



CITY PLANNING COMMISSION

September 23, 2009/Calendar No. 7

C 090374 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 138-150 West 128th Street (Block 1912, p/o Lot 12), as an Urban Development Action Area; and
 - b. an Urban Development Action Area Project for property; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate development of a six-story building, tentatively known as The Dempsey, with approximately 80 dwelling units, Borough of Manhattan, Community District 10.

Approval of three separate matters is required:

1. The designation of property located at 138-150 West 128th Street (Block 1912, p/o Lot 12) as an Urban Development Action Area;
2. An Urban Development Action Area Project for such area; and
3. The disposition of property located at 138-150 West 128th Street (Block 1912, p/o Lot 12) 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 April 2, 2009.

Approval of this application would facilitate the development of a six-story building, tentatively known as The Dempsey, with approximately 80 residential units.

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

The Project Area consists of underutilized vacant property that tends to impair or

arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote health and safety and would promote sound growth and development. The Project Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

BACKGROUND

The Department of Housing Preservation and Development (HPD) seeks approval of an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of a portion of one city-owned property located at 130-150 West 128th Street in Community District 10. The subject site (Block 1912, Lot 12) is located in an R7-2 zoning district and is currently occupied by a thirteen space accessory parking lot, a basketball court, and a playground used by the Oberia Dempsey Center. The Oberia Dempsey Center is a Human Resource Administration multi-service center that provides social, health, educational and recreational programs to the community. The center's building fronts on the north side of West 127th Street and portion of the building extends through lot to West 128th Street. The parking spaces are located on West 128th Street and the recreational spaces are situated between the center and the parking lot, where the proposed project would be developed. The basketball court will be relocated to another part of the zoning lot.

The proposed project, tentatively known as the Dempsey, will be built pursuant to the Quality Housing program and will provide approximately 80 residential units, affordable at 60% of the Area Median Income, in a six-story building. There will be approximately 77,563 square feet of residential space and approximately 8,000 square feet of open space located in the rear of the

building. Additionally, an easement for air and light will be required on a portion of the center's site abutting the proposed project site to allow for lot line windows on the southwestern side of the residential building. There will be no onsite parking provided.

There is residential use that abuts the proposed project site to the east and the Oberia Dempsey Center abuts the site to the west. The predominant uses in the area are residential with commercial uses along Lenox Avenue and Adam Clayton Powell Boulevard. The project site is served by the 2 and 3 subway lines, which stop at West 125th Street and Lenox Avenue. There are several bus lines, M60, M100, M101 and the Bx15 that traverse 125th Street.

ENVIRONMENTAL REVIEW

This application (C 090374 HAM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 09HPD025M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential environmental impacts of the proposed action, a negative declaration was issued on March 9, 2009.

UNIFORM LAND USE REVIEW

This application (C 090374 HAM) was certified as complete by the Department of City Planning on April 20, 2009, and was duly referred to Manhattan 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 on June 29, 2009, and on that date, by a vote of 26 to 2 with 5 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

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

City Planning Commission Public Hearing

On July 22, 2009 (Calendar No. 6), the City Planning Commission scheduled August 5, 2009 for a public hearing on this application (C 080261 HAM). The hearing was duly held on August 5, 2009 (Calendar No. 21). There were five speakers in favor and two in opposition.

A representative from the Borough President's Office restated the Borough President's favorable recommendation. A representative from HPD also spoke in favor of the proposed project, describing the project's history and the financing associated with the development of the proposed project.

Both the architect and the two developers spoke in favor of the project. The developers described the level of outreach to the community and the block association and mentioned other

projects done in this community.

The president of the West 128th Street Block Association and a resident of the block spoke in opposition of the proposed project. They felt the level of outreach conducted by the developers was not sufficient and that the planning process was exclusive. They also felt the proposed project's height and density was out of scale with the current character of the block and would displace needed open space.

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

CONSIDERATION

The Commission believes that the application for UDAAP designation, project approval, and disposition of a portion of a city-owned property located at 130-150 West 128th Street (Block 1912, p/o Lot 12); to facilitate the development of a six-story building with residential and opened space, is appropriate.

The Commission notes that the current recreational space will be relocated to another portion of the zoning lot preserving the open space designated for the youth in the community. Approval of this application would facilitate the development of a six-story building with approximately 80 rental units and change a portion of the lot from parking to residential use. This would provide additional opportunities for low-income residents to find affordable housing in the community.

In response to the concerns raised at the Commission Public Hearing, HPD, in an August 6, 2009 letter to the Department stated:

The footprint of the proposed residential building would be located on approximately 20% of the existing open space including the 13-space parking lot, which is used only by the staff and occupants of the MSC and a portion of the

existing basketball court. The recreational space in the rear of the DMSC would continue to serve youth-related programs in the community, and users of the space will enter through the lobby. The proposed development is designed to blend in with the existing architecture and scale of the surrounding block. The development team met with neighborhood residents on several occasions as well as with the committees and the full board of Community Board 10 since March 2008.

The Commission therefore finds that the proposed Urban Development Action Area designation, project approval and the related disposition and appropriate.

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of a portion of property located at 130-150 West 128th Street (Block 1912, p/o Lot 12); in Community District 10, Borough of Manhattan, 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 130-150 West 128th Street (Block 1912, p/o Lot 12) as an Urban Development Action Area; and
- b) an Urban development Action Area Project for such area; and

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

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

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development, for the disposition of a portion of city-owned property located at 130-150 West 128th Street (Block 1912, p/o Lot 12) in Community District 10, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 090374 HAM).

The above resolution (C 090374 HAM), duly adopted by the City Planning Commission on September 23, 2009 (Calendar No. 7), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER., IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
SHIRLEY A. MCRAE, KAREN A. PHILIPS, Commissioners
ANNA HAYES LEVIN, Commissioner, Abstaining.