



CITY PLANNING COMMISSION

June 8, 2005 /Calendar No. 9

C 050275HAM

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 156 Rivington Street (Block 349, Lot 33), as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD;

to facilitate the rehabilitation of an existing community arts center under HPD's Community Works Program, Borough of Manhattan, Community District 3.

Approval of three separate matters is required:

1. The designation of 156 Rivington Street (Block 349/Lot 33) in the Borough of Manhattan, as an Urban Development Action Area;
2. An Urban Development Action Area project for such property; and
3. The disposition of such property to a developer to be selected by the Department of Housing Preservation and Development (HPD).

The application for the UDAAP area designation and project, and the disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on January 26, 2005.

Approval of this application would facilitate the rehabilitation of a four-story building for use as a community arts center. The project site is located in the Lower East Side. The proposed project is tentatively known as ABC No Rio.

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

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

BACKGROUND

The Department of Housing Preservation and Development seeks approval of an Urban Development Action Area designation and project, and disposition of a city-owned property to facilitate the ABC No Rio project. The project site is located on the north side of Rivington Street between Suffolk and Clinton streets in the Lower East Side, Manhattan Community District 3.

The subject site is located in an R7-2 zoning district with a C1-5 commercial overlay which allows residential development up to 3.44 FAR and community facility uses up to 6.5 FAR. The overlay

allows for commercial use up to 2 FAR. The proposed project site consists of one city-owned lot occupied by a four-story building. The lot area of the site is approximately 2,300 square feet. The site is flanked by low-rise commercial buildings. Mixed commercial/residential buildings can be found along Rivington Street. The existing building is currently occupied by ABC No Rio, a local not-for-profit organization that is a community center for arts and activism.

The organization has been located in the building for more than twenty years.

The block and surrounding area are predominantly mixed use in character, with nearby blocks having a mix of city-owned and privately owned vacant and occupied residential buildings with ground floor commercial use and several community facilities. The neighborhood is typified by five- or six-story, brick buildings. Commercial and retail uses are available on East Houston, Rivington Street, and nearby Delancey Street. The nearest subway station is located at Delancey and Essex Streets (F,J,M, and Z lines). The East Houston Street and 1st Avenue station (F and V lines) is also nearby and several bus lines service the area on East Houston, Essex Street and Delancey Street.

The requested actions would facilitate the rehabilitation of a four-story building for use as a community arts center. The UDAAP project will be developed through HPD's Community Housing Works Program. Under HPD's Community Works Program, not-for-profit organizations purchase City-owned properties for use as community facilities. This program enables organizations to either purchase and rehabilitate vacant City-owned buildings or purchase and conserve the buildings that they

already occupy under lease agreements with the City. After the sale and any necessary rehabilitation, purchasers are required to operate the properties as community facilities.

ENVIRONMENTAL REVIEW

This application (C 050275 HAM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq ., and the City Environmental Quality Review (CEQR) Rules for Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Housing Preservation and Development.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 050275 HAM) was certified as complete by the Department of City Planning on February 14, 2005, and was duly referred to Community Board 3 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 3 held a public hearing on this application (C 050275 HAM) on March 15, 2005 and on March 29, 2005 by a vote of 29 in favor, 0 opposed with 1 abstentions, adopted a resolution recommending approval of this application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving this application on May 2, 2005.

City Planning Public Hearing

On April 27, 2005 (Calendar No. 2), the City Planning Commission scheduled May 11, 2005 for a public hearing on this application (C 050275HAM). The hearing was duly held on May 11, 2005 (Calendar No.16). There were four speakers in favor of the application and no speakers in opposition.

The speakers included a representative from the Department of Housing Preservation and Development (HPD) and three representatives of ABC No Rio. The HPD representative described the history of the building and the proposed project: the existing 4 story building would be rehabilitated and would provide a community arts center for the existing tenant, ABC No Rio. The HPD representative stated that the purchase price for the building would be \$1.

The three representatives of ABC No Rio described the organization's experience in providing art resources, facilities and educational programming. They stated that ABC No Rio was founded on the

Lower East Side 24 years ago and has been committed to the arts and social activism. They stated that, if they should become owners of their building, they would be able to expand their arts program and services. The rehabilitated building would be a multi-use community arts center with a performance and exhibit gallery, several art spaces and a computer room.

There were no other speakers and the hearing was closed.

CONSIDERATION

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

The Commission notes that the requested actions would facilitate the rehabilitation of a city-owned building, located in the Lower East Side, for use as a community arts center. The Commission believes that such facility would provide much-needed arts for the community's diverse population, and would respond to Lower East Side's ongoing need for arts resources and arts educational programming.

The Commission believes that the proposed project would provide an opportunity for a range of Lower East Side and City residents to access free or low-cost arts programs and events. The proposed project has several notable aspects, including the provision of performance space and exhibit gallery, several art spaces and a computer room. The Commission notes that the intended developer, ABC No Rio, has occupied the building for 24 years.

The proposed rehabilitation of the four-story building would allow a noteworthy community facility to continue to provide arts opportunities for Lower East Side residents while supplementing ongoing public redevelopment efforts and cultural resources on neighboring blocks.

RESOLUTION

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property 156 Rivington Street (Block 349, Lot 33), located in Community District 3, Borough of Manhattan, as an Urban Development Action Area; and

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

THEREFORE, be it 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 156 Rivington Street (Block 349, Lot 33) as an Urban Development Action Area,
- b) an Urban Development Action Area Project for such area;

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

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

BE IT FURTHER RESOLVED, by the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of city-owned property located at 156 Rivington Street (Block 349/33), in Community District 3, Borough Manhattan, to a developer to be selected by the Department of Housing Preservation and Development, is approved (C 050275HAM).

The above resolution (C 050275 HAM), duly adopted by the City Planning Commission on June 8, 2005 (Calendar No.9), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, ESQ., Vice Chair
ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E.,
ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,

**RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,
CHRISTOPHER KUI, JOHN MEROLO,
KAREN A. PHILIPS, DOLLY WILLIAMS, Commissioners**