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**IN THE MATTER OF** an application submitted by the Department of Housing Preservation & Development (HPD) pursuant to Section 197-c of the New York City Charter, for the disposition of one City-owned property (Block 1243, Lot 57), pursuant to zoning.

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This application (C 200140 PPM) for the disposition of City-owned property at 266 West 96<sup>th</sup> Street (Block 1243, Lot 57) was filed by the New York City Department of Housing Preservation and Development (HPD) on October 11, 2019 to facilitate the development of a 23-story, mixed-use building containing residential and community facility uses in the Upper West Side neighborhood of Community District 7, Manhattan.

## **BACKGROUND**

This report reflects the conditions at the time of the vote of the City Planning Commission (CPC). Though the economic impacts of the coronavirus (COVID-19) pandemic remain uncertain at this time, efforts to mitigate such impacts are being made citywide. The proposed land use changes are reflective of long-term planning and land use strategies and were considered by the CPC independent of any short-term impacts that may result from the pandemic.

HPD seeks approval of the disposition of City-owned property located at 266 West 96<sup>th</sup> Street (Block 1243, Lot 57) in Manhattan. The City-owned site is a 5,034-square-foot interior lot located on the south side of West 96<sup>th</sup> Street between Broadway and West End Avenue, currently developed with a four-story former Interborough Rapid Transit Company (IRT) electrical substation that has sat vacant for decades. Directly to the west of the City-owned site are two low-rise buildings that are owned by the Salvation Army (Block 1243, Lot 59) and a local affiliate of the NAACP (Block 1243, Lot 60). Currently, the building housing the Salvation Army is used for a variety of purposes, including offices, space for job counseling and job search assistance, and space for the donation of goods and their resale; the building housing the NAACP Roy Wilkins Center provides office and meeting space for non-profit organizations. If the

disposition application is approved, a development team to be selected by HPD would acquire the two privately-owned properties and assemble them with the City-owned site (collectively, the “project area”). The project area would contain a total lot area of approximately 10,402 square feet and is proposed to be redeveloped with a 23-story, mixed-use building with approximately 171 residential units and community facility space on the ground floor and cellar.

A previous application to dispose of the City-owned site was approved in 1990 (C 900431 PPM) with conditions including exploring utilization of the site for social service purposes or public use. After the approval, the site was never disposed of. If approved, the current disposition action would supersede the 1990 approval and conditions.

The area surrounding the project area is characterized by mixed-use developments along the major corridors, a mix of residential building types along the smaller side streets, and several institutional uses scattered throughout the neighborhood. The neighborhood is zoned with a mix of high-density residential districts, contextual commercial districts, and special commercial overlays.

The project area is located in an R10A zoning district. R10A zoning districts are high-density residential zoning districts that permit uses subject to Quality Housing contextual regulations with a floor area ratio (FAR) of up to 10.0. The permitted FAR may be increased up to 12.0 for developments providing affordable housing pursuant to the voluntary Inclusionary Housing program. The maximum permitted building base height is 125 to 150 feet, and the maximum permitted building height is 210 feet. A building developed pursuant to the Inclusionary Housing program with on-site affordable housing and an FAR of at least 11.0 may have a base height of 125 to 155 feet, a maximum building height of 230 to 235 feet (depending on whether a qualifying ground floor is provided), and up to 23 stories. Above the required base height, the building must set back at least 10 feet from a wide street. An R8 zoning district lies to the east of the project area across West End Avenue and south across West 95th Street. A C4-6A commercial zoning district is located directly east of the project area along Broadway. The Special Enhanced Commercial District 3, which prescribes special use and streetscape

regulations, is also mapped along the Broadway corridor adjacent to the project area.

The project area borders the Riverside-West End Historic District Extension II to the west and south. There are also several landmarks within a quarter mile of the project area, including Pomander Walk on the west side of Broadway between West 94th and West 95th Streets.

Land uses directly adjacent to the project area vary from low-rise commercial to mid- and high-rise mixed-use and residential buildings. Immediately west of the project area are two multifamily residential elevator buildings, ranging between 13 and 16 stories. Immediately to the east, an empty lot that formerly contained a two-story commercial building housing a bank and a grocery store is under active redevelopment. Immediately south of the project area is a 15-story senior housing facility that is currently planned for condominium conversion. The other parcels on the block contain a six-story, multi-family residential elevator building, a seven-story mixed-use building with ground floor retail uses along West 95th Street and Broadway, and a two-story retail building fronting Broadway that is currently occupied by a fast food restaurant. On the block immediately north of the project area across West 96<sup>th</sup> Street is a 35-story condominium building with ground-floor retail along its Broadway frontage.

The project area is well-served by open space and recreational facilities. Central Park is located approximately four blocks to the east of the project area; Riverside Park is located approximately two blocks to the west; and the 1.9-acre Frederick Douglass Playground is located four blocks northeast of the project area, between West 100th and 102nd Streets. There are also several institutional uses, including the P.S. 75 Emily Dickinson School, located on the west side of West End Avenue between West 95th and West 96th Streets.

The project area is also well served by public transit. The 96<sup>th</sup> Street entrance to the 1, 2, and 3 subway lines is located on the corner of West 96th Street and Broadway, and the B and C trains are located approximately one-half mile to the east on Central Park West and West 96th Street. The closest bus lines are the M96 and M106, which provide crosstown bus service, and the M104 bus travels north-south along Broadway.

As proposed, HPD would dispose of the project area to a development team (to be selected by HPD) to assemble the project area with the two privately-owned properties to the west in order to facilitate the development of a 23-story, 125,000-square-foot rental building containing 68 permanently affordable housing units, 102 market-rate units, one unit for a superintendent, and approximately 10,500 square feet of community facility space on the ground floor and basement. As currently contemplated, 80 of the 171 residential units would be compact studios, or “micro-units”, ranging from approximately 265 to 380 square feet in size; 35 of the 80 micro-units are proposed to be permanently affordable. The proposed building would be developed pursuant to zoning. Public financing is anticipated to be through HPD’s Mixed Middle Income (M<sup>2</sup>) Program. To facilitate the proposed development, HPD requests a disposition of non-residential City-owned property (Block 1243, Lot 57).

## **ENVIRONMENTAL REVIEW**

This application (C 200140 PPM) 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 18HPD103M. The lead agency is HPD.

It was determined that this application may have significant adverse effects on the environment and that an Environmental Impact Statement would be required. A Positive Declaration was issued on May 1, 2019, and subsequently distributed, published, and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on May 1, 2019. A public scoping meeting was held on June 6, 2019 and the Final Scope of Work was issued on October 16, 2019.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on October 16, 2019. Pursuant to SEQRA regulations and the CEQR procedures, a joint public hearing was held on January 22, 2020 and continued on February 5, 2020, in conjunction with the public hearing on

the related Uniform Land Use Review Procedure (ULURP) items (C 200140 PPM). A Final Environmental Impact Statement (FEIS) reflecting comments made during the public review process was completed, and a Notice of Completion for the FEIS was issued on March 5, 2020.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to historic and cultural resources (architectural resources). Total demolition of the former substation would make significant adverse impacts unavoidable. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 7 “Mitigation” of the FEIS.

## **UNIFORM LAND USE REVIEW**

This application (C 200140 PPM) was certified as complete by the Department of City Planning on October 28, 2019 and duly referred to Manhattan Community Board 7 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

### **Community Board Public Hearing**

Manhattan Community Board 7 held two public hearings on this application (C 200140 PPM) on December 3, 2019, and December 17, 2019, and on that latter date, by a vote of 36 in favor, none opposed, and with three abstentions, adopted a resolution to approve the application with the conditions that the developer partner with a recognized community-based organization to proactively market the affordable units to local seniors, and that it form a construction coordination committee to minimize disruptions during construction.

### **Borough President Recommendation**

This application (C 200140 PPM) was considered by the Manhattan Borough President, who, on January 21, 2020, issued a recommendation to disapprove the application unless the applicant meets the following conditions: 1) a minimum of 65% of the units should be affordable, 2) at least half of the affordable units should be affordable to households earning up to 60% AMI, with the remaining units available to households earning up to 130% AMI, and 3) compact units

should comprise no more than 15% of the total number of units in the project.

### **City Planning Commission Public Hearing**

On January 8, 2020 (Calendar No. 4) the City Planning Commission scheduled January 22, 2020 for a public hearing on this application (C 200140 PPM). The hearing was duly held on January 22, 2020 (Calendar No. 25) and was held open by the Chair of the City Planning Commission to February 5, 2020.

Seven speakers testified in favor of the application and four in opposition.

Speakers in favor of the proposal included the applicant team (representatives from HPD, the project architect, the environmental consultant, and the attorney representing the developer), and two representatives of Manhattan Community Board 7.

Speaking in favor, the applicant team provided an overview of the proposed development and a breakdown of the residential program by unit size and affordability level, as well as other elements of the building program. With respect to the community facility space, the applicant team noted that the Salvation Army would return to the site after redevelopment and occupy a 6,500-square-foot condominium unit on the ground floor and cellar levels. The applicant team also discussed efforts to mitigate the significant adverse impacts to historic and cultural resources disclosed during the environmental review process. Noting the aesthetic value of the century-old electrical substation on the disposition site, the applicant team described how the design of the new building would incorporate architectural elements of the former substation, intended to reflect the historic character of the surrounding neighborhood. Additionally, the applicant team noted that the developer is obliged to prepare Historic American Buildings Survey (HABS) Level II documentation, including black and white archival photography of the exterior and interior of the substation. The applicant team further noted that the project was accepted into the New York State brownfield cleanup program, which requires the development sponsor to investigate and remediate contamination on the site to the highest standards. With respect to the community's interest in providing more opportunities for senior housing, the

applicant team committed to collaborating with the non-profit, West Side Federation for Senior and Supportive Housing, Inc. (WSFSSH), to market the affordable units to seniors. In response to the call to increase the amount of affordable units and reach deeper affordability levels, HPD explained that due to the high cost of demolition and environmental remediation, the partnership with a private developer to assemble a larger project area, as well as the participation in the Voluntary Inclusionary Housing Program, a modestly higher proportion of market-rate units would be necessary to facilitate the proposed affordable program. Regarding the compact studios or “microunits”, the applicant team remarked that the unit mix is intended to balance the need to provide a range of unit sizes with the desire to maximize the number of affordable units, and that the preliminary assessment of the experience and tenant feedback of the city’s pilot microunit project Carmel Place in 2013 has been largely positive.

A representative of Manhattan Community Board 7 spoke in favor of the proposed development, reiterating the Community Board’s support for additional affordable housing in the neighborhood as well as the opportunity to remediate contamination on the site. The speakers echoed the Community Board’s preference for deeper levels of affordability. A second representative of Community Board 7 spoke in favor of the proposed development, reiterating the testimony of the first CB7 representative and noting the need for more senior housing at deeper levels of affordability than what the project proposes. The representative spoke of knowing single seniors who, wishing to live independently, would be enthusiastic residents of the microunits. The speaker also stated that locating housing in dense, transit-rich, urban neighborhoods like the proposed project would be the best way to combat climate change.

A resident speaking in opposition to the proposed development stated that the former electrical substation is a valuable City-owned asset that should be preserved and repurposed for a green energy-related use.

A representative of the Manhattan Borough President’s Office spoke in opposition to the proposed development, reiterating the concerns expressed in the Borough President’s recommendation.

A resident of an adjacent building speaking in opposition to the proposed development stated that the proposed 23-story building was out of context with the built character of the surrounding Upper West Side community and would prefer to see a shorter building, but with the same FAR and number of units as the proposed development.

A Queens resident spoke in opposition to the proposed action.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for the disposition of City-owned property (C 200140 PPM) is appropriate.

This requested disposition will facilitate the redevelopment of an underutilized and blighted City-owned property. The proposed development will be a community asset, bringing approximately 68 permanently affordable units and approximately 102 market-rate units to the housing stock in Community District 7, which has a great need for rental units that are affordable to low- and middle-income households. The additional housing, including affordable housing, is consistent with the goals of *Housing New York*. Despite increased residential development on this particular block, overall, housing production in New York City has not kept pace with the growth in population and jobs. Certain areas of the city, particularly more affluent neighborhoods such as the Upper West Side where median household income is nearly twice that of New York City as a whole, have seen a net decrease in housing density since the 2000 U.S. Census. Similarly, the Upper West Side has seen a decrease in the proportion of low-income households (those earning less than 80 percent of AMI) across the same period. The Commission notes that the addition of 68 permanently affordable units to the housing stock of the Upper West Side will contribute to the economic diversity of the neighborhood and aligns with the City's policy of siting low-income housing in high-opportunity areas close to transit, high-performing schools, cultural resources, and employment centers.



With publicly owned property becoming an increasingly scarce resource, the Commission believes that it is critical for the City to effectively leverage the dwindling stock of underutilized land in order to maximize opportunities for affordable housing development. To that end, the Commission is aware that HPD continues to work with the development team to explore ways to enhance the proposed affordable program.

The Commission further notes that compact studio units may help fill a gap in the neighborhood's housing supply, which has historically included small units as well as large ones. The Commission is pleased that HPD has taken steps to broaden the range of unit types it is supporting in new projects and believes that the inclusion of such units here will enable a range of households to find apartments that meet their needs.

The Commission notes that the disposition would provide new community facility space on the site, including expanded facilities for the Salvation Army, which is an important resource for the community and city.

The Commission notes that the development team will participate in the New York State Brownfield Cleanup Program, under which they will be required to investigate and remediate contamination discovered on the site. Remediation and revitalization of the contaminated underutilized property will address the community's environmental concerns, protect public health, support the City's environmental sustainability goals, add local amenities, contribute to the vitality of the neighborhood, and return the disposition site to the tax rolls.

The Commission recognizes the efforts of the development team to address quality of life concerns raised by the community. In particular, the commitment to form a construction coordination committee will help mitigate the disruptions - however temporary - that often accompany large-scale development. The Commission is also pleased that the development team has agreed to collaborate with local non-profit organizations to market the affordable units to seniors. Additionally, the Commission is pleased that the design and scale of the proposed

development is consistent with the character of the Upper West Side.

**RESOLUTION**

**RESOLVED**, that having considered the Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on March 5, 2020, with respect to this application (CEQR No. 18HPD103M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that

1. Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, the action is one which minimizes or avoids adverse impacts to the maximum extent practicable; and
2. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further

**RESOLVED**, that 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 submitted by the Department of Housing Preservation and Development (HPD), for the disposition of one city-owned property located at 266 West 96th Street (Block 1243, Lot 57), pursuant to zoning, Borough of Manhattan, Community District 7, is approved.

The above resolution (C 200140 PPM), duly adopted by the City Planning Commission on March 16, 2020 (Calendar No. 2), is filed with the Office of the Speaker, City Council, and the Manhattan Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*  
**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., ALFRED C. CERULLO III,**  
**MICHELLE de la UZ, JOSEPH DOUEK, RICHARD W. EADDY,**  
**HOPE KNIGHT, ANNA HAYES LEVIN, LARISA ORTIZ,**  
**RAJ RAMPERSHAD**, *Commissioners*

**ORLANDO MARIN**, *Commissioner*, VOTING NO



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## RESOLUTION

**Date: December 17, 2019**

**Committee of Origin: Land Use Committee, Page Cowley and Seema Reddy, Co-Chairpersons**

**Joint with Housing Committee, Louisa Craddock and Melissa Rosenberg, Co-Chairpersons**

**Re: 266-270 West 96<sup>th</sup> Street (Broadway-West End Avenue.) Application #C200140PPM to the Department of City Planning by NYC Department of Housing Preservation & Development for the disposition of one city-owned property (Block 1243, Lot 57, the former MTA site) to allow the construction of a 23-story mixed use, mixed income building, as well as community facilities.**

**Full Board Vote: 36 In Favor 0 Against 3 Abstentions 1 Present**

*Committee Vote (Land Use and Housing): 11-0-0-1. Non-Committee Board Members: 4-0-0-0.*

Summary of Application:

The City of New York through the Department of Housing Preservation & Development has filed ULURP application No. #C200140PPM to enable the disposition of City-owned property at 266 West 96<sup>th</sup> Street. Block 1243. Lot 57. The property would be acquired by Fetner Properties, a private developer. The City-owned site consists of a long unused IRT subway substation. Adjacent to and west of the substation are two lots previously occupied by the Salvation Army and the NAACP Roy Wilkins Center, Inc.; Fetner currently controls these two sites.

Fetner proposes to build a single residential building on the three lots. The proposed building would rise 235 feet excluding a bulkhead with a setback from the building line at 155 feet. The building would contain 171 rental housing units ranging from "compact" studios to three-bedroom apartments. Sixty-eight (68) of the units (39.8%) would be permanently allocated for affordable housing. Ten percent (10%) of the affordable units (approximately seven units) would be set aside for rental to homeless individuals or families. The ground floor would contain community facility space and would rehouse the Salvation Army, along with other tenants. The second floor and cellar would contain tenant amenities, including a fitness center for tenant use. The developer has committed to provide affordable-rate tenants access without additional charge.

The proposed building would retain the lower stone portion of the façade of the existing IRT substation building at the ground floor and replicate that effect across the full width of the new building, and would incorporate two cartouches attached to the brick portion of the original façade. The bulk of the façade above the lower floors would be common red brick with various stone accents.

The proposed development conforms in all respects to applicable zoning for the combined sites (R10A – Contextual Zoning with the "Inclusionary Housing" program).

The project site is on the south side of West 96<sup>th</sup> Street between Broadway and West End Avenue. The corridor along West 95<sup>th</sup>, 96<sup>th</sup> and 97<sup>th</sup> Streets between Central Park West and the Henry Hudson Parkway has consistently been identified as among the most dangerous thoroughfares in CB7's District. It is also less than one block away from a public elementary and middle school at the corner of West 96 Street and West End Avenue.

Because the subject property was used as a subway substation, it was examined preliminarily for soil and air contaminants which were found to be present. The developer has entered the New York State Brownfield Cleanup Program which provides for the submission of a protocol to assure the safe cleanup of any contaminants. Prior to the issuance of a building permit, the site would be required to be certified as successfully remediated by the New York State Department of Environmental Conservation, and the hazardous materials removed from the site; would be required to be disposed of in a manner consistent with the State mandates. The developer's filings under the

*Date: December 17, 2019*

*Committee of Origin: Land Use Committee Joint with Housing Committee*

*Re: 266-270 West 96<sup>th</sup> Street (Broadway-West End Avenue.)*

*Full Board Vote: 36 In Favor 0 Against 3 Abstentions 1 Present*

Page 2 of 2

Brownfield Program, including its remediation work plans, will be publicly available with postings at the Community Board 7's District Office and the NYPL St. Agnes branch library, as well as online.

The allocation of apartments as between affordable and market rate is set forth on Schedule A attached to this resolution. The allocation of apartments within the affordable housing portion is set forth in Schedule B. Of note is that 29 of the 68 affordable units are to be reserved for individuals or families whose income is up to 130% of area median income (AMI) for the New York City region. A family of four earning 130% of AMI currently could earn up to \$138,710 annually.

The proposed building features several compact studios ranging in size from 265 to 380 square feet. The developer proposes to furnish these compact units with built-ins designed to maximize space in the units. Approximately 12 larger studios would be rented unfurnished.

At this time, 39.8% of the planned compact and larger studios and of the one- and two-bedroom apartments will be reserved for affordable-rate tenants.

Resolution approving application:

Subject to the Conditions and Strong Recommendations set forth below, Community Board 7 Manhattan ("CB7") APPROVES the proposed disposition of 266 West 96<sup>th</sup> Street to Fetner Properties.

Conditions:

CB7's approval of the disposition is subject to inclusion in a restrictive declaration recorded prior to the issuance of a Temporary or permanent Certificate of Occupancy of the following:

1. A requirement that the developer, through a recognized community-based organization, reach out to local non-profit agencies, including agencies serving senior citizens, to ensure that local residents, in particular seniors, are made aware of the availability of the affordable housing units and their eligibility to apply through a lottery to occupy those units; and that the developer provide support and/or assistance for those filling out applications for said affordable housing lottery.

2. That the developer, in cooperation with CB7, form a community construction coordination committee to include neighbors of the project and one or more members of CB7 for the purpose of ensuring that construction proceeds at the project site with minimal disruption to neighbors and to address any issues (including without limitation transportation and traffic issues) that may arise during construction; said community coordinating committee to convene no less frequently than once a month, under the auspices of the Community Board.

Strong Recommendations:

1. CB7 understands that the final mix of affordable housing units has not as yet been settled between the developer and the City. CB7 is concerned that a high percentage of the "affordable units" will be leased to individuals or families with annual incomes in excess of \$130,000. CB7 is unaware of the terms of the disposition agreed upon between the developer and the City and cannot specifically condition its approval on any particular mix of income levels for the affordable units. However, CB7 believes that it is reasonable, under all circumstances, to reserve at least 75% of the affordable units of each size (i.e., studio, one bedroom and two bedrooms) for individuals and families earning less than 100% of the AMI (\$74,700 for an individual and \$106,700 for a family of four).

2. CB7 understands that the NYC Department of Transportation is willing to provide for a curb extension at the southwest corner of 96<sup>th</sup> Street and West End Avenue, approximately one-half block from the subject property. The curb extension, however, cannot be built unless a "partner" is found willing to maintain the extension. CB7 urges the developer to consider becoming that partner. The curb extension will benefit the entire community, including tenants at the subject property.

# Borough President Recommendation

**City Planning Commission**  
120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271  
Fax # (212) 720-3488

## 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: 200140PPM

### Docket Description:

**IN THE MATTER OF** an application by the NYC Department of Housing Preservation and Development (HPD) to dispose of City-owned property on Block 1243, Lot 57 to facilitate the development of a new twenty-three story mixed-use affordable housing development on the Upper West Side in CD 7, Manhattan.

COMMUNITY BOARD NO: 7

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

*John A. Brewer*

1/21/2020

\_\_\_\_\_  
BOROUGH PRESIDENT

\_\_\_\_\_  
DATE



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) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

**Gale A. Brewer, Borough President**

January 21, 2020

**Recommendation on ULURP Application No. 200140 PPM  
266 West 96<sup>th</sup> Street  
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”) is seeking the disposition of a city-owned property located at 266 West 96<sup>th</sup> Street (Block 1243, Lot 57). This property, along with two adjacent parcels located to the west, are proposed to be re-developed into a mixed-use building which would be 23 stories in height and contain approximately 171 residential units (“Proposed Building” or “Project Site”). The city-owned parcel is currently occupied by a decommissioned four story MTA electrical substation and the other two parcels are occupied by a two story building occupied by the Salvation Army (Block 1243, Lot 59) and a two story building occupied by the NAACP Roy Wilkins Center (Block 1243, Lot 60). The Project Site is located in the Upper West Side neighborhood of Manhattan Community District 7.

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 need to be made to make a property eligible for disposition under Section 197-c, § 1802 (6) (j) of the City Charter limits HPD to the disposition of residential real property.

**BACKGROUND**

**Area Context**

This portion of the Upper West Side contains a mix of residential and commercial uses, with Broadway and Columbus Avenues serving as the main commercial corridors. The area is primarily zoned R10A, although there are some R8 districts, particularly above West 97<sup>th</sup> Street. Below West 96<sup>th</sup> Street Broadway is zoned C4-6A, while above West 97<sup>th</sup> Street it is zoned R9A with a C1-5 overlay. The portion of Broadway adjacent to the Project Site is located within a Special Enhanced Commercial District. That special district has the goal of fostering “the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages” along the avenue<sup>1</sup>. In addition, the Project Site is immediately to the east of the Riverside-West End Historic District Extension II.

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<sup>1</sup> [ZR § 132-00](#)

The Project Site is one half block away from the West 96<sup>th</sup> Street train station, which provides access to the 1, 2, and 3, subway lines. There is also a West 96<sup>th</sup> Street station four blocks to the east, which provides access to the B and C subway lines. The M96 bus provides crosstown service, and stops in front of the Project Site, while the M104 bus provides uptown and downtown service and runs along Broadway. The Project Site is two blocks from a ramp system that connects to the Henry Hudson Parkway.

The Project Site is approximately two blocks away from Riverside Park and a half mile from Central Park. P.S. 75, the Emily Dickinson School, is located approximately one block from the Project Site.

### **Actions Regarding Project Site**

Originally built in 1904, the MTA electrical substation at 266 West 96<sup>th</sup> Street became obsolete as transit began to rely on newer technology. On June 11, 1990, the City Planning Commission voted in favor of Application No. C 900431 PPM, filed by the City's Division of Real Property ("DRP", the predecessor to the Department of Citywide Administrative Services). That action approved the disposition of the electrical substation. On July 19, 1990, the Board of Estimate also voted to approve the disposition. Both votes outlined a series of conditions<sup>2</sup>:

1. That the New York City Division of Real Property (DRP) inform in writing all concerned agencies including the Office of Management and Budget (OMB) of the proposed disposition of this property and convene a meeting to discuss any possible use of space in any new development on this site for social service purposes;
2. That if any agency expresses an interest in utilizing space in any new development on this site for a public use, and funding for such a use is available, that the feasibility of such a use be fully explored by DRP; and
3. That upon DRP review of any such interest, a summary be drafted and circulated to all concerned agencies including the City Planning Commission.

Upon receiving approval from the Board of Estimate, DRP attempted to sell the substation, along with the two adjacent properties that comprise the Project Site. DRP was not successful in identifying a buyer and the Salvation Army and NAACP buildings continued their respective uses, while the MTA substation remained vacant.

The Applicant proposes to dispose of the site without the restrictions outlined in 1990. If approved, this application would supersede the Board of Estimate action.

### **Site Description**

The Project Site is located on the south side of West 96<sup>th</sup> Street, bound by West End Avenue and Broadway, and is in an R10A district, which allows a base FAR of 10.0. R10A districts also

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<sup>2</sup> [CPC Report dated June 11, 1990](#)



require that buildings have a base height of 125 to 150 feet and an overall building height no greater than 210 feet. Through the Inclusionary Housing Program the FAR can be increased to 12.0. Similarly, the base height allowance can be raised to 125 to 155 feet while the overall building height can be raised to a maximum of 235 feet.

The Salvation Army and NAACP buildings are both two story buildings. The electrical substation is four stories tall. The individual lot areas are outlined below.

**Table 1: Project Site Square Footage**

<b>Lot</b>	<b>Use</b>	<b>Lot SF</b>	<b>Percentage</b>
57	MTA Substation	5,034	48.4%
59	Salvation Army	2,518	24.2%
60	NAACP	2,850	27.4%
		<b>10,402</b>	<b>100.0%</b>

**PROPOSED PROJECT**

The applicant proposes to build a 23 story tower on the site, which will include approximately 171 residential units and approximately 10,500 square feet of community facility use. The building would include 68 permanently affordable units—39.8 percent of the total residential units. The Salvation Army, a current occupant on the site, would occupy approximately 6,500 square feet of the community facility space, which is approximately 1,000 square feet smaller than their current space on the site. Exact use of the Salvation Army is to be determined, but the organization is considering continuing the operation of their donation center. The NAACP has elected not to return to the site and would consolidate their operations within their existing offices.

The table below outlines the residential unit distribution by size and AMI.

**Table 2: Unit Distribution by Unit Size and AMI**

	<b>Compact</b>	<b>1 &amp; 2 Bedrooms</b>	<b>3 Bedrooms</b>	<b>Total</b>	<b>Percentage of Total Units</b>
50%	5	5	0	10	5.8%
70%	15	14	0	29	17.%
130%	15	14	0	29	17.%
Market Rate	45	50	8	103	60.2%
	<b>80</b>	<b>83</b>	<b>8</b>	<b>171</b>	<b>100%</b>

Of the 171 residential units, 80 would be compact studio apartments, which would range in size from 266 square feet to 378 square feet. Additionally, the affordable units will have a 50% community preference.

Approximately 41,850 zoning square feet would be dedicated to the affordable housing component of the Proposed Building. This percentage represents 36% of the total residential zoning square footage.

The Project site would be tested and remediated according to the standards of the New York State's Brownfield Cleanup Program. That program gives developers the opportunity to receive tax credits in exchange for the remediation of their site. Additionally, the proposed building is expected to receive an as-of-right 421-a tax abatement.

## **COMMUNITY BOARD RESOLUTION**

On December 17, 2019, Community Board 7 passed a resolution recommending approval of the application, with conditions. At the public hearing, the Board expressed a desire for more deeply affordable housing and a concern that the compact units would not be appropriate for residents, particularly for seniors. The Board's conditions included outreach to local residents—particularly seniors—to ensure that they are aware of the availability of the proposed affordable units. The Board also requested the formation of a community construction coordination committee.

The Board also included in its resolution two "strong recommendations." The first outlined a change in the housing program that would designate at least 75 percent of the affordable units for households and individuals earning less than 100% AMI. These units, the Board suggested, should be distributed across the different unit sizes.

## **BOROUGH PRESIDENT'S COMMENTS**

While the City Charter does not outline any particular findings or requirements for the disposition of City-owned property, I have long believed that when city-owned land is redeveloped into housing, that housing should be 100% affordable. When Manhattan Community Board 7 first voted on the matter of disposition of the site in question in March 1990, it noted both the lack of public sites on the Upper West Side and the fact that this site presented an opportunity to provide social services in the community. 30 years later, both of those conditions remain true. The Upper West Side has been substantially developed, and the City of New York finds itself in the midst of an affordable housing crisis. We need significant investment in affordable housing—a social benefit that this site can provide. We cannot forego an opportunity to build more affordable housing, especially on a city-owned site that will be receiving a variety of financial benefits, including an HPD project subsidy, a property tax abatement, and funding through the Brownfield Cleanup program. For those reasons, I find the Applicant's proposal to make affordable only 36% of the residential square footage unacceptable.

The lack of deeply affordable housing in the Proposed Building is also of concern to me. 43% of the affordable units would go to households and individuals earning 130% AMI, or about \$138,000 a year for a family of four. Furthermore, fifteen of the compact units would be set at 130% AMI, making those units accessible only to *individuals* earning up to \$97,000 a year. With

so few development sites left on the Upper West Side, I am disappointed to see that this proposal does not include a more significant deeply affordable component.

The Proposed Building meets the Inclusionary Housing requirements for bedroom mix, which mandate that at least half of the affordable units be one and two bedroom units. However, the Applicant proposes that all eight of the three-bedroom units in the building be market rate units. Additionally, 35 of the compact units would be designated as affordable, representing 51% of the total number of affordable units. In comparison, only 44% of the market rate units would be compact units. These figures seem to represent a decision to place a higher value on the *quantity* of affordable housing units instead of providing appropriately sized units that may better meet the needs of New Yorkers. I do not believe that the proposed unit size distribution is in the spirit of treating the affordable component of the Proposed Building in the same manner as the market rate component.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

Therefore, the Manhattan Borough President recommends **disapproval** of ULURP Application No. 200140 PPM unless the Applicant meets the following conditions:

1. **Quantity of Affordable Units:** Given the benefits that the proposed building is expected to receive, including the ability to purchase the building for a nominal fee, HPD subsidy, a property tax abatement, and tax credits through the Brownfield program, I believe that *a minimum of 65% of the units in the project should be affordable;*
2. **Depth of Affordability:** More units should be made accessible to lower income households. At least half of the affordable units should be affordable to households earning up to 60% AMI, with the remaining units available to households earning up to 130% AMI; and
3. **Size of Residential Units:** compact units should comprise no more than 15% of the total number of units in the project.



Gale A. Brewer  
Manhattan Borough President

February 11, 2020

Honorable Marisa Lago, Chair  
Members, New York City Planning Commission  
120 Broadway, 31<sup>st</sup> floor  
New York, NY 10271

**Re: 266 West 96<sup>th</sup> Street - ULURP Application 200140PPM**

Dear Chair Lago:

The New York City Department of Housing Preservation and Development (HPD) has presented the referenced ULURP application to facilitate the development of a mixed-income affordable housing development project containing 171 residential units with community facility space. The proposed development will be located in the Upper West Side Neighborhood of Manhattan, Community District 7.

During the January 22<sup>nd</sup> City Planning Commission (CPC) Hearing, the CPC requested follow-up responses to a few questions. Our responses to your feedback are as follows:

1. **As part of the 2013 approvals for the “My Micro NY” pilot project (also known as Carmel Place), HPD agreed to evaluate the following aspects of the project: resident characteristics and demographics, market demand for micro-units (distinguishing between market-rate and affordable units), the financial health of the micro-unit building, tenant experience and common space usage, and the micro-unit building’s relationship to the neighborhood.**

Please see attached report.

2. **Provide more details on the NAACP’s prior use of the site.**

The NAACP Roy Wilkins Center, Inc. (“Roy Wilkins”) is an independent 501(c)(3) corporation. Roy Wilkins has rented its property to other non-profit organizations, such as the NAACP Mid-Manhattan Branch, African Voices (an arts and literature organization), and Sprout (an organization providing cultural and social activities for people with developmental disabilities). Roy Wilkins has obtained Attorney General approval to sell Lot 60 (the NAACP site) to the project sponsor who will advance the 266 W. 96<sup>th</sup> Street project.

The proceeds of the sale of Lot 60 will continue to benefit community organizations like the NAACP Special Contributions Fund, the NAACP Legal Defense and Education Fund, the Mid-Manhattan Branch of the NAACP, and Studio Museum in Harlem, among other organizations.



Thank you in advance for your considerations.

Respectfully submitted,



Veanda Simmons, Director  
HPD Manhattan Planning Division

**NYC**



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**Carmel Place Report**

February 2020

Carmel Place is located at 335 East 27<sup>th</sup> Street (Block 933, Lot 10). The project contains 55 residential units (22 affordable units and 33 market-rate units). Development was completed in 2016 and was fully leased by the end of 2016.

HPD has consulted with the developer of the project, Monadnock Development, to prepare the following report.

- **Resident characteristics and demographics**

The AMI levels of the affordable units range from 80% to 130% AMI. Eight of the affordable units are rented to formerly homeless veterans.

- **Market demand for micro-units, distinguishing between market-rate and affordable units**

The entire building is leased. The project received 60,568 applications for the 14 marketed affordable units. The developer reports that more applicants than normal asked to view the units prior to proceeding with the application process. However, the developer has no hard evidence that there was a higher turn-down rate than in other buildings.

- **Financial health of the micro-unit building**

The developer reports that the project is in a strong financial position: rental revenue increased 3% between year-end 2018 and year-end 2019, operating expenses are in line with HDC standards, and debt service coverage is solid.

- **Tenant experience and common space usage**

The developer reports that there are varied activities offered in the community lounge, including yoga classes, wine tasting events, and gatherings for holiday events. During the summer, residents use the roof terrace. Additionally, the common areas have Wi-Fi and residents often use the common areas to work on their computers.

- **Micro-unit building's relationship to the neighborhood**

The building has one commercial tenant, the Daily Grind Coffee Shop, which the developer reports is a good fit in terms of tenant utilization and potential for community interactions. The developer reports that residents complain about the local homeless population.



February 27, 2020

Honorable Marisa Lago, Chair  
Members, New York City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor

Re: 266 West 96<sup>th</sup> Street – ULURP Application 200140PPM

Dear Chair Lago,

In response to questions raised during review of the 266 West 96<sup>th</sup> Street ULURP application, the New York City Department of Housing Preservation and Development (HPD) is committed to providing further information about the Carmel Place project (formerly known as “My Micro NY”), which was developed following the adAPT NYC initiative. This report will use a range of qualitative and quantitative data available to the agency and will be delivered to the Commission six months from now. Substantively, this report will seek to shed light on the experience of Carmel Place (for example, describing in further detail how marketing-and-lease-up for the project went, as well as the long-term operational structure of the project), and it will also be an opportunity to share information with the Commission about the broader need and demand for a wider range of housing typologies in the city.

To ensure that this report will meet the needs of the Commission and help to fulfill the agency’s previous (2013) commitment to provide information about the My Micro NY pilot project, we will share a draft project scope with you in advance of final report delivery. We look forward to working with you on this matter.

Sincerely,



Leila Bozorg  
Deputy Commissioner, Neighborhood Strategies

