



IN THE MATTER OF an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 160 of the General Municipal Law of New York State for:
 - a) The designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35 and 36) as an Urban Development Action Area;
 - b) 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 a 10-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,500 square feet of ground floor retail and approximately 2,400 square feet of community facility space, in Borough of Manhattan, Community District 10.

Approval of the three separate matters is required:

1. The designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35 and 36) as an Urban Development Action Area; and
2. An Urban Development Action Area Project for such area; and
3. The disposition of such property to a developer selected by the Department of Housing Preservation and Development (HPD).

The application for the Urban Development Action Area designation and project approval and disposition of City-owned property (C 170051 HAM) was submitted by the NYC Department of Housing Preservation and Development (HPD) on August 5, 2016, to facilitate a new mixed-use building with approximately 79 affordable residential units, with ground floor retail space and community facility space. The project site is located in Central Harlem, Manhattan Community District 10.

RELATED ACTIONS

In addition to this application for the designation and approval of the subject property as an Urban Development Action Area Project (UDAAP) and the disposition of City-owned property (C 170051 HAM), which is the subject of this report, 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:

C 170050 ZMM Zoning Map Amendment to modify the depth an existing R7-2/C2-4 district and to change an existing R7-2 to an R8A District; and

N 170052 ZRM Zoning Text Amendment to a designate Mandatory Inclusionary Housing Area.

BACKGROUND

The NYC Department of Housing Preservation and Development (HPD) requests approval of an Urban Development Action Area Project (UDAAP) and disposition of property to facilitate the construction of the Robeson, a mixed-use development in the Central Harlem neighborhood of Community District 10, Manhattan.

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

The City owned Development Site is proposed for disposition to a developer to be selected by HPD. The Development Site consists of underutilized vacant properties, which tend to impair or arrest the sound development of the surrounding community, with or without tangible 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. Therefore, the Development Site is eligible to be an Urban Development Action Area, and the proposed project is eligible to be an Urban Development Action Area Project, pursuant to Article 16 of the General Municipal Law.

The project area is approximately 17,987 square feet in area and comprises seven tax lots and portions of two additional lots (Block 1915, Lots 29, 31, 32, 33, 34, 35, 36 and portions of Lots 28 and 37). It is located on the west side of Lenox Avenue between West 130th and West 131st

Streets. Lot 28 fronts along West 130th Street and contains a four-story residential building. Lot 37 is vacant. Lots 29 and 31 are privately-owned lots within the area to be rezoned, but they are not a part of the proposed development site. Lot 29 is improved with a mixed-use residential building containing approximately 23 units and is currently overbuilt under the existing zoning. The proposed rezoning will bring this site into compliance and create additional floor area. Lot 31 is improved with a three-story church that has an active congregation and the rezoning will create additional floor area for the site. Lots 29 and 31 are also subject to the proposed zoning text amendment. Therefore, if these sites are redeveloped, they will be subject to the Mandatory Inclusionary Housing (MIH) program. Portions of the Lots 28 and 37 are affected by the proposed zoning map amendment.

The development site has approximately 11,430 square feet of lot area and comprises three vacant City-owned lots (Block 1915, Lots 32, 33 and 36) and two privately-owned lots (Block 1915, Lots 34 and 35). The City-owned properties have been vacant for more than 16 years. Of the privately-owned lots, Lot 34 is improved with a three-story vacant building and Lot 35 is improved with a three-story church. Both buildings will be demolished to facilitate the proposed development, and the church will be relocated within the new proposed development.

The surrounding area contains a variety of community facility and retail uses, mainly along the 125th Street commercial corridor. There are a number of major institutions north of the project area near West 135th Street and Lenox Avenue, including the Harlem Hospital Center, the Schomburg Center for Research in Black Culture and the Harlem YMCA, which is located on West 135th Street between Adam Clayton Powell Boulevard and Lenox Avenue. The surrounding area is well served by parks and playgrounds. The St. Nicholas Park is located three blocks away from the project area and the Courtney Callender and Moore playgrounds are located east of the project area along West 130th and 5th Avenues and Madison Avenue, respectively.

The proposed development is a ten-story mixed-use building with residential, commercial and community facility uses. The project will have a total floor area of approximately 82,000 square feet, including approximately 72,000 square feet of residential floor area (79 units), 7,600 square

feet of commercial floor area and 2,400 square feet of community facility floor area. The proposed building will have a maximum height of 110 feet for a total floor area ratio (FAR) of 7.17. The commercial uses will be located along Lenox Avenue and the residential lobby and community facility entrances will be located along West 131st Street. As part of the proposed development, eight new street trees will be planted along the building frontages on Lenox Avenue and West 131st Street.

Under the Mandatory Inclusionary Housing (MIH) program, permanently affordable housing is required within new residential developments, enlargements, and conversions from non-residential to residential uses within a mapped Mandatory Inclusionary Housing Area (MIHA). In adherence to the MIH program, the applicant is proposing that 30 percent of the residential floor area shall be provided for housing affordable to households at an average of 80 percent of the area median income (AMI). Of the proposed 72,000 square feet of residential floor area, approximately 21,600 square feet of the residential floor area will be permanently affordable.

To facilitate the proposed development, the following actions are needed.

Zoning Map Amendment (C 170050 ZMM)

The proposed zoning map amendment would change the current R7-2 zoning district to an R8A district to a depth of 90 feet along Lenox Avenue between West 130th and West 131st Streets. With the bonus available for inclusionary housing, the R8A district would increase the maximum residential FAR from 3.44 (4.0 for Quality Housing) to 7.2; the maximum community facility and commercial FAR would remain the same as under the existing zoning. R8A is a contextual zoning district that requires a street wall height of 60-85 feet and specifies a maximum building height of 145 feet or 14 stories.

Zoning Text Amendment (N 170052 ZRM)

The applicant proposes a zoning text amendment to designate the project area as a Mandatory Inclusionary Housing Area. The applicant has requested to incorporate Option 2, which requires

that at least 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of AMI.

ENVIRONMENTAL REVIEW

This application (C 170051 HAM), in conjunction with the related actions (N170052 ZRM and C 170050 ZMM,), 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Housing Preservation and Development. The designated CEQR number is 16HPD078M.

After a study of the potential environmental impacts of the proposed actions, a Negative Declaration was issued on August 11, 2016. A Revised Negative Declaration, which made minor text revisions, was issued on September 2, 2016.

The proposed actions would be implemented in conformance with the following provisions in order to ensure that there are no significant adverse impacts. The provisions are as follows:

Hazardous Materials

HPD has determined that a New York City Department of Environmental Protection (DEP)-approved Phase II testing and remediation (if warranted) would be required for the entirety of the Lenox Avenue Development Site (Block 1915, Lots 32-36) as well as the West 140th Street Development Site (Block 2026, Lot 15). Phase II testing would consist of soil, groundwater, and soil vapor sampling in accordance with a DEP-approved work plan and health and safety plan (HASP).

The above measures would be required through the LDA between HPD and the project sponsor.

With regard to the privately owned Projected Development Site (Block 1915, Lot 31) and adjacent Lot 29 within the Lenox Avenue rezoning area, an (E) designation would be placed on these properties in connection with the zoning map amendment to ensure there would be no significant adverse impacts associated with hazardous materials. The (E) designation program is administered by the New York City Mayor's Office of Environmental Remediation (OER). The (E) designation mapped on Lots 29 and 31 in connection with the Proposed Actions indicates the presence of an environmental requirement which must be satisfied at OER prior to issuance of any building permits from the Department of Buildings. The (E) designation number is E-377.

The hazardous materials text for the (E) designation [E-377] to be placed on Lots 29 and 31 is as follows:

Task 1 - Sampling Protocol

Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum- based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2 - Remediation and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

Noise

For the privately owned Projected Development Site (Block 1915, Lot 31) and adjacent Lot 29 within the Lenox Avenue rezoning area, an (E) designation would be placed on these properties in connection with the zoning map amendment to ensure there would be no significant adverse impacts associated with noise. The (E) designation program is administered by OER. The (E) designation mapped on Lots 29 and 31 in connection with the Proposed Actions indicates the presence of an environmental requirement which must be satisfied at OER prior to issuance of any building permits from the Department of Buildings. The (E) designation number is E-377.

The noise text for the (E) designation [E-377] to be placed on Lots 29 and 31 is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 28 dBA window/wall attenuation on all fa1yades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided.

Air Quality

For the privately owned Projected Development Site (Block 1915, Lot 31) within the Lenox Avenue rezoning area, an (E) designation would be placed on the property in connection with the zoning map amendment to ensure there would be no significant adverse impacts associated with stationary source air quality. The (E) designation program is administered by OER. The (E) designation mapped on Lot 31 in connection with the Proposed Actions indicates the presence of an environmental requirement which must be satisfied at OER prior to issuance of any building permits from the Department of Buildings. The (E) designation number is E-377.

The air quality text for the (E) designation [E-377] to be placed on Lot 31 is as follows:

Any new development or enlargement on this property must use natural gas as the type of fuel for heating, ventilating, and air conditioning (HVAC).

UNIFORM LAND USE REVIEW

This application (C 170051 HAM), in conjunction with the related actions (C 170050 ZMM), was certified as complete by the Department of City Planning on September 6, 2016, and was 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 application for a zoning text amendment, (N 170052 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 170050 ZMM) on November 2, 2016 and on that date, by a vote of 24 in favor, 3 in opposition, and 1 abstention, adopted a resolution recommending approval of the application with the conditions that the developer reduce the proposed height from ten-stories to either nine or eight stories, that the church entrance remains on Lenox Avenue, and that the proposed commercial uses be limited to professional and other non-retail tenants.

Borough President Recommendation

This application (C 170051 HAM) was considered by the Manhattan Borough President, who on December 21, 2016, issued a recommendation disapproving the application unless the following conditions are met by HPD and the City:

1. Additional subsidies are obtained to meet the conditions set forth by the Community Board; and
2. The percentage of permanently affordable units of housing should be made equal to the percentage of city-owned property at the Robeson and Leroy sites.

City Planning Commission Public Hearing

On December 12, 2016 (Calendar No. 6), the City Planning Commission scheduled January 4, 2017, for a public hearing on this application (C 170051 HAM) and related actions. The hearing was duly held on January 4, 2017 (Calendar No. 14), in conjunction with the applications for the related actions. There were eight speakers in favor of the application and four speakers in

opposition.

Six members of the applicant team spoke in favor of the project. The team included representatives from HPD, developer Lemor Realty, the architecture team, and a representative from the nonprofit group Street Corner Resources, which would occupy community facility space within the proposed building. The team provided a history of the site and an overview of the proposed development. HPD discussed the project financing and the proposed level of affordability. The architect talked about the building's design, its bedroom configuration and the proposed site plan. The Lemor Realty representative briefly discussed the bedroom distribution for low-income units and how it comports with HPD standards, and stated that the income-restricted units will be distributed throughout the building. The developer acknowledged the concerns raised by the community regarding the proposed ten-story height and the location of the church. He highlighted the challenges associated with addressing their concerns and the impact that reducing the building height would have on the project's financing, which also involves another proposed affordable housing project in the neighborhood. The developer stated that keeping the church along Lenox Avenue and lowering the building height would create a financial gap that would make the project infeasible. A representative from Street Corner Resources spoke in favor of the project and described how the proposed community facility space would allow her organization to continue to address violence among youth in the neighborhood.

A representative from the community board spoke in favor of the project but acknowledged concerns raised by some members of the community board, and some residents of the adjacent blocks, regarding the proposed height of the building and the relocation of the church.

Representatives from the West 130th Street Homeowners' Association and the West 131st Street Block Association spoke in opposition to the proposed project. A representative from the West 131st Street Block Association expressed opposition to the building's proposed height because of the potential shadow impact it would have on properties along West 131st and West 130th Streets. He also stated that the church should remain on Lenox Avenue and should not be relocated to West 131st Street because the church's weekly food pantry program produces uncollected trash in violation of sanitation laws. He also said that Lenox Avenue would be more appropriate for the

church's operation because that street and its sidewalks are wider than the narrow sidewalk along West 131st Street. A representative from the West 130th Street Homeowners' Association spoke about the impact the proposed height would have on her property. She stated that she was not opposed to the proposed project and welcomed the opportunity for more affordable housing in the neighborhood but was opposed to the proposed height. She also stated the project area should be down-zoned rather than upzoned; this, she said, would provide an opportunity for some form of development to take place while protecting the quality of life for home owners who had endured some of the worst years in the neighborhood.

A representative from the Manhattan Borough President's office reiterated the Borough President's recommendation for disapproval unless certain conditions are met. The representative stated that the proposed project should have an amount of permanently affordable housing commensurate with the amount of City-owned land that is being used to facilitate the project. The current 30-year regulatory agreement covering the units subsidized by HPD should be extended.

There were no other speakers, and the hearing was closed.

CONSIDERATION

The Commission believes that this application (C 170051 HAM), in conjunction with the related actions (C 170050 ZMM and N 170052 ZRM), is appropriate.

The proposed Urban Development Action Area designation, project approval and disposition of City-owned property will facilitate the proposed development on an underutilized property and provide necessary affordable housing, community facilities and commercial uses. The Commission believes that this project will promote sound growth and development on unbuilt City-owned property close to mass transit, public services and retail, allowing convenient access by building residents.

The proposed project will provide approximately 79 much-needed affordable apartment units. The Commission believes this will help to meet the significant affordable housing needs in Manhattan Community Board 10. In addition, the project would redevelop the street frontage along Lenox

Avenue that has been vacant for years, restoring the retail continuity along Lenox Avenue and providing affordable community facility space for a local nonprofit group.

The related application for a zoning map amendment (C 170050 ZMM) is appropriate. The Commission believes that the proposed R8A zoning regulations are appropriate given the width of Lenox Avenue and the scale of buildings north and south of the development site. Street level retail space will also help to enliven an underutilized street with active ground floor uses.

The proposed zoning text amendment (N 170052 ZRM) is appropriate. The Commission believes that designating the project area as a Mandatory Inclusionary Housing Area will ensure permanent affordability for a portion of the units on the site. Option 2 requires that at least 30 percent of the residential floor area shall be provided to households at an average of 80 percent of AMI.

The Commission acknowledges the concerns raised by the block associations regarding the proposed building height and the location of uses within the proposed development. The applicant team has committed to continuing to working with Community Board 10 to ensure that the proposed project does not negatively affect existing residents' quality of life. Regarding the concerns of nearby the residents about the proposed height, the quality-of-life issues, and the location of the church, HPD, in conjunction with the developer, stated in a letter dated January 17, 2017, that "the church has agreed to relocate its soup kitchen services to another location" and that "Lemor Reality plans to work with the church to ensure that refuse disposal is properly maintained," preventing trash and queuing along West 131st Street. HPD also stated in the letter that, according to an analysis of the shadows on the adjacent properties at various times of the year, conducted by the applicant, "shadow impacts on the yards along the residential side streets did not last for long periods of time, thus presenting a minimal impact." HPD also stated that if the height of the proposed building was lowered, 14 fewer affordable units would be built and four permanent affordable units would be lost. HPD also said in the letter that if the church location stayed along Lenox Avenue, the required changes to the building design "would result in an approximately 25% reduction in the commercial frontage." As noted in the HPD letter, the commercial frontage "is extremely important to the overall financing of the project to help cross-subsidize the 100% affordable housing project."

The Commission also acknowledges the concerns raised in the Manhattan Borough President’s recommendation for a number of permanent units that is commensurate with the amount of City-owned property required to facilitate the project, and for extension of the regulatory period beyond 30 years. As noted in HPD’s letter, HPD advised the Commission that the project will have “a regulatory agreement on the affordable units for a term of 40 years,” and that HPD will “continue to discuss the financing structure to confirm that the project remains financially feasible throughout the life of the project.”

RESOLUTION

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

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35 and 36) 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 area;

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 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36) as an Urban Development Action Area; and
- b) An Urban Development Action Area Project for such area;

to facilitate a 10-story mixed-use building containing approximately 72,000 square feet of residential floor area, approximately 7,500 square feet of ground floor retail and approximately

2,400 square feet of community facility space, in Borough of Manhattan, Community District 10; 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 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36) in Community District 10, Borough of Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 170051 HAM).

The above resolution (C 170051 HAM), duly adopted by the City Planning Commission on February 1, 2017 (Calendar No. 10), 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.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,
MICHELLE DE LA UZ, JOSEPH DOUEK, RICHARD W. EADDY,
CHERYL COHEN EFFRON, HOPE KNIGHT, ANNA HAYES LEVIN,
ORLANDO MARÍN, Commissioners



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
215 West 125th Street, 4th Floor—New York, NY 10027
T: 212-749-3105 F: 212-662-4215

BRIAN A. BENJAMIN
Chairperson

ANDREW LASSALLE
District Manager

November 2, 2016

Uniform Land Use Review Procedure (ULURP)
Request for CB10 Advisory Support

Project Name: The Robeson
Application #: C 170050 ZMM and C 170051 HAM
CEQR #: 16HPD078M

Action(s) Requested

Pursuant to Section 197-c and 201 of the New York City Charter for an amendments of the Zoning Map, Section No. 6a

- 1) eliminating from within an R7-2 District a C2-4 District bounded by a line 100 feet westerly of Lenox Avenue – Malcolm X Boulevard, West 131st Street, Lenox Avenue – Malcolm X Boulevard, and West 130th Street, and
- 2) Changing from an R7-2 District to an R8A District property bounded by a line 90 feet westerly of Lenox Avenue – Malcolm X Boulevard, West 131st Street, Lenox Avenue – Malcolm X Boulevard, and West 130th Street
- 3) Compliance with Mandatory Inclusionary Housing Text Amendment

Committee: 10 yes; 0 no; 0 abstentions

Full Board: 24 yes; 3 no; 1 abstention

WHEREAS, Lemor Development Group (“Lemor”) is requesting an advisory letter of support from Manhattan Community Board 10 (“CB10”) to facilitate the rezoning (as set forth above) of property located at 407-415 Lenox Avenue/Malcolm X Boulevard to facilitate Lemor’s proposed construction of a mixed-use 100% affordable housing rental development to be known as The Robeson; and

WHEREAS, Lemor and HPD initially appeared at a public hearing of CB10’s Land Use Committee on September 15, 2016 and presented a plan for The Robeson as a 10-story (110 feet) building comprised of 79 units (16 Studios, 25 One-Bedrooms, 32 Two-Bedrooms, 6 Three-Bedrooms), 7,500 sf of commercial space, and 2,500 sf of community facility space for the New Hope Spring Grove Downtown Baptist Church of Christ and Street Corner Resources; and

WHEREAS, Lemor and CB10 subsequently received feedback from the community, including concerns regarding non-contextual construction, potential shadows due to the proposed 10-story height of building, relocation of the New Hope Spring Grove Downtown Baptist Church's existing entrance from Lenox Avenue to 131st street, and the community's concern regarding additional commercial and/or retail entrances on 131st Street; and

WHEREAS, Lemor subsequently engaged in discussions with community leaders and residents and CB10, and, as a result thereof, determined to revise its plans for the Robeson as outlined below; and

WHEREAS, Lemor and HPD thereafter appeared at a public hearing of CB10's Land Use Committee on October 20, 2016, which was attended by, among others, representatives of the 130th Street and 131st Street Block Associations, and presented the following information and made the following representations and commitments regarding the proposed development:

1. The existing site conditions include an area comprised of two privately-owned lots and three city-owned lots with an existing R7-2 with C2-4 commercial overlay.
2. The requested rezoning of the proposed area as a R8-A with C2-4 commercial overlay, and the Mandatory Inclusionary Housing ("MIH") Overlay is required to develop the Robeson as planned.
3. The Robeson will function as a 100% affordable housing rental development consisting of (a) 20 units with rents affordable to households earning < 60% of AMI; (b) 18 units with rents affordable to households earning 80% of AMI; and (c) 40 units with rents affordable to households earning 130% of AMI., including approximately 22 "MIH" permanently affordable units (20 units with rents affordable to households earning < 60% of AMI; 2 units with rents affordable to households earning 80% of AMI).
4. The Robeson's planned height will be reduced from 10 to either nine (9) or eight (8) floors, conditioned on certain representations made by representative of the 130th Street and 131st Street Block Associations as described below.
5. The aforesaid reduction of the Robeson's height will result in a significant reduction in potential revenue for Lemor due to the subsequent loss of units.
6. The new entrance of the New Hope Spring Grove Downtown Baptist Church to be incorporated into the Robeson will be on Lenox Avenue/Malcolm X Boulevard.
7. Any commercial or business tenants located on 131st Street will be limited to professional/non-retail tenants.
8. The Robeson will include 2,500 square feet of space to be occupied by the community organization "Street Corner Resources," a not-for-profit community organization dedicated to creating a more peaceful community by providing teenagers and young adults

greater access to real employment, education, training and other resources to assist them as they strive for success.

WHEREAS, representatives of the 130th Street and 131st Street Block Associations represented and agreed that they have the ability to, and would, advocate for and secure additional revenue for Lemor from city agencies, elected officials, and/or additional sources to offset Lemor's projected loss of revenue resulting from the reduction in the number of the Robeson's units due the proposed reduction in height.

THEREFORE, BE IT RESOLVED, that based on and conditioned on the foregoing expressed representations and commitments made by Lemor and representatives of the 130th Street and 131st Street Block Associations at Public Hearings of the CB10 Land Use Committee, on November 2, 2016, the Manhattan Community Board 10 supports the proposed rezoning to facilitate the construction of a mixed-use 100% Affordable Housing rental development 407-415 Lenox Avenue/Malcolm X Boulevard. On Wednesday, November 2, 2016 Manhattan Community Board 10 voted in favor of the aforementioned resolution with a vote of 24 in favor, 3 opposed and 1 abstention.

Borough President Recommendation

City Planning Commission
22 Reade Street, 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, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Applications: C 170050 ZMM, C 170051 HAM and N 170052 ZRM – **The Robeson**

Docket Description:

C 170050 ZMM

IN THE MATTER OF an application submitted by NYC Department of Housing Preservation and Development (HPD) pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a:

1. eliminating from within an R7-2 District a C2-4 District bounded by a line 100 feet westerly of Lenox Avenue – Malcolm X. Boulevard, West 131st Street, a line 90 feet westerly of Lenox Avenue – Malcolm X. Boulevard, and West 130th Street, and
2. changing from an R7-2 District to an R8A District property bounded by a line 90 feet westerly of Lenox Avenue - Malcolm X. Boulevard, West 131st Street, Lenox Avenue - Malcolm X. Boulevard, West 130th Street,

(See Continued)

COMMUNITY BOARD NO:

10

BOROUGH: Manhattan

RECOMMENDATION

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

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached


BOROUGH PRESIDENT

December 21, 2016
DATE

C 170051 HAM

IN THE MATTER OF an application submitted by HPD:

1. Pursuant to Article 160 of the General Municipal Law of New York State for:
 - a. The designation of properties located at 225 West 140th Street (Block 2026, Lot 15) as an Urban Development Action area; and
 - b. 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 a 7-story building containing approximately 20 affordable dwelling units and approximately 2,600 square feet of community facility space.

N 170052 ZRM

IN THE MATTER OF an application submitted by New York City Department of Housing Preservation and Development, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area in Community District 10, Borough of Manhattan.



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

1 Centre Street, 19th floor, New York, NY 10007
(212) 669-8300 p (212) 669-4308 f

431 West 125th Street, New York, NY 10027
(212) 531-1609 p (212) 531-4615 f

www.manhattanbp.nyc.gov

Gale A. Brewer, Borough President

December 21, 2016

**Recommendation on ULURP Application Nos. C 170050 ZMM, C 170051 HAM and N 170052 ZRM – The Robeson
By New York City Department of Housing Preservation and Development**

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development (“HPD” or “the Applicant”) seeks approval of multiple land use actions to facilitate the development of a 10-story mixed-use building at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, and 36) in the Central Harlem neighborhood, Community Board 10 (CB 10) in the Borough of Manhattan.

The actions include: 1) a zoning map change to a higher-density contextual residential district and the reduction of the commercial overlay, 2) a text amendment to apply the city’s Mandatory Inclusionary Housing (MIH) program, and 3) the designation of city-owned property as an Urban Development Action Area (UDAA), the approval of the project as an Urban Development Action Area Project (UDAAP), and the disposition of such property to a developer to be selected by HPD.

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, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

City-owned properties that are no longer in use or are in deteriorated or deteriorating condition are eligible to be designated as UDAA and UDAAP, pursuant to the Urban Development Area Act (Article 16 of the State General Municipal Law). UDAA and UDAAP provide incentives for private entities to correct substandard, unsanitary and/or blighted conditions. According to New York State General Municipal Law § 694(4), to receive a UDAA and/or UDAAP designation the City Planning Commission and the City Council must find that:

- (a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;

- (b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to [the tax incentives provisions of the Urban Development Action Area Act] ... is necessary to enable the project to be undertaken; and
- (c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

Section 197-c of the New York City Charter mandates that the disposition of all city-owned real property (other than the lease of office space) be subject to the Uniform Land Use Review Procedure (“ULURP”). While no specific findings must be met to make a property eligible for disposition under Section 197-c, Section 1802(6)(j) of the Charter limits HPD to the disposition of residential real property.

PROJECT DESCRIPTION

HPD seeks to develop a 10-story building, approximately 110 feet in height, totaling 82,419 square feet. The Development Site will contain approximately 72,155 square feet of residential floor area, approximately 7,555 square feet of commercial floor area, and 2,600 square feet of community facility floor area for a total FAR of 7.17. The project will include affordable units pursuant to the MIH program. The proposed building includes frontage along the western edge of Lenox Avenue and along the southern edge of West 131st Street.

Background

The intention of the applicant is to convey ownership to the future developer of the site, Lemor Realty Corporation. Lemor is a New York State MWBE Certified Real Estate and Property Management firm that purports to have an extensive history of development and management of residential and commercial properties in Upper Manhattan. The company’s website includes information about their work with HPD since 1995 with references to its previous participation in the Neighborhood Entrepreneurship Program and Third Party Transfer Program.¹

The Development Site is comprised of both city-owned and privately-owned property. The city-owned lots are located on Block 1915 and include Lots 32, 33 and 36. The city-owned lots were vested to the city in 1990, 1981 and 1977 respectively. In July 1998 the city-owned lots were included in a disposition application by the Department of Citywide Administrative Services (DCAS) to encourage development on these sites. Both the Community Board and Borough President recommendations as part of the ULURP process included specific conditions for the aforementioned city-owned sites to force future development to reflect the nearby contextual building typology and response to the local 197-a plan. The City Planning Commission approved the disposition of the city-owned lots as an assemblage with no conditions as part of a larger 11

¹ Lemor Realty Corporation website, <http://www.lemordev.com/about-us/>

site package in March 2000.² That decision was later amended by the City Council in May 24, 2000 to remove 9 sites from the disposition application including the aforementioned city-owned sites.

In August 2005 the city-owned lots were rolled into a larger 21 site RFP as part of former Mayor Bloomberg's New Housing Marketplace Initiative under the Cornerstone Program. The Cornerstone Program was created to address needed rental and homeownership opportunities with a preference for proposals that promoted a range of affordability levels and sustainable design.³ Despite a developer being selected to pursue a development plan for these lots no actions were taken beyond applicant selection. The lots have remained unimproved since that time.

Area Context

The neighborhood surrounding the project area is comprised of strong residential and commercial elements and a variety of building types. Low density townhouses in the midblock contrast with larger multifamily, mixed-use buildings on Lenox Avenue. On Lenox Avenue there is a small retail overlay to 135th Street where Lenox Terrace is located; it is a large tower complex in a park style mixed-use development that consists mostly of tall multi-family buildings set back from the street. At Lenox Avenue and 135th Street, the New York Public Library's Schomburg Center for Research in Black Culture occupies the northwest corner and NYC Health + Hospitals/Harlem Health Center the northeast corner. To the east of the project site is the New York City Housing Authority's Saint Nicholas Houses.

A number of educational institutions border the Project Site. It sits in Manhattan Community Education Council 5, bound by 155th Street (beginning of Washington Heights) to the north, Fifth Avenue to the east; 110th Street and Central Park to the south, and to the west generally bordered by Morningside, St. Nicholas, Bradhurst, and Edgecombe Avenues. To the northwest of the development is PS 175, PS 092, The Eagle Academy for Young Men of Harlem, and Kappa IV. To the northeast is PS 197. To the east is PS 133 and to the south is PS 154. High schools within close proximity to the project site lie to the north east and include Thurgood Marshall Academy for Learning and Social Change, Knowledge and Power Preparatory Academy (KAPPA) IV, and Mott Hall High School.

In 1961, the area was predominantly zoned as R7-2, which has a maximum residential FAR of 4.0 and a maximum community facility FAR of 6.5. The commercial zoning compliments the medium density zoning with a C1-5 overlay district (maximum commercial FAR of 2.0), along Lenox Avenue until West 135th Street. To the south of the development is the 125th Street corridor, which is mainly commercial, but a rezoning earlier in the decade permitted additional bulk and uses.

² C 990008 PPM, City Planning Commission Report available at <http://www1.nyc.gov/assets/planning/download/pdf/about/cpc/990008.pdf>

³ "Cornerstone RFP Program", HPD, <https://www1.nyc.gov/assets/hpd/downloads/pdf/Cornerstone-RFP.pdf>

The area is well served by public transportation. The Project Site is between the 125th Street and 135th Street stations along the Metropolitan Transportation Authority's 7th Avenue Subway Line. Both stations are served by the 2 train, providing access to The Bronx, Manhattan, and Brooklyn; and the 3 train that originates in Central Harlem and provides service downtown and to Brooklyn. Both lines run express in Manhattan below West 96th Street. The site is also a short distance away from the 135th Street station at the foot of St. Nicholas Park, with service from the C and B lines that connect to A and D express train service at 125th Street and St. Nicholas Avenue. Lenox Avenue is served by the M102 and M7 New York City Transit (NYCT) Bus lines that provide service downtown to the East and West sides of Manhattan respectively. The Bx33 runs along West 135th Street with service to Port Morris in The Bronx. The 125th Street corridor serves as a major crosstown line for NYCT bus service, featuring the M60 Select Bus Service line that provides the only direct link from Harlem to the LaGuardia International Airport in East Elmhurst.

The Project Site is also served by New York Police Department's (NYPD) 32nd Precinct, located on 135th Street between Frederick Douglass Boulevard and Adam Clayton Powell Jr. Boulevard. The Fire Department of New York's (FDNY) Engine 59, Ladder 30 Firehouse is nearby on West 133rd Street between Lenox Avenue and Adam Clayton Powell Boulevard.

Project Area and Project Site

The Project Area includes the development site (Lots 32, 33, 34, 35, and 36) and a portion or all of 4 privately-owned lots (Lots 28, 29, 31 and 37). The Project Area is approximately 19,985 square feet with approximately 32,000 square feet of built floor area on Lots 28, 29, and 31 and four vacant lots (Lots 32,33, 34, 35, 36, and 37). There are 5 standing buildings within the project area. On Lot 29 there is a 6-story mixed-use building built on or before 1910; this building exceeds the permitted bulk requirements. That building is occupied and contains at least 23 rent-stabilized units.⁴ On Lot 31 there is a house of worship occupied by Christ Temple Deliverance Church, a Baptist congregation whose building was built on or before 1910. On Lot 28 is four-story one and two family building with two identified residential units built in 1899. Lot 28 is reflective of other Italianate brownstone architecture located in the project area and on other mid-blocks in Central Harlem. The buildings on Lot 34 and 35 are currently vacant. Lot 34 was formerly a 3-story mixed-use building that was purchased in 2012 by 411 Lenox Realty Inc, a subsidiary of the developer, Lemor Realty Corporation. Lot 35 is owned by New Hope Spring Grove Downtown Baptist Church of Christ and the developer is in contract to purchase this lot. Both vacant buildings on Lots 34 and 35 will need to be demolished for the project to move forward.

⁴ Rent stabilization is due to an existing J51 tax abatement noted on the building's Property Tax Bill Quarterly Statement for December 16, 2016.

The development site includes Lots 32, 33, 34, 35 and 36 and begins at the intersection of West 131st Street and Lenox Avenue and extends 127 feet to the south along Lenox Avenue, continuing 90 feet west of Lenox Avenue, then extends north towards West 131st Street and then back towards West 131st and Lenox Avenue. The Development Site comprises approximately 11,454 sq ft of lot area. The current zoning district for the Development Site is a medium density residential district, R7- 2 and a C2-4 commercial overlay which permits up to 2.0 FAR in commercial use. Only the three-vacant city-owned lots will seek UDAAP designation (Lots 32, 33, 36).

Proposed Project

This project will create a new mixed-use development that addresses the need for a new house of worship for the New Hope Spring Grove congregation and the need for more affordable housing units for the Central Harlem neighborhood. The proposed 10-story building, with a height of approximately 110 feet, will contain approximately 79 affordable rental units, 22 of which will be permanently affordable.

To facilitate this development the applicant is seeking a change of the existing R7-2 zoning district to R8A. The application also includes a zoning text amendment to establish a Mandatory Inclusionary Housing (MIH) overlay and requesting that Option 2 requirements are applied to the site. Under the proposed R8A, the total zoning floor area of the Proposed Development will be approximately 82,419 square feet, including approximately 72,155 square feet residential zoning floor area, approximately 7,555 square feet commercial zoning floor area, and approximately 2,439 square feet of community facility zoning floor area. Pursuant to the provisions of MIH, the Proposed Development will be permitted a total FAR of 7.2. The anticipated total FAR of the Proposed Development will be 7.17.

Per conversations with the applicant, the building’s rent structure will provide three tiers of affordability. Each tier will include a range of apartment sizes from studios to 3-bedrooms. The breakdown is as follows: 25% of units or 20 units will be targeted for families at 57% AMI; 23% or 18 units at 80% of AMI; and 50% or 40 units at 130% AMI. The unit size mix will contain (16) studio units, (25) 1-bedroom units, (32) 2-bedroom units, and (6) 3-bedroom units. Pursuant MIH 22 units out of the 79 units will be permanently affordable while the remaining 57 units will be affordable for 30 years per the terms of HPD’s M²/Mixed-Middle-Income Program. Below in Figures 1 and 2 you will find the expected rents and income limits for the units in the proposed development:

Figure 1: Approximate Income Limits for M2/Mixed-Middle-Income Program

Incomes	57% AMI	80% AMI	130% AMI
Studio	\$36,195	\$43,500	\$70,720
1-Bedroom	\$38,760	\$54,375	\$88,400
2-Bedroom	\$46,512	\$65,250	\$106,080
3-Bedroom	\$53,723	\$75,400	N/A

Figure 2: Approximate Rents for M2/Mixed-Middle-Income Program

Rents	57% AMI	80% AMI	130% AMI	Market Rent*
Studio	\$864	\$1,047	\$1,728	\$1,800
1-Bedroom	\$928	\$1,318	\$2,169	\$2,350
2-Bedroom	\$1,120	\$1,589	\$2,610	\$3,000
3-Bedroom	\$1,288	\$1,830	N/A	\$3,700

**Market Rent in new or renovated buildings similar amenities is approximately 140-150% of AMI and as high as \$3,000 for a 1-bedroom*

Source: NYC Department of Housing Preservation and Development, M² Incomes & Rents

The submitted plans split the proposed ground floor commercial zoning floor area into two spaces, 2000 square feet and 5555 square feet respectively. Both commercial spaces have planned their entrances along Lenox Avenue. The approximately 2,439 square feet of community facility zoning floor area will also be subdivided into two spaces 1,759 square feet and 680 square feet respectively. Both community facility spaces have planned their entrances along West 131st Street, east of the proposed building lobby. The larger of the two sections will be used by New Hope Spring Grove Downtown Baptist Church of Christ for their worship and social service programs. The smaller space will become additional office space for Street Corner Resources, a local gang-violence prevention program, which will be renting this space to complement their main office. The main office is in contract to be located within a proposed development at 225 West 140th Street, subject to a related and concurrent application under ULURP (C 170048 HAM).

While the certification materials did not include cellar plans, this office has learned that there will be an additional 4,075 square feet of accessory commercial space in the cellar, currently labeled as miscellaneous storage accessory to the ground floor uses, and 1931 square feet of accessory community facility space split between Street Corners and New Hope, 796 square feet and 1,207 square feet respectively. The church’s unit is expected to be converted into a separate condo so that New Hope will be the full owner of their space and Street Corners Resources will only be asked to pay \$1 per year for their space.

Proposed Actions

The proposed affordable housing development will create approximately 79 affordable rental units, of which 22 will be permanently affordable under the MIH program. In order to facilitate the development of this city-owned property, the following actions are required by HPD:

Zoning Map Change (C 170050 ZMM)

The applicants propose a zoning map change to Zoning Sectional Map No. 6a from an existing R7-2 district with a C2-4 commercial overlay 100 feet in depth along Lenox Avenue to an R&A district with a C2-4 overlay that only extends 90 feet from Lenox Avenue.

The applicant asserts that the increased residential density that is permitted by the change from R7-2 to R8A with the application of the MIH overlay, an increase from 4.0 residential FAR to 7.20, will allow for a project that maximizes the unit count total and value of merging the privately-owned and city-owned lots. The design and massing of the building is proposed to be consistent with other building forms in the R8A districts along Frederick Douglass Boulevard, Adam Clayton Powell Boulevard and Lenox Avenue, north of West 127th Street.

Zoning Text Amendment (N 170052 ZRM)

Complementary to the zoning map amendment allowing for an increase to the permitted residential floor area ratio, a zoning text amendment to modify Appendix F of the Zoning Resolution to apply Mandatory Inclusionary Housing requirements to the site is required. The applicant is also requesting that the City Planning Commission and City Council apply Option 2 requirements to the site. This would require that the development dedicate no less than 30% of the residential floor area to households earning up to 80% Area Median Income (“AMI”), with no unit targeted at a level exceeding 130 percent of AMI.

Urban Development Action Area and Urban Development Action Area Project (C 170051 HAM)

HPD seeks designation of city-owned property located at 407-415 Lenox Avenue (Block 1915, Lots 32, 33, 34, 35, 36) as an Urban Development Action Area (“UDAA”) and approval for the mixed-use project as an Urban Development Action Area Project (“UDAAP”). The property is located on the southwest corner of the intersection of West 131st Street and Lenox Avenue. In addition, HPD seeks approval for the disposition of said property to a developer selected by HPD. The developer is expected to be Lemor Realty Corporation.

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on November, 2, 2016, Manhattan Community Board 10 (10) passed a favorable resolution with conditions in support of the zoning map and text change and UDAAP designation. Previous to the full board vote, on September 15, 2016 and October 20, 2016, CB 10’s Land Use Committee heard from HPD, representatives from Lemor Realty Company, representatives of the 130th Street and 131st Street Block Associations, and members of the public about concerns regarding this project.

As a result of those discussions, CB10’s favorable resolution was made contingent upon reducing the height of the building from 10 stories to 9 or 8 stories if additional subsidy was available to maintain the affordability of the units, moving the church entrance to Lenox Avenue from West 131st Street⁵, and limiting any commercial tenants on West 131st Street to professional/non-retail tenants. The vote tally within the land use committee was 10 in favor, 0

⁵ CB10’s position on reducing the height was contingent upon 130th Street and 131st Street Block Association representatives securing additional revenue from city agencies, elected officials, and/or additional sources to offset the projected loss of revenue due to the proposed reduction in height. If gap funding could not be secured the developer would have the community board’s support to proceed with a 10-story project.

opposed, and 0 abstentions. At the full board meeting 24 voted in favor, 3 opposed and 1 abstained.

BOROUGH PRESIDENT COMMENTS

The Borough President has consistently stated that any city-owned property being sold or disposed of for housing should go to 100% permanently affordable housing. The Robeson, while laudable for illustrating a path forward on blighted parcels of land and the creation of affordable housing and community space for a wonderful organization, unfortunately does not go far enough on permanency. A 30-year agreement is insufficient.

The Borough President first raised her concern about permanent affordability during the public review process for the Mandatory Inclusionary Housing Program. She has testified on the NYCHA NextGeneration plan, and for the MTA Bus Depot/Harlem Burial Ground at 126th Street, reiterating that city owned property must go to affordable housing that is permanent. Pending approval, Lexington Gardens II, a recent application by HPD for the development of over 390 units on city-owned land in East Harlem, also centers on this concern. Each project that comes through ULURP offers its own benefits and challenges. The Borough President believes that the housing built on city-owned land should be permanently affordable.

Additionally, the conditions the Community Board raised in its resolution have not yet been responded to by HPD. All options should be examined before the project is approved. We must ensure that the project contains a percentage of permanent affordable housing that is equal to the percentage of contributing city-owned property.

BOROUGH PRESIDENT RECOMMENDATION

Therefore, the Manhattan Borough President recommends disapproval of ULURP Application Nos. C 170050 ZMM, C 170051 HAM, and N 170052 ZRM unless:

- 1. Additional subsidies are obtained to meet the conditions set forth by the Community Board; and**
- 2. The percentage of permanently affordable units of housing should be made equal to the percentage of city-owned property at the Robeson and Leroy sites.**



Gale A. Brewer
Manhattan Borough President