



CITY PLANNING COMMISSION

September 10, 2003/Calendar No.22

C 030441 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 91- 93 East 116th Street; 1648-1650 Park Avenue and 66-72 East 117th Street, Site 35B within the Milbank Frawley Circle-East Urban Renewal Area (Block 1622, Lots 31, 32, 37, 38, 40, 41 and 42), as an Urban Development Action Area;
 - 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 the construction of two buildings, tentatively known as Olga Mendez Apartments, with 74 units of housing for low income families and ground floor commercial space, to be developed under the New York State Housing Trust Fund Program. Borough of Manhattan, Community District 11.

Approval of three separate matters is required:

1. The designation of 91-93 East 116th Street; 1648-1650 Park Avenue and 66-72 East 117th Street (Block 1622, Lots 31, 32, 37, 38, 40, 41, 42) in the Borough of Manhattan, as an Urban Development Action Area;
2. An Urban Development Action Area Project for such property; and
3. The disposition of such property to a developer to be selected by HPD.

The application for UDAAP designation and project approval, and the disposition of city-owned property was submitted by the Department of Housing, Preservation and Development on April 15, 2003.

Approval of this application would facilitate construction of two buildings containing 74 units for low-income residents, plus one two-bedroom unit for a superintendent. The proposed project is tentatively known as the Olga Mendez Apartments. Both buildings would be built under the State's Housing Trust Fund Program.

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

The Disposition Area consists of underutilized vacant land which 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 Disposition Area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

RELATED ACTIONS

In addition to the UDAAP designation and project approval and the disposition of city-owned property which is the subject of this report, implementation of the proposed development also

requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 030475 HUM First Amendment to the Milbank Frawley Circle-East Urban Renewal Plan, to modify supplementary controls on a portion of Site 35B.

BACKGROUND

The Department of Housing Preservation and Development seeks approval of an Urban Development Action Area designation and project, and the disposition of city-owned property to facilitate development of the Olga Mendez Apartments. The project site is located on the north side of East 116th Street and along the south side of East 117th Street between Park and Madison avenues in East Harlem, Manhattan, Community District 11.

The subject site is located within an R7-2, R7-2/C1-4 zoning district which allows residential development up to 3.44 FAR and community facility uses up to 6.5 FAR; ground floor retail uses are allowed along East 116th Street within the C1-4 commercial overlay. The project site also comprises a portion of Site 35B within the Milbank Frawley Circle-East Urban Renewal Area. Site 35B encompasses Block 1622 bounded by Madison and Park avenues, and East 116th and East 117th streets. Site 35B is designated for Residential/Commercial/Public & Semi-Public use.

The development of the proposed project on Site 35B would complete the build-out of this urban renewal site.

The proposed project site is comprised of seven (7) city-owned vacant lots that total approximately 19,000 square feet and is located on a block that is primarily residential with ground floor retail space along both, Madison Avenue and East 116th Street (Block 1622, Lots 31, 32, 37, 38, 40, 41 and 42). The Tony Mendez Apartments, also located on this block and abutting the site are located at 1771-1773 Madison Avenue, 71, 73 and 83 East 116th Street, and 52, 54, 56, 58 and 64 East 117th Street (Block 1622, Lots 20, 23-25, 43, 46-49). The completed project consists of two (2) six-story buildings having 130 units of housing for low-income people. The southern building has approximately 6,000 square feet of ground floor retail space. Other amenities include a 15,000 square foot courtyard between buildings.

The surrounding area is primarily residential with mixed use buildings along East 116th Street and Madison Avenue. Under the current urban renewal plan, residential buildings may not be within 100 feet of Park Avenue since Metro-North railroad's elevated right-of-way, runs along Park Avenue. The related action, C 030475 HUM, will remove the 100-foot setback requirement for this portion of Site 35B only and would enable the project to be built as proposed. Currently, the supplementary bulk controls prohibit the proposed six-story building from being built.

The requested actions would facilitate the development of the Olga Mendez Apartments which will be built under the State's Housing Trust Fund Program. The proposed project consists of two (2) buildings; a five-story building to be located on the north side of East 116th Street and a six-story building to be located on the southwest corner of East 117th Street and Park Avenue. The project would be developed using the Quality Housing provisions of the Zoning Resolution.

In total, the project would provide 75 units of housing for persons of low-income and include 1,000 square feet of ground floor retail space along East 116th Street. The proposed amenities for both buildings will include a laundry room, community room and tenant storage space. Open space is proposed at the rear of both buildings, the courtyard will be accessible from both buildings and will consist of plantings, benches, and game tables.

The proposed site is well served by public transportation, with bus service along the major avenues. Subway service is provided at East 116th Street and Lexington Avenue by the IRT # 6 train.

ENVIRONMENTAL REVIEW

This application (C 030441 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 for Procedure of 1991 and executive Order No. 91 of 1977.

The designated CEQR number is 03HPD010M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Revised Negative Declaration was issued on May 14, 2003.

UNIFORM LAND USE REVIEW

This application (C 030441 HAM) was certified as complete by the Department of City Planning on May 5, 2003, and was duly referred to Community Board 11 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 11 held a public hearing on this application on June 17, 2003 by a vote of 33 in favor, 1 opposed and 1 abstention adopted a resolution recommending the approval of the application with the following conditions;

The developer and the management company should come before Manhattan Community Board Eleven's City Properties meeting in September 2003 to discuss the problems that have already occurred at the "Tony Mendez" apartments, located on 116th Street and Madison Avenue, and make sure those problems don't occur again as the proposed development will be under the same management as the "Tony Mendez" apartments.

The developer and the management company should have a regular local presence within the community so residents applying for the apartments can maintain a regular contact with them. Representatives of Community Board Eleven should oversee the lottery selection process of apartment applicants.

All application requirements outlined by the developer and management company should be made public via local newspapers (English and Spanish) and community based newspapers. Applicants should not be subject to any requirements that aren't made public initially.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on July 22, 2003 approving the application with the following conditions:

That the designated developer make every affirmative effort at locating and offering, via competitive bidding process, contracts for the proposed construction and labor to Minority/Women owned Business Enterprises in the New York City Area.

CITY PLANNING PUBLIC HEARING

On July 2, 2003 (Cal No. 14), the City Planning Commission scheduled August 13, 2003 for the public hearing on this application (C 030441 HAM) in conjunction with related application (C 030475 HUM). The hearing was duly held on August 13, 2003 (Calendar No. 16). There were four (4) speakers who spoke in support of the proposed project. There were no speakers in opposition to the project.

The attorney for the developer explained the history of the project and mentioned that the sponsor received site control from HPD in 2001. He described the need for affordable housing in East Harlem and that the future management company would be East Harlem Building For The Community Association. They are the same management team that has managed the Tony Mendez Apartments located on the same block. It was during the management of the Tony Mendez Apartments, by this association, that the developer realized that there was such a need for more affordable housing units. These apartments were awarded through a lottery which received 5,000 applications for 130 affordable housing units.

A representative of HPD spoke of their internal site selection and described their achievements in the Greater Harlem area . HPD, in collaboration with the Community Board 11 has generated 1,000 units of home ownership opportunities and has also generated 29,000 square feet of restored ground floor retail space. Regarding site selection, the speaker stated that a project has to be funded by either the State or the Federal government and have community support before a site is selected, after which HPD will seek the appropriate land use actions necessary to facilitate the construction of the project.

With regard to the proposed project, HPD shares concerns regarding noise levels of the current project site but the agency recognizes the Metropolitan Transit Authority's (MTA) efforts as well as the developers intended efforts. The MTA has already put forth a considerable effort in mitigating noise levels along a 2-mile stretch of the Park Avenue Metro North viaduct. The 125th Street station and the Park Avenue viaduct rehabilitation was completed, at a cost of 148 million dollars. As part of the rebuilding the Park Avenue viaduct, new rails and a concrete roadbed were installed and several noisy rail joints were eliminated. A low-level barrier, which helps reduce wheel noise, was built along both sides of the viaduct as well.

The developer intends to include additional measures which would reduce interior noise levels by 28 decibels and create an acceptable noise levels within apartments. All exterior walls shall be of masonry construction. The Park Avenue and East 117th Street facing walls will be furred with metal framing and filled with R21 insulation. The windows facing both Park Avenue and East 117th Street will be specified to have triple glazing. Air conditioning sleeves will be installed

below all windows on both Park Avenue and East 117th Street to allow residents to close windows and maintain adequate ventilation. The developer has offered to buy air conditioning sleeve covers to further mitigate noise. Further, all air conditioning sleeves will be provided with sound insulation boards so that even without air conditioning units installed all openings will have sound infiltration stops.

The project architect described the proposed project and stated that 12 of the proposed 74 units would face Park Avenue. He further stated that the proposed facade would have the same texture and color of the existing Tony Mendez Apartments, and that the proposed building would be made out of solid masonry to reduce noise. A representative of the developer explained why the building street wall, along East 117th Street did not align with the street wall of the Tony Mendez Apartments, which is set back from the street line. She explained that by setting the building back, the building would lose floor area and square footage per dwelling unit. She also stated that the developer would consider improving the design of the flat wall along Park Avenue and that they would attempt to make it more friendly to the neighborhood. However, she further stated that the developer is limited in what they can do, since funding sources have already been identified.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The proposed project, the Olga Mendez Apartments, would be located on the south side of East 117th Street and along the north side of East 116th Street between Park and Madison avenues. Situated within R7-2 and R7-2/C1-4 zoning districts, the project site consist of seven (7) vacant city-owned lots (Block 1622, Lots 31, 32, 37, 38, 40, 41 and 42) totaling approximately 19,000 square feet. The site also comprises a portion of Site 35B within the Milbank Frawley Circle-East Urban Renewal Area. Designated for residential/commercial/public & semi-public use, the proposed project complies with the urban renewal plan.

The proposed project would include two buildings, a six-story “L” shaped building along East 117th and Park Avenue and a five story-building with 1,000 square feet of ground floor retail space along the north side of East 116th Street. The proposed project would be built under the Quality Housing Program and provide 74 units of housing for low-income residents plus one two-bedroom unit for a superintendent. The proposed project is to be funded under the State’s Housing Trust Fund Program. The project will provide 6,000 square feet of open space area to be developed at the rear of both buildings; the proposed open space will be landscaped with benches and game tables.

In a related action, HPD is amending the Milbank Frawley Circle East Urban Renewal Plan, to

modify land use controls on Site 35B. The proposed First Amendment to the Milbank Frawley Urban Renewal Plan would modify supplementary controls on Site 35B, which fronts on Park Avenue. Under the current urban renewal plan, residential buildings may not be developed within 100 feet along Park Avenue. Compliance with this provision would result in a small building footprint and an unworkably small residential floorplate.

The proposed urban renewal amendment would remove the 100-foot building setback requirement for Site 35B only, enabling the project to be built, as proposed. At the public hearing, the developer stated that the proposed six-story building will employ sound attenuation measures, such as triple glazed windows and R-21 building insulation, to mitigate noise emanating from trains and vehicles along Park Avenue.

The Commission is aware of the need in East Harlem to provide additional affordable housing units, especially for persons of low-income. The proposed project would provide needed affordable housing units for low-income residents of the community and complement the existing and ongoing investment in this community. Also the project would facilitate the development of city-owned vacant property, which would eliminate a blighting influence and contribute to the overall growth of this community. The Commission, therefore, believes that the proposed project is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the proposed disposition of city-owned property located at 91-93 East 116th Street; 1648-1650 Park Avenue, and 66-72 East 117th Street, Site 35B within the Milbank Frawley Circle East Urban Renewal Area (Block 1622, Lots 31, 32, 37, 38, 40, 41 and 42), conforms to the objectives and provisions of the urban renewal plan for the Milbank Frawley Circle East Urban Renewal Area is approved by the City Planning Commission on September 10, 2003; and be it further

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 91-93 E 116th Street; 1648-1650 Park Avenue, and 66-72 East 117th Street, Site 35B within the Milbank Frawley Circle-East Urban Renewal Area (Block 1622, Lots 31, 32, 37, 38, 40, 41 and 42), in Community District 11, Borough of Manhattan, as an Urban Development Action Area; and

WHEREAS, the Department of Housing Preservation and Development has also recommended the approval of the Urban Development Action Area Project for such property;

THEREFORE, be it 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 91-93 East 116th Street; 1648-50 Park Avenue; and 66-72 East 117th Street (Block 1622, Lots 31, 32, 37, 38, 39, 40, 41 and 42), as an Urban Development Action Area,
- 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 and arrest the 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 Section 691 of the Urban Development Action Area Act; and

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and development for the disposition of city-owned property located at 91-93 East 116th Street; 1648-1650 Park Avenue; and 66-72 East 127th Street (Block 1622, Lots 31, 32, 37, 38, 39, 40, 41 and 42), Community District 11, Borough Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 030441 HAM).

The above resolution (C 030441 HAM), duly adopted by the City Planning Commission on September 10, 2003 (Cal 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.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chairman
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