, Fifth Avenue to the east, and West 111th Street to the north, in Harlem, Manhattan Community District 10.

RELATED ACTIONS

In addition to the special permit application that is the subject of this report (C 190435 ZSM), implementation of the proposed development also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

N 190433 ZRM Zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area.

C 190434 ZMM Zoning map amendment to change R7-2, R7-2/C1-4, R8, R8/C1-4 zoning districts to a C1-9 zoning district.

C 190436 ZSM Special Permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive accessory off-street parking requirements.

BACKGROUND

This application for a special permit, along with the related actions, would facilitate the development of a 29-story, mixed residential and community facility building of approximately 226,000 square feet at 5 West 110th Street in Manhattan, Community District 10. The development would provide new space for the La Hermosa church and approximately 160 residential units, 50 to 60 of which would be affordable pursuant to MIH requirements. This application, with the related actions, would increase the density to a C1-9 zoning district, map an MIH area, waive off-street parking requirements, and modify certain bulk requirements.

The proposed development would be located entirely within the property at 5 West 110th Street (Block 1594, Lot 41), owned by La Hermosa. This lot would be merged with the tax lot immediately adjacent to the west at 7 West 110th Street (Block 1594, Lot 30), owned by Bethel Assembly of Christian God (“Bethel”). These two lots would form one zoning lot (“development site”). The area to be rezoned (“project area”) consists of the development site and three other properties (Block 1594, Lot 40, and portions of Lot 29 and 42), which have no plans for redevelopment.

Recent land use actions in the surrounding area include City-sponsored applications to facilitate the development of affordable housing. In 2001, the New York City Department of Housing Preservation and Development (HPD) sponsored an application with land use actions that included a rezoning from an R7-2 zoning district to a C4-6 zoning district for the parcel on the southeast corner of the Duke Ellington Circle. This facilitated the construction of the Africa Center, a 19-story mixed-use building with a ground-floor museum space and 113 residential units on the upper floors. In 2008, HPD sponsored an application with land use actions that included a

rezoning from an R7-2 zoning district to an R8A, for an area one block northeast of the project area to facilitate the construction of eight residential buildings totaling 213 residential units as part of the East Harlem South Cluster. In 2017, HPD sponsored an application with land use actions that included a rezoning from an R7-2 zoning district to an R9 zoning district for a block located two blocks northeast of the project area and bounded by Madison Avenue, East 111th Street, Park Avenue, and East 112th Street. These actions, which have been approved by the City Planning Commission (“Commission”), will facilitate the construction of Sendero Verde, a 37-story mixed-use development with 655 affordable residential units with an expected completion year of 2021.

The project area is located in the Harlem neighborhood at the southeast corner of Manhattan Community Board 10. The surrounding area is characterized by a mix of residential, commercial and institutional uses, and a variety of open space. Directly across West 110th Street, south of the project area, is the northeast entrance to Central Park that leads to the Harlem Meer via a walking path. The western portion of Block 1594 is improved with four- to eight-story prewar residential buildings and the minimum-security Lincoln Correctional Facility, located midblock on West 110th Street. Across West 111th Street, north of the project area, is an educational complex with a number of co-located schools, including Harlem Academy and P.S. 226. Two blocks north of the project area are two New York City Housing Authority developments: the MLK Towers, comprised of 10 13-story buildings, and the Taft Houses, comprised of five 19-story buildings.

The area is well-served by public transit. The 110 Street Central Park North station, which provides service to the 2/3 train, is located one block west on Adam Clayton Powell Boulevard, and the 110 Street station, which provides service to the 6 train, is located three blocks east at Lexington Avenue. Numerous uptown, downtown, and crosstown bus lines have stops along Fifth Avenue and West 110th Street.

The project area is located within R7-2, R7-2/C1-4, R8, and R8/C1-4 zoning districts. An R8 zoning district is mapped within 100 feet of West 110th Street and R7-2 is mapped in areas beyond 100 feet of West 110th Street. R8 zoning districts are mid-density, height-factor residential zoning

districts that permit a maximum residential floor area ratio (FAR) of 6.02 and a maximum community facility FAR of 6.5. R7-2 zoning districts are mid-density, height-factor residential zoning districts that permit a maximum residential FAR of 3.44 and a maximum community facility FAR of 6.5.

A C1-4 commercial overlay is mapped within 100 feet of Fifth Avenue and covers portions of both the R7-2 and R8 zoning districts. C1-4 is a commercial overlay that permits a maximum commercial FAR of 2.0, with the intent of fostering neighborhood-serving retail on the lower floors of mixed-use buildings.

The project area includes the development site (Block 1594, Lots 30 and 41) and all or part of three other lots (Block 1594, Lots 29, 40 and 42). The development site contains 20,015 square feet of area comprised of two tax lots. Lot 41 (occupying the corner of West 110th St, Duke Ellington Circle, and Fifth Avenue) is developed with the three-story La Hermosa Church building and an accessory surface parking lot, both of which are slated for demolition and redevelopment under the proposed development project. Lot 30 contains a three-story church owned by Bethel Church, which would remain unchanged, although excess development rights from the Bethel Church lot would be transferred to the La Hermosa Church lot.

The other properties to be rezoned under this action include the entirety of a tax lot (Block 1594, Lots 40) at the southwest corner of Fifth Avenue and 110th Street, which is improved with a 25,751 square-foot, six-story, 25-unit residential building with ground-floor commercial use. In addition, the project area includes a 55-foot portion of a lot fronting on West 111th Street (Block 1594, Lot 42) and a five-foot portion of a lot fronting on West 110th Street (Block 1594, Lot 29). Lot 42 is approximately 14,366 square feet in area, though only 3,950 square feet is included in the proposed C1-9 zoning district. The site is currently improved with a 51,460-square-foot residential building. Lot 29 is approximately 6,667 square feet in area, though only 500 square feet are included in the proposed C1-9 zoning district. The site currently contains a 23,640-square-foot residential building

Although the proposed zoning map amendment would generate a slightly higher density on these lots, new construction or redevelopment is not expected.

La Hermosa, one of the oldest Spanish-speaking churches on the East Coast, moved to its current location on West 110th Street in 1960. Prior to 1960, the site had been occupied by two theaters, one of which was converted to the current La Hermosa facility while the other was demolished. The zoning on the project site has remained unchanged since 1961, when it was mapped with R8 and R7-2 zoning districts with a C1-4 overlay along Fifth Avenue. In 1966, the Milbank-Frawley Circle Urban Renewal Plan was adopted, intending to revitalize a large portion of Harlem near the Duke Ellington Circle, including the project area. The block located directly east across Fifth Avenue from the project area was rezoned in 1972 from an R7-2 to a C1-9 zoning district to facilitate the development of two, 34-story, residential towers known as Schomburg Plaza.

Under the proposed actions, the applicant proposes to demolish the existing La Hermosa church building to facilitate the construction of a new mixed-use development that would contain approximately 226,000 zoning square feet of area (11.3 FAR) and rise to a height of 339 feet (29 stories). The base of the building would include an approximately 38,000 square foot community facility space that would serve as the new location for La Hermosa. The community facility space would include a large entrance on West 110th Street, a smaller entrance on West 111th Street, a sanctuary, a social hall, and rooms for classes or small events.

The remaining 188,000 square feet of floor area would contain 160 residential units (50 to 60 of which will be affordable pursuant to MIH requirements) located in the top three floors of the base and throughout the tower. The base of the building would rise to a height of 85 feet and the tower to a height of 340 feet (not including the bulkhead). The residential entrance and lobby would be located on Fifth Avenue, just north of Duke Ellington Circle. A roof deck for residential tenants would be located on top of the building base overlooking Central Park. The new building would use 46,000 square feet of development rights from the Bethel site (Lot 30). While there are no plans for Bethel to redevelop, 14,000 square feet of development rights would remain on Lot 30

to allow Bethel to expand or redevelop in the future.

To facilitate the proposed development, the applicant seeks a zoning map amendment, a zoning text amendment, and two special permits.

Zoning Map Amendment (C 190434 ZRM)

The proposed zoning map amendment would change the project area’s zoning from existing R7-2, R7-2/C1-4, R8, and R8/C1-4 zoning districts to a C1-9 zoning district. A C1-9 zoning district currently exists on the block immediately across Fifth Avenue to the east from the project area (Schomburg Plaza). The proposed action would extend the C1-9 zoning district 200 feet west of Fifth Avenue. C1-9 zoning districts are high-density commercial districts with an R10 equivalent that permit commercial, residential and community facility uses up to an FAR of 10.0. When mapped with MIH (as proposed), the maximum FAR may be increased to 12.0 pursuant to the Inclusionary Housing bonus. New developments in C1-9 zoning districts may be constructed pursuant to height factor, Quality Housing, or tower-on-a-base bulk regulations. The proposed development is designed following tower-on-a-base regulations.

Zoning Text Amendment (N 190433 ZMM)

The applicant proposes a zoning text amendment to designate the project area as an MIH Area to comply with Option 1 or Option 2. Option 1 requires that at least 25 percent of the residential floor area be provided as housing units that are permanently affordable to households with incomes at an average of 60 percent of the area median income (AMI). Within that 25 percent, at least 10 percent of the square footage must be used for units affordable to residents with household incomes at an average of 40 percent of the AMI. Option 2 requires that at least 30 percent of the residential floor area be provided as housing units that are permanently affordable to households with incomes at an average of 80 percent AMI. Under both Option 1 and Option 2, household incomes may not exceed 130 percent of the AMI. The applicant is proposing to pursue Option 1

and the development would provide 50 to 60 permanently affordable units.

Special Permit to modify bulk (C 190435 ZSM)

The applicant proposes a special permit pursuant to ZR Section 74-851 (Height and setback regulations for certain buildings containing residences) to modify the following bulk provisions applicable to tower-on-base developments in C1-9 zoning districts:

1. **Section 35-64(a)(1)** (Special Tower Regulations for Mixed Buildings) – This provision requires that the street wall at ground level be located at the street line on wide streets and within 30 feet of wide streets. The proposed development faces two wide streets, West 110th Street and Fifth Avenue. The proposed development street wall would vary, but would be set back by up to nine feet along West 110th Street, and would include a recess along Fifth Avenue and Frawley Circle up to 18 feet.
2. **Section 35-64(a)(3)** (Special Tower Regulations for Mixed Buildings) – This provision requires that any recesses in the street wall not exceed 50% of the width of the street wall along a wide street. The proposed façade along Frawley Circle where it meets the corner of Fifth Avenue would include a recess that exceeds this limit.
3. **Section 23-651(a)(1)** (Tower-on-a-base) – This provision requires that the tower not occupy less than 30 percent of the zoning lot at any level above the building base. To allow for tower top articulation and visual interest at this prominent location, the proposed development would include a tower that covers 22 percent of the lot coverage on the higher floors.

Zoning Special Permit to waive off-street parking (C 190436 ZSM)

The applicant seeks a special permit pursuant to Section 74-533 (Reduction of parking spaces to facilitate affordable housing) to waive the accessory off-street parking requirements in Section 36-33 (Requirements Where Group Parking Facilities Are Provided). The C1-9 zoning district requires parking spaces for 40 percent of all non-income restricted residential units. Under this provision, the proposed development would require 40 parking spaces. In compliance with MIH,

at least 20 percent of the proposed development's units would meet the definition of "income restricted housing units" (40 to 80 percent AMI). The waiver of this parking requirement would allow for the development of 50 to 60 units of on-site affordable housing and a more efficient ground floor plan.

ENVIRONMENTAL REVIEW

The subject application (C 190435 ZSM), in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190436 ZSM), were reviewed pursuant 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 (NYCRR), Section 617.00 et seq. and the New York City Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the Commission. The designated CEQR number is 19DCP116M.

After a study of the environmental impacts of the proposed action, a Negative Declaration was issued on May 6, 2019. The Negative Declaration included an (E) designation (E-538) on the development (Block 1594, Lot 41) to avoid the potential for significant adverse impacts related to hazardous materials, air quality and noise. The requirements of the (E) designation are described in the Environmental Assessment Statement and Negative Declaration.

On October 11, 2019, a Revised EAS was issued that describes and analyzes modifications to the proposed actions and concludes that the modifications would not result in any new or different significant adverse environmental impacts. A Revised Negative Declaration was issued on October 15, 2019, that supersedes the Negative Declaration issued on May 6, 2019.

The Commission has determined that the proposed action will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

On May 6, 2019, this application (C 190435 ZSM), in conjunction with the related applications (C

190434 ZMM and C 190436 ZSM), was certified as complete by the Department of City Planning and duly referred to Community Board 10 and the Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related applications for zoning text amendment (N 190433 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Community Board 10 held a public hearing on this application (C 190435 ZSM) on July 5, 2019, and, on that date, by a vote of 28 in favor, two opposed, and one abstaining, adopted a resolution recommending disapproval of the proposed action.

Borough President Recommendation

The Manhattan Borough President considered this application (C 190435 ZSM) and, on August 23, 2019, issued a recommendation disapproving the application.

City Planning Commission Public Hearing

On August 14, 2019, (Calendar No. 8), the Commission scheduled August 28, 2019, for a public hearing on this application (C 190435 ZSM). The hearing was duly held on August 28, 2019 (Calendar No. 36), in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190436 ZSM). Fourteen people testified in favor of the application, and one in opposition.

An applicant team that included a representative of La Hermosa, a representative from the applicant's land use counsel, the environmental consultant, and the project architect spoke in favor of the application. A senior pastor from La Hermosa provided background on the history of the church and ongoing outreach efforts in the community. He emphasized the necessity of the proposed development for the future of the parish, both in providing a physical space and capturing the value of the property to support ongoing maintenance and programming, as it serves a primarily low-income community. He also noted additional community benefits, including the proposed free

music programming through the Manhattan School of Music (MSM) and affordable housing. The land use counsel representative described the history of the La Hermosa site, the surrounding area, and the proposed land use actions. The representative clarified that a developer partner, who would build out the residential tower and core and shell of the commercial facility space, would be selected subsequent to an approval of the subject land use application. Additionally, an existing deed restriction on the property would be modified to permit residential use on the site prior to the redevelopment. The representative also noted that the MSM has entered into a partnership with the church to provide a music program in the La Hermosa space for the Harlem community, and that this agreement is documented in a Memorandum of Understanding.

The architect provided further information on the proposed development and discussed the building program, building design and its relation to the surrounding context, and the special permit bulk waivers. He emphasized the proposed setbacks and tower articulation, which would be responsive to the varied surrounding context. He also noted that, although development rights would be transferred from the Bethel site to the new building, some development rights would remain on the Bethel site to allow a future expansion or redevelopment (although no development is proposed at the time of this application).

A representative from the 32BJ property service workers' union spoke in support of the project, noting the project's ability to create prevailing-wage jobs and opportunities for community benefits, such as affordable housing and arts education, for the surrounding community.

Five members of the La Hermosa congregation spoke in favor of the project and provided testimony from other church members expressing their support. They clarified that the congregation is fully aware of the redevelopment plans and highlighted the important role that La Hermosa continues to play in the community. They offered background on the church's hardships and decision to seek redevelopment, specifically the process of seeking the land use actions without a development partner. They stated that proceeding in this way would protect the church and ensure that the future project would provide the necessary space and security for La Hermosa.

Additionally, they stated that the income from the increase in market-rate residential units would provide a steady funding source for the church's ongoing operations and programming. They also noted the importance of the MSM educational program, emphasizing that it would provide a critical after-school community safe space for the youth of Harlem.

The MSM chief of staff spoke in support of the application, further describing the proposed partnership between the music school and La Hermosa. While MSM currently supports college, post-graduate, and pre-college students through its existing programming, MSM is dedicated to operating an after-school community arts and music school for children in Harlem at the site. The chief of staff confirmed the existing funding agreement, noting that MSM would provide the programming and faculty, but not capital.

Two religious leaders from other churches spoke in favor of the application and La Hermosa's redevelopment plans. They highlighted the role that La Hermosa plays in the Latinx and Hispanic community in Upper Manhattan, often letting other church congregations use their facilities.

The senior pastor from Bethel Church, the owner of Lot 31 that would transfer development rights to the proposed development, expressed support for the application. He explained that Bethel has been active in the community for over 88 years and has worked closely with La Hermosa in serving the Harlem community. He also stated that, since Bethel's building is in dire need of repairs, he would like to one day fix the building and renovate it, but does not have any firm plans to proceed with such a renovation at this time.

A Rockaways resident spoke in opposition to the application.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 190435 ZSM) for a special permit, in conjunction with the related applications (N 190433 ZRM, C 190434 ZMM, C 190436 ZSM), as modified herein, is appropriate.

The Commission recognizes the significance of the site, because of both its history as an established Spanish-speaking church in the community, and its prominent location at the northeast corner of Central Park. The site and future development will act as a gateway between the Park and the Central Harlem community. The Commission notes that the design of the proposed development responds to its unique location along Duke Ellington Circle, adjacency to Central Park, and the variance in scale, from the mid-rise residential context of the pre-war residential buildings and the high-rise towers of Schomburg Plaza and the Africa Center.

The Commission believes that the proposed C1-9 zoning district is reasonable. It is consistent with the density mapped east across Fifth Avenue at Schomburg Plaza, southeast across Duke Ellington Circle at the Africa Center site, and west of Frederick Douglass Circle at the northwest corner of Central Park. The increase in density is appropriate due to its prominent location fronting two wide streets (West 110th Street and Fifth Avenue) and Duke Ellington Circle, its location at the northeast corner of Central Park, its proximity to transit, and its adjacency to Schomburg Plaza and other high-density residential developments. The proposed tower-on-a-base bulk will result in a contextual building, as modified through the proposed special permit (C 190435 ZSM).

The Commission supports mapping the project area as an MIH Area, as this will result in the creation of 50-60 affordable residential units in the proposed development. This project will provide much needed affordable housing opportunities for the Harlem community and greater New York City. Similarly, the proposed special permit to waive the required accessory off-street parking at this site is appropriate to facilitate the development of low- to moderate- income housing. The site is well served by transit, including multiple train lines (2, 3, and 6) and major bus routes in the surrounding area.

The applicant is seeking the special permit for bulk modifications, which will allow a more flexible building envelope that will result in a superior site plan and more contextual urban design conditions at the building base and tower. While the Commission believes that the proposed density and program are appropriate, it recommends further refining the proposed tower-on-a-base envelope to better respond to the existing built conditions in the surrounding area, including the strong mid-rise context along West 110th St (Central Park North) and the urban design considerations for Duke Ellington Circle. Increasing density on the southern portion of Lot 41 will reduce the overall height and massing of the tower, resulting in a tower that blends harmoniously with the existing Schomburg Plaza while still creating visual interest at this prominent location. A proposed development that more evenly distributes bulk between the tower and the building base will allow the building to have a stronger presence at Duke Ellington Circle and relate to the existing heights along West 110th Street. As such, the Commission herein modifies the application to increase the required base height along West 110th Street to 85 feet, which is the maximum base height allowable under the proposed C1-9 zoning.

To ensure that the increased bulk of the building base is appropriate, further articulation at the Duke Ellington Circle façade is required. The resulting base will respond to the strong street wall along West 110th Street, stepping down as the façade curves east towards Fifth Avenue. The steady slope will activate the Duke Ellington Circle from the pedestrian level and help attenuate the scale of the base and the height of the tower at Fifth Avenue. The applicant sought a special permit to waive the street wall requirements on wide streets to allow the Fifth Avenue street wall to set back from the street line by 10 feet and rise to a height of 410 feet without a setback. However, the Commission believes that providing setbacks at the Fifth Avenue frontage, both at the base and tower top, is critical to improving the pedestrian experience at this corner and relating the tower to Schomburg Plaza to the east.

The requested street wall and recess waivers remain, but the ground floor setbacks are limited to 10 feet on West 110th Street and 20 feet at a portion of the Fifth Avenue frontage to encourage

façade articulation at the pedestrian level. The proposed development includes a setback of nine feet along West 110th street and a recess of up to 18 feet at the corner where Duke Ellington Circle meets Fifth Avenue. The base along Fifth Avenue will meet the permitted minimum height of 60 feet before a 10-foot setback. There will also be a tower top setback of at least eight feet between 289.5 feet and 315 feet on the Fifth Avenue frontage, directly relating to the height of Schomburg Towers to the east. The modifications to the special permit waivers result in a building design and site plan that allow for better building massing on the zoning lot to respond to the open condition of Duke Ellington Circle and Central Park just to the south. Maintaining the street wall and requiring setbacks improves the urban design condition for the pedestrian while increasing access of light and air to the dwelling units and the surrounding buildings.

Previously, the applicant had requested a waiver to allow 43 percent of the tower’s mass to be located under 150 feet, as the C1-9 regulations require a maximum of 40 percent of the mass to be under 150 feet. However, with the Commission’s modifications, the applicant now complies with the underlying zoning regulations for tower floor area distribution. The modifications to increase bulk at the base will also decrease the overall building height, which will now be required to have a maximum height of 340 feet (not including bulkhead). The applicant had also requested a waiver to allow for the tower to cover more of the zoning lot than the maximum of 40 percent, as required by the C1-9 zoning. Though this waiver is unnecessary due to modifications, a waiver to permit the tower to cover less than 30 percent of the zoning lot to allow for the tower top massing will still be required. The required façade articulation of the tower, including the curved façade facing Central Park, will relate the tower to Duke Ellington Circle and provide greater architectural interest. The Commission recognizes the importance of this design feature, as this tower will be prominently visible from Central Park and throughout the district. The remaining tower coverage waiver results in a superior site plan that decreases the tower bulk and improves access of light and air for both the dwelling units and adjacent properties.

The Commission believes that these modifications to the proposed special permit and building design will create a significantly improved site plan and urban condition than the previously

proposed waivers and envelope. With these changes, the proposed development will appropriately relate to the diverse built condition of the area surrounding Duke Ellington Circle and Central Park North, while providing affordable housing and community facility space to benefit the La Hermosa congregation and Harlem community.

While some of the concerns raised during the public review are outside of the scope of this application, the Commission shares concerns regarding the uncertain nature of the developer selection process and MSM partnership. The Commission urges La Hermosa to continue developing the music program for the space to further activate the commercial facility space and give back to the Harlem community. The Commission recognizes the importance of this site, both due to its prominent location as a gateway from the northeast corner of Central Park to the Central Harlem neighborhood, and regarding the legacy of La Hermosa as a Spanish-speaking church and important anchor in the community. The approval of the subject special permit with the aforementioned modifications, along with the related actions, will facilitate the development of a mixed-use project that, through its built form and programming, will allow La Hermosa to remain at this site as a flagship Harlem institution serving the greater community

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-851 (Height and setback regulations for certain buildings containing residences) of the Zoning Resolution:

- (a) that the resulting site plan affords better placement of the buildings on the zoning lot with improved arrangement of open space and improved access of light and air for the dwelling units; and
- (b) that the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the buildings will not unduly obstruct access of

light and air in the street or on adjacent zoning lots.

RESOLUTION

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

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the application submitted by submitted by La Hermosa Christian Church pursuant to Section 74-851 of the Zoning Resolution to modify the street wall location requirements of Section 35-64 (Special Tower Regulations for Mixed Buildings), and the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23-651 (Tower-on-a-base), in connection with a proposed mixed-use development on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District, Borough of Manhattan, Community District 10, is approved, as modified by the City Planning Commission, and subject to the following conditions:

1. The property that is the subject of this application (C 190435 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by FXCollaborative Architects, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	10/11/2019
Z-003	Zoning Site Plan	10/11/2019
Z-020	Waiver Plan	10/11/2019
Z-021	Waiver Sections	10/11/2019

Z-022	Waiver Sections	10/11/2019
Z-023	Waiver Sections	10/11/2019
Z-024	Waiver Sections	10/11/2019
Z-025	Urban Design Controls	10/11/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City

Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the City's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 190435 ZSM), duly adopted by the City Planning Commission on October 15, 2019 (Calendar No. 3), 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. KNUCKES, ESQ., *Vice Chairman*

**DAVID J. BURNEY, ALLEN P. CAPPELLI, Esq., ALFRED C. CERULLO, III,
MICHELLE R. DE LA UZ, RICHARD W. EADDY, HOPE KNIGHT,
ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

ANNA HAYES LEVIN, *Commissioner*, ABSTAINING



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

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CICELY HARRIS
Chairperson

SHATIC MITCHELL
District Manager

July 15th 2019

Honorable Marisa Lago, Chair
Department of City Planning NYC
160 Broadway, 31st Floor
New York, New York 10271

Re: La Hermosa Church
1-5 West 110th Street
6 West 111th Street
Block 1594, Lot 41
New York, NY 10026

Dear Commissioner Lago,

This letter confirms the decision made at the General Board meeting held on June 5th 2019 declining to support the ULURP Application (C 190434 ZMM) for the development of La Hermosa Church site located at the above referenced address.

The vote was 2 (Yes) 28 (No) 1 (Abstention).

Prior to the decision, the CB10 Land Use committee met with the Church and their advisors on the following days:

April 10th Afternoon meeting with Land Use Committee Members
April 18th Land Use Committee Meeting
May 16th Land Use Committee Meeting /Vote

During each meeting we were able to learn more about the project and ask substantive questions.

We offered feedback to the church in anticipation of the community concerns.

Overall, we were concerned we did not have sufficient information to make an informed decision to approve the project.

Prior to certification, leaders of the Land Use committee met with Councilman Bill Perkin's office to discuss the matter. A letter from the Councilman's office to Department of City Planning was written asking to hold off on the ULURP certification until there was better understanding of the project and/or a developer was identified. That request was denied. La Hermosa Church received ULURP certification May 6th 2019 and the review process was underway.

Subsequently, at the Land Use meeting held on May 16th 2019, La Hermosa Church leadership, legal representative and architect made a presentation outlining their project and their approval needs. An overall history of the church, its reputation for community involvement along with plans to establish an endowment using the proceeds from the land sale and fund arts programs was presented.

The vote taken at the Land Use committee was 7 (Yes) 1 (No) 0 (Abstention).

The above vote was conditional upon the following terms:

- The project is designed based upon the MIH standards as required by Community Board 10 for the district
- The project remain on-site
- Once the developer is on-board, he/she would be required to come back to the Land Use committee to share the development plans.

Comments

In the letter addressed to your attention from the Councilman's office, it was stated that *Affordability is a top concern in this neighborhood and we must do all we can to ensure new development will not accelerate neighborhood change*. Specifically, the letter cited two items for further clarification that were still unclear at the time of the General Board meeting held in June:

- Process for (and identification of) a designated developer
- Further exploration of affordability and a unit composition that meets the needs of CB 10

Your response to the Councilman's request for more time and further evaluation was that the redevelopment of La Hermosa Christian Church site is a private application submitted by the church.

However, among other requests, La Hermosa Church is seeking a change in zoning from a R8 to a C1-9. To achieve the project's desired scale, the church (and any development partner) is subject to Mandatory Inclusionary Housing (MIH) as required by City Council legislation and the Community Board 10 MIH resolution (see attached). ***According to the ruling of MIH public input and accountability is required.***

Hence the overwhelming response from the CB 10 should not come as a surprise. Members did not feel comfortable authorizing such as project as evidenced by the voting outcome. To coin one board members sentiments, "Voting for this project is akin to *writing a blank check*; there are still too many unknowns".

Without a developer in place to authorize the project costs and /or profitability, compliance to MIH mandates at both the city and community level, the building of an on-site mixed use facility at this site is both ambiguous and ambitious. While we commend the church for shepherding the process as a means of maintaining control, we find it difficult to think that a savvy developer will agree to the financial terms and covenants of the church with no modification. The Community Board at-large has a history with developers coming before the community board and later changing plans at the expense of community needs. They do not want to be duped yet again with such a significant game changing project.

Lastly, the La Hermosa Church presentation was placed on a meeting agenda with many agenda items. An extensive discussion affording further clarification of the project, project costs, income targets and who the project was intended to serve was not explored in great detail. For example, other community concerns related to environmental impact was also not addressed including how increased density of both pedestrian and vehicular traffic this project will bring to the area and particularly the 110th Street train stop at Lenox Avenue. Some community board members still have issues with the overall scale of the project. We do understand and acknowledge that the church has numerous followers and supporters for this effort.

We in theory support the project and applaud La Hermosa Church for their vision in undertaking this significant and well deserved enhancement for the most southeastern end of our district. However, we are ultimately more uncomfortable with making a decision, one that is synonymous with a "blank check" without clear outcomes.

Thank you in advance for your consideration to these matters.

Sincerely,



Stanley N Gleaton
Chair Land Use Committee
Manhattan Community Board 10



Lisa Downing
Vice- Chair Land Use Committee
Manhattan Community Board 10



Cicely Harris
Chairwoman
Manhattan Community Board 10

CC Hon. Adriano Espaillat, Congressman
Hon. Brian Benjamin, New York State Senator
Hon. Inez E. Dickens, Assembly District 70
Hon. Al Taylor, Assembly District 71
Hon. Bill de Blasio, New York City Mayor
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Bill Perkins, District 9 Councilmember

Borough President Recommendation

City Planning Commission
120 Broadway, 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 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 190434 ZMM, C 190435 ZSM, C 190436 ZSM**

Docket Description:

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th, and a line 100 feet northwesterly of Fifth Avenue;
2. eliminating from within an existing R8 District a C1-4 District bounded by a line midway Central Park North and West 111th Street, Fifth Avenue, Central Park North, a line 100 feet northwesterly of Fifth Avenue and its southwesterly prolongation;
3. changing from a R7-2 District to a C1-9 District property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th Street, and a line 200 feet northwesterly of Fifth Avenue; and
4. Changing from an R8 District to a C1-9 District property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, Central Park North, and a line 200 feet northwesterly of Fifth Avenue and its southwesterly prolongation

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-851 of the Zoning Resolution to modify the street wall location requirements of Section 35-64 (Special Tower Regulations for Mixed Buildings); and to modify the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23-651 (Tower-on-Base), in connection with a proposed mixed-use on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District.

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the number of required off-street parking spaces required by 36-33 and 25-23, in connection with a proposed mixed-use development on property located at 5 West 110th Street (Block (1594 Lots 30 and 41), in a C1-9 District.

COMMUNITY BOARD NO: 10

BOROUGH: Manhattan

RECOMMENDATION

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

Jul A. Brewer

August 23, 2018

BOROUGH PRESIDENT

DATE



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

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(212) 669-8300 p (212) 669-4306 f
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Gale A. Brewer, Borough President

August 23, 2019

**Recommendation on ULURP Applications C 190434 ZSM, C 190435 ZSM, C 190436 ZSM
5 West 110th Street – “La Hermosa” by La Hermosa Christian Church**

PROPOSED ACTION

La Hermosa Christian Church (“Applicant”) submits this application pursuant to Section 197-c of the New York City Charter, seeking approval of four land use actions to facilitate a 33-story mixed-use development containing approximately 231,865 zoning square feet (zsf), comprised of 37,678 zsf dedicated to community facility uses, and 194,187 zsf of residential use located at 5 West 110th Street (Block 1594, Lots 30, 40, 41, a portion of 42, and a portion of 29) in the Borough of Manhattan, Community District 10 (CD 10). The land use actions are:

- 1) Zoning Map Amendment to rezone the Project Area from R8/C1-4, R7-2, and R7-2/C1-4 to a C1-9 zoning district;
- 2) Zoning Text Amendment to map a Mandatory Inclusionary Housing (MIH) Area on the Project Site;
- 3) Special Permit to modify bulk regulations pursuant to ZR § 74-851; and
- 4) Special Permit to waive parking requirements pursuant to ZR § 74-533.

Pursuant to ZR § 74-851, in C1-9 Districts, the City Planning Commission (CPC) may permit modifications of height and setback regulations for developments or enlargements containing residences, provided the following findings are made:

- a) That the resulting site plan affords better placement of the buildings on the zoning lot with improved arrangement of open space and improved access of light and air for the dwelling units; and
- b) That the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the buildings will not unduly obstruct access to light and air in the street or on adjacent zoning lots.

The CPC may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area. However, the provisions of Section 74-851 do not apply to Quality Housing buildings.

Pursuant to ZR § 74-533, the CPC may permit waiver of, or a reduction in, the number of required accessory off-street parking spaces for dwelling units in a development or enlargement that includes at least 20 percent of all dwelling units as income-restricted housing units as defined in ZR § 12-10, provided that the CPC finds that such waiver or reduction:

- a) Will facilitate such development or enlargement. Such finding shall be made upon consultation with the Department of Housing Preservation and Development (HPD);

- b) Will not cause traffic congestion; and
- c) Will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable, including the availability of parking spaces for such uses.

Additionally, the CPC may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In evaluating these land use actions, the Office of the Manhattan Borough President (MBPO) 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 the 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, the MBPO must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

BACKGROUND

La Hermosa is a house of worship and community center located in a 3-story building at 5 West 110th Street on Frawley Circle and West 110th Street. The property includes the church and a small parking area. The property is owned by La Hermosa, and according to the Applicant, the church has been operating there since 1960.

According to the Applicant, La Hermosa's existing building is in a state of disrepair. Among many issues, the heating and cooling systems often do not function and the roof needs repair. As such, they have been unable to provide community services, host other community organizations, and program events. The congregation asserts that they cannot afford the costs for building maintenance and repairs. The Project is thus seen as an opportunity for La Hermosa to create a modern church facility and establish an endowment for the church.

SITE DESCRIPTION

The Project Area covers the eastern portion of Block 1594 up to a depth of 200 feet west from Fifth Avenue, and is bounded by West 110th Street to the south, Frawley Circle and Fifth Avenue to the east, and West 111th Street to the north. It is comprised of lots 30, 40, 41, a portion of Lot 42, and a portion of Lot 29. The proposed Development Site encompasses lots 30 and 41 only.

The Project Area is split between four zoning districts, R8, R7-2, R8/C1-4, and R7-2/C1-4. The R8 district runs the length of the southern half of the Project Area. R8 districts are high density residential districts that permit residential and community facility uses with a maximum Floor Area Ratios (FARs) of 7.2 and 6.5 respectively. The R7-2 district runs the length of the northern half of the Project Area. R7-2 districts permit medium density residential buildings and community facility uses with a maximum residential FAR of 3.4 up to 4.0 for Quality Housing buildings, and a maximum FAR of 6.5 for community facility uses. A C1-4 commercial overlay is mapped the length of the eastern portion of the Project Area at a depth of 100 feet west from Fifth Avenue. It permits retail and office space with a maximum FAR of 2.0.

As previously noted, lots 41 and 30 will be merged to form one zoning lot, with Lot 41 being the Development Site. According to the Applicant, the merging of the two lots creates a total lot area of 20,015 zsf. Both lots contain 3-story houses of worship; Lot 41 is the current location of La Hermosa

Church, and there is no plan to redevelop Lot 30.

AREA CONTEXT

Land Use and Building Typology

The Project Area is located in the neighborhood of Harlem in Manhattan CD10. The area immediately surrounding the Project Area is characterized predominantly by 5 and 6-story residential buildings. There are also several high-rise residential buildings ranging in height from 19 to 34 stories. Sitting directly across the street and east of the Project Area is the Schomburg Plaza, a residential development consisting of two 34-story octagonal towers on Duke Ellington Circle, and an 11-story building on Madison Avenue. South of Schomburg Plaza is a 19-story mixed-use building containing the Africa Center and residential uses. The New York City Housing Authority (NYCHA) King Towers development consisting of ten 13-story residential buildings is located one block north of the Project Area. The Taft Houses, a NYCHA development that consists of nine 19-story residential buildings, is located one block northeast of the Project Area. Retail uses are concentrated along Fifth Avenue. These uses include a restaurant, a check cashing facility, a deli, several day care facilities, and a beauty salon.

Open Space Assets

There are several open space assets within the immediate vicinity of the Project Area. Duke Ellington Circle is passive use open space located on Fifth Avenue, immediately south and southeast of the Project Area. Central Park is across the street, south of the Project Area. A mix of active and passive uses are located within the park; the Charles A. Dana Discovery Center, the Harlem Meer, and the East 110th Street Playground are all located less than a block away from the Project Area.

Educational and Cultural Institutions

There are several educational and cultural institutions near the Project Area. P.S. 185 (Pre-K - 5th Grade), Harlem Link Charter School (Pre-K to 5th Grade), and Harlem Academy (Grades 1-8) are all located one block north. El Museo del Barrio, Museum of the City of New York, and Mt. Sinai Hospital are all located approximately six blocks south along Fifth Avenue.

Zoning

As previously noted, the Project Area is located on a block that contains a mix of zoning districts. The surrounding area is predominantly zoned R7-2, a medium density residential zoning district with a FAR of 4.0 and maximum building height of 80 feet if built to Quality Housing standards. The north side of Central Park North, between Fifth Avenue and Adam Clayton Powell Boulevard is zoned R8, a height factor zoning district which has a maximum FAR of 7.2. A C1-9 district is located immediately east of the Project Area. A C1-9 zoning district is a high-density residential district with a maximum residential and community facility FAR of 10.0, or 12.0 with inclusionary housing. Commercial uses have a maximum FAR of 2.0. New developments in C1-9 regulations can be built pursuant to height factor, Quality Housing, or tower-on-base regulations.

Special Parks Improvement District

A Special Parks Improvement Area District is mapped along Fifth Avenue between 110th and 59th Streets. Designated in 1973, the Special Parks Improvement District was established to, “preserve the unique character and architectural quality of the residential sections of Fifth and Park Avenues and to foster park, playground, special landscaping, sidewalk, tree planting and mall improvements in this general area.”¹ The district prescribes use, street wall location and height, building height, and bulk

¹ CP-22240, City Planning Commission Report available at <https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/19730228.pdf>.

regulations. A building located in the Special Parks Improvement District cannot exceed 19 stories or 210 feet, whichever is less.

Milbank-Frawley Urban Renewal Area & Plan

The Milbank-Frawley Urban Renewal Area (URA) and Plan was adopted in 1994, was last revised in 2003, and expires in 2034. It delineates residential, commercial, public, and semi-public uses for lots in the plan area. It is a spin-off of the Milbank Frawley Circle Urban Renewal Area which was established in 1967 as part of the Harlem Model Cities program. During the period between 1965 and 1980 the city experienced a wave of disinvestment and housing abandonment in low-income communities. 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. The Milbank-Frawley Urban Renewal Plan included a large portion of Fifth Avenue near the current Project Area. It sought to mitigate the physical and socioeconomic effects of property abandonment and demographic changes resulting from “white flight.”

Sendero Verde²

On August 17, 2017, the City Planning Commission voted to approve the rezoning of “Site 25A” in the Milbank-Frawley URA, Block 1617, bounded by Madison Avenue, East 111th Street, Park Avenue, and East 112th Street in order to facilitate the development of three mixed-use buildings encompassing 718,447 zsf of floor area, containing approximately 655 income-restricted residential units, 40 percent of which, or approximately 262 units, will be permanently affordable.

Schomburg Plaza Rezoning

In 1972, the CPC voted to approve the rezoning of Block 1616, Lot 1, “Site 23” in the Milbank-Frawley URA, from R7-2 to C1-9 to facilitate the development of Schomburg Plaza. Schomburg Plaza is a Mitchell-Lama apartment complex at the northeast corner of Central Park consisting of twin, 35-story octagonal towers, and one rectangular mid-rise building on Madison Avenue.

Transportation Resources

The Project Area sits between three subway lines. The 6 subway line, E. 110th Street Station is located one block east at East 110th Street and Lexington Avenue. The 2 and 3 subway lines are available at the 110th-Central Park North station located one block west at West 110th Street and Lenox Avenue. The B and D subway station is two blocks west from the Project Area at West 110th Street and Frederick Douglass Circle. There are also several bus lines nearby. The M2, 3, and 4 bus lines travel south along Fifth Avenue, and west along West 110th Street.

PROJECT DESCRIPTION

According to the Applicant, the existing 3-story church building on Lot 41 will be demolished and replaced with a 33-story mixed-use building containing residential and community facility uses. The Proposed Development will contain a total of 231,865 zsf with 37,678 zsf (4-stories) dedicated to church at the base of the building. The building will have a total FAR of 12.0. The church entrance will be located on West 110th Street and Duke Ellington/Frawley Circle. The remaining 194,187 zsf will be dedicated to residential use.

The residential portion of the Proposed Development is expected to contain a total of approximately 160 units. Pursuant to MIH Options 1 and 2, a minimum of 25 percent of the residential floor area will contain permanently affordable housing.

² Sendero Verde and Schomburg Plaza are located in Manhattan CD 11

In a meeting with my staff, the Applicant presented a preliminary unit mix as follows:

Table 1. Preliminary Unit Mix

Type	Market-Rate Units	Income Restricted Units
Studio	5% (5)	25% (12)
1-Bedroom	46% (51)	25% (13)
2-Bedroom	18% (20)	50% (25)
3-Bedroom	31% (34)	0% (0)
Total	100% (110)	100% (50)

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on June 5, 2019, CB 10 passed a resolution declining to support this application. On April 10th, April 18th, and May 16th CB10's Land Use Committee Meeting met with the church and their advisors regarding this project. At the May 16th meeting, the Land Use Committee voted 7 in favor of the application, 1 opposed, and 0 abstentions. The Land Use Committee vote was made conditional upon several terms.³ At the full board meeting 2 voted in favor, 28 opposed, and 1 abstained.

BOROUGH PRESIDENT'S COMMENTS

When I issued a recommendation in support of the MIH program, my biggest concern was that the affordable housing requirement might not justify the additional density to be realized by developers. A project like the one proposed in this application is exactly the type of project that I feared: a significant upzoning at a prime location that does not provide adequate benefits to justify the increase in bulk and height. For the reasons expressed below, I am recommending disapproval of Land Use Application Nos. C 190434ZMM, C 190435ZSM, N190433ZRM, 190436ZSM.

The Applicant has tried to justify the height and bulk of the Proposed Project by comparing it to nearby projects, Schomburg Plaza and Sendero Verde⁴. However, the programmatic elements of those projects differ significantly from this one, and it is their programmatic elements that justify their scale. Schomburg Plaza and Sendero Verde were a part of a public policy initiative involving every level of government. The goal was comprehensive physical and socioeconomic improvements to the country's most impoverished neighborhoods. As noted above, the two sites are located in the Milbank-Frawley URA. Together they will contribute over 1,000 units of middle-income and low-income housing along with amenities that directly address community needs.

110 of 150 units in the Proposed Project will be market-rate. By contrast, Sendero Verde is a 100% income-restricted development with a 60 year regulatory period. At 718,447 total zsf, the Sendero Verde development is three times the size of the current Proposed Project. However, it is expected to produce

³ Community Board Recommendation to ULURP No. 190434 ZMM, available at https://labs-zap-supporting-documents.sfo2.digitaloceanspaces.com/comments/190434_M10.pdf

⁴ The Manhattan Borough President's Recommendation to ULURP Application Nos. C 170361 ZMM, etc., Sendero Verde – East 111th Street is available at <https://www.manhattanbp.nyc.gov/wp-content/uploads/2019/07/2017-08-02-FULL-SCAN-MBP-Recommendation-re-Nos-C-170361-ZMM-et-al-Sendero-Verde-East-111th-Street.pdf>

more than four times the number of total units (655 units), and more than five times the number of permanently affordable units (262 units). One would expect the unit count to parallel the difference in total zoning square footage, but it doesn't. The primary source of this disparity is the number of market-rate units expected to be produced, and the space they require to be marketable in the growing luxury rental market. As a result of this profit-driven development model, the residents of Harlem and the city will derive a small public benefit.

The differences between the current Proposed Development and Sendero Verde do not end there. An agreement to produce a significant amount of open space for use as a community garden was included in the Request for Proposal (RFP) and the developer, Jonathan Rose Companies, has been working on creating more than the minimum required. Additionally, the site will contain 142,185 zsf of community facility space where educational, cultural, and entrepreneurial institutions will operate. By contrast the current Proposed Development will contain just 37,678 zsf of community facility space that will be occupied by La Hermosa Church. The Church is expected to run a music program out of the space. However, no details about the program (ie. projected operation costs of the program, the number of students, the application process for prospective students, etc.) or any other services they intend to provide have been presented.

Schomburg Plaza differs from the current Proposed Project in similar ways. It is a 100% income-restricted residential development. The project received Mitchell-Lama subsidies for mixed-income housing as well as federal funds to keep rents affordable for neighborhood residents. Residents from the local area were given a preference, with priority given to those whom the project displaced. At 680,000 gross zsf, less than three times the size of the current proposal, Schomburg Plaza produced 600 income-restricted residential units (nearly four times as many as the Proposed Project). Schomburg also contains ground-floor commercial space and a child care facility operated by Northside Center for Child Development.

Another element of this project that concerns me is the lack of planning and preparation done in anticipation of the Proposed Project. In the Applicant's last meeting with my office staff, they provided vague statements about the services they once provided (ie. a soup kitchen) and when asked about the details of those services, they offered little or no information. Without a concrete proposal and detailed preparation, the applicant and the community could find themselves without any significant benefit. In a recent New York State Supreme Court decision denying the Applicant's request to mortgage the property for the purposes of financing pre-ULURP and ULURP activities, Justice Barbara Jaffe spoke at length about the Applicant's lack of planning and preparation:

Petitioner provides no information on its programs beyond conclusorily asserting that one of its objectives is to rebuild its congregational membership. Rather, it concludes that the upgraded building and need for the rezoning of the property is important to "attract new congregants." The petition lacks information on current demographics, including the target population that would allow petitioner to rebuild its congregation, the presence of competitive religious organizations in the likely congregant area, or the effect of changes in demographics in the gentrifying neighborhood around the church on the success of any plans to rebuild the congregation.

Thus, petitioner fails to offer a plan on how it will expand and continue its religious presence in the area.

Matter of La Hermosa Church, 2019 NY Slip Op 30691 (U) (Sup Ct, New York County 2019)

Despite its omission from the Applicant's materials, I included the Milbank-Frawley URA in the Area Context portion of this recommendation because it places the Proposed Project in the context of the other developments nearby, and underscores how different this proposal is from efforts by the government to address the housing crisis. Despite its flaws, Milbank-Frawley URA represents an effort to plan well and hold developers accountable by covenant.

The current City administration relies too much on market forces to build affordable housing. MIH is a product of an incentive-based model for affordable housing development. However, the lowest income tiers for housing under the MIH program are largely out of reach for working people in neighborhoods like Harlem; approximately one quarter of the community earns less than 30 percent AMI.⁵ Therefore, a large percentage of the affordable housing proposed in projects like this fails to meet the needs of the community. Private ULURP applicants should be working with HPD to facilitate the production of housing that is affordable by the community's residents. Given the critical shortage of affordable housing, property owners and developers must design buildings to meet that need.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends Disapproval of ULURP Application No. C 190434 ZSM, C 190435 ZSM, C 190436 ZSM - La Hermosa.



Gale A. Brewer
Manhattan Borough President

⁵ NYU Furman Center New York City Neighborhood Data Profiles Retrieved from <https://furmancenter.org/neighborhoods/view/central-harlem>