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**IN THE MATTER OF** an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property located at 207/217 East 127<sup>th</sup> Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters, Borough of Manhattan, Community District 11.\*

\*(197-d(b)(2) eligible)

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This application (C 170269 PCM) was filed on February 8, 2017, by the Department of Sanitation (DSNY) and the Department of Citywide Administrative Services (DCAS) to facilitate the relocation of the Manhattan 11 District Garage and Lot Cleaning Unit to 207-217 West 127<sup>th</sup> Street (Block 1792, Lot 5 and part of Lot 28) in East Harlem.

**RELATED ACTIONS**

In addition to the requested site selection and acquisition action (C 170269 PCM) that is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

N 170270 HCM      Minor Amendment to Harlem-East Harlem Urban Renewal Plan

**BACKGROUND**

The Department of Sanitation (DSNY), in conjunction with the Department of Citywide Administrative Services (DCAS), proposes to acquire approximately 119,560 square feet of space located at 207-217 East 127<sup>th</sup> Street, in East Harlem, Manhattan Community District 11.

The space to be acquired comprises an existing 3-story building with approximately 91,478 square feet of floor area; approximately 3,800 square feet of outdoor paved parking space that abuts the 3-story building to the north and approximately 24,282 square feet of outdoor paved parking space

that abuts the 3-story building to the west. The aforementioned outdoor paved parking spaces and the 3-story building are on the same zoning lot.

The Manhattan 11 (M11) District Garage is currently located at 343 East 99th Street (Block 1671, Lot 20) in Manhattan, Community District 11. It is directly across the street from Metropolitan Hospital and is under the jurisdiction of the New York City Health and Hospitals Corporation, but is utilized by DSNY under a Memorandum of Understanding. The garage is a two-story, 37,128-square-foot building on an 18,678 square foot site that accommodates DSNY's personnel and equipment. Built in 1920, DSNY has used this building since 1967.

In addition to the garage, DSNY also has two open parking areas on Block 1671, on Lots 23 and 27, which are both City-owned, and on Lot 25, a privately owned lot leased by DSNY. All of the M11 garage facilities and storage lots are proposed to be relocated. The block (Block 1671) is zoned R7A, with a C1-5 and C2-5 commercial overlays along First and Second Avenues, respectively. These zoning districts do not allow the sanitation garage use as-of-right, and the current garage facility does not conform to the zoning. In addition, the garage building itself is undersized and cannot accommodate all of the assigned equipment indoors. The second floor slab is deteriorating and unable to support the DSNY's equipment. The required structural renovations cannot be performed without DSNY vacating the building. As a result, DSNY vehicles are often parked on surrounding streets during the day, taking up public parking spaces, and creating conflict with both the hospital and residents. DSNY has long sought to close this facility and relocate the garage to a more appropriate site. The Community Board 11 Statement of District Needs for the Fiscal Year 2017 called for the relocation of the M11 garage and better service to the area. The Community Board also urged that with "the construction of a new consolidated sanitation garage for the CB 11 catchment area, best practices in environmental controls including air quality and sound quality are considered."

The DSNY Lot Cleaning Unit (LCU) Headquarters is a division of the Bureau of Cleaning, which is responsible for the assignment of equipment and personnel. LCU Headquarters directs and monitors the cleaning of abandoned lots and structures throughout the City, while the Manhattan

LCU provides this service specifically within the borough of Manhattan. The LCU Headquarters and Manhattan LCU personnel are currently located at 177 East 123rd St (Block 1772, Lot 31), between Third and Lexington Avenues. Constructed in 1925, the building is privately-owned, and comprises three stories totaling approximately 27,819 square feet of floor area. DSNY leases the building and has occupied the site since 1971; its current lease expires on November 12, 2017. The building contains offices, lockers, and showers for LCU personnel. Seven City-owned lots, totaling 19,502 square feet and located at 157 - 175 East 123rd Street (Block 1772, Lots 23, 24, 25, 26, 28, 29 and 30) are used for equipment parking. Only the personnel from the LCU Headquarters would be relocated. DSNY will maintain use of the aforementioned seven City-owned lots for LCU equipment parking.

The proposed relocation site for the M11 District Garage and LCU Headquarters at 207-217 East 127<sup>th</sup> Street is located within an M3-1 manufacturing district. M3-1 districts allow commercial and manufacturing uses up to a floor area ratio (FAR) of 2.0. Residential and community facility uses are not permitted as-of-right in M3-1 districts.

The project site comprises a through-lot located on the north side of East 127<sup>th</sup> Street between Second and Third Avenues. It is privately owned by the Potamkin Development Corporation LLC and, currently, the Potamkin Hyundai/Mitsubishi car dealership utilizes much of the site. The approximately 48,152-square-foot parcel is developed with a three-story 91,478-square-foot building used as offices and storage of vehicle inventory by Potamkin, with rooftop and cellar parking and an at-grade 24,282-square-foot parking lot. The parking lot is currently used for vehicle storage by a paratransit vendor for Access-A-Ride, as well as employee vehicles. The Access-A-Ride vehicles would be relocated to an at-grade parking lot immediately east of the site, which is also owned and operated by Potamkin. Vehicle access to the at-grade parking lot is by curb cuts on both East 127<sup>th</sup> and East 128<sup>th</sup> Streets, and personnel vehicle access to the garage area within the building is from separate curb cuts located on East 127<sup>th</sup> Street.

The new DSNY facility would house vehicles providing refuse collection, recycling, and winter emergency services to Manhattan's Community District 11. The garage would occupy the existing, three-story 91,478-square-foot building, which would be renovated for DSNY's use and would include employee offices, and small vehicle and accessory parking. The western side of

the building incorporates a one-way vehicular ramp that provides full access to all floors in the building, including the cellar used for parking and the roof. The building would also be enlarged by an approximately 8,750-square-foot, one-story addition for vehicle maintenance, repairs, washing and storage. In addition, DSNY would have use of a 3,800-square-foot parking lot to accommodate vehicle storage and equipment. The facility would be operational following an approximately 15- to 18-month construction period.

The M11 Garage currently has 65 assigned personnel and 41 assigned vehicles. It operates 24 hours per day, six days (Monday through Saturday) per week, with three working shifts: 6:00 AM to 2:00 PM; 4:00 PM to 12:00 AM; and 12:00 AM to 8:00 AM. The LCU Headquarters would have 45 personnel and two collection trucks assigned at this location. The principal day shift for the LCU staff is 6:00 AM to 2:00 PM.

DSNY trucks would access the site from East 128th Street and exit through a curb cut on East 127th Street. Employees and light-duty vehicles would enter and exit the site from existing curb cuts along East 127th Street. A new curb cut along 128th Street would provide access to the proposed building addition.

Based on current M11 Garage and LCU employee practices, staff would be expected to travel to the proposed project site primarily via automobile, with a few employees utilizing public transportation. Overall, there would be expected to be a total of 80 vehicle trips into and out of the project site for a total of 160 trips per day (including collection and recycling trucks, basket and relay vehicles, and City and employee cars).

Other uses on the block include the Potamkin car dealership that abuts the project site to the east and a church that abuts the project site to the west. The church occupies the block's Third Avenue frontage, between East 127<sup>th</sup> and East 128<sup>th</sup> Streets. The area surrounding the proposed garage facility has a mix of commercial, residential and institutional uses. Typical uses include auto-related uses, four- to six-story multiple dwellings and high-rise public housing. Commercial streets and local retail activity can be found along portions of Second and Third Avenues, and along East 125<sup>th</sup> Street. Major commercial anchors in the area include Gotham

Plaza and Gateway Plaza, both of which are located at East 125<sup>th</sup> Street and Lexington Avenue.

The 126<sup>th</sup> Street Bus Depot, a former MTA 176-bus garage, is located on the east side of Second Avenue, within one block of the project site. The bus depot is proposed for mixed-use, mixed-income development. The Robert F. Kennedy/Triborough Bridge is also located one block east of the project site; cars exiting the bridge often use East 126<sup>th</sup> Street as a preferred means of traveling west from Second Avenue.

The neighborhood is well-served by mass transit, with subway access provided at Lexington Avenue and East 125<sup>th</sup> Street by the IRT Nos. 4, 5 and 6 subway lines. Bus service is also available on East 125<sup>th</sup> Street and on Second and Third Avenues.

The project site is located within the Harlem-East Harlem Urban Renewal Area, which expires in 2020. It is designated as Site 16A, which is designated in the plan for use as a “materials recycling facility.” In 1991, DSNY operated the East Harlem Intermediate Processing Center, a recyclables material recovery facility, located on the western end of the project site between 127<sup>th</sup> Street and 128<sup>th</sup> Street. This facility was created to test the viability of processing food and beverage containers made of metal, glass, and plastic into marketable commodities. It closed in 1994. Therefore, the proposed project would also require a minor modification to the Harlem-East Harlem Urban Renewal Plan (N 170270 HCM). The Department of Housing Preservation and Development is the applicant for the requested urban renewal amendment action. The proposed minor modification would reflect site boundary changes for Urban Renewal Sites 16A, 16B, 16C, 16D, 16E and 16F. It would also change the Plan’s land use controls on Urban Renewal Site 16A from “material recycling facility” to “light industrial uses,” a designation that is more compatible with the proposed use for the site and would facilitate its use as a sanitation garage. The minor modification to the allowable use would also ensure that heavy industrial uses would not be placed on the site.

## **ENVIRONMENTAL REVIEW**

This application (C 170270 PCM), in conjunction with the related action (N 170270 HCM), 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 15DOS007M. The Lead Agency is the Department of Sanitation.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on August 3, 2016.

## **UNIFORM LAND USE REVIEW**

This application (C 170269 PCM) was certified as complete by the Department of City Planning on February 21, 2017, and was duly referred to Community Board 11 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 an Amendment to the Harlem-East Harlem Urban Renewal Plan (N 170270 HCM) which was referred for information and review in accordance with the procedures for non-ULURP matters.

## **Community Board Public Hearing**

Community Board 11 held a public hearing on this application (C 170269 PCM), on April 18, 2017 and on that date, by a vote of 27 in favor, one in opposition, and with two abstentions, adopted a resolution recommending disapproval of the application with the following comments:

“ NOW, THEREFORE, BE IT

RESOLVED, that CB11M therefore stands firmly against the proposed relocation of the M11 Sanitation Garage, the Manhattan Lot Cleaning Unit, and the LCU Headquarters to 207-17 East 127th Street unless the aforementioned conditions of real investment and community input are inclusive in a project to which ample funds are allocated, and; be it further

RESOLVED, that CB11M demands the Mayor, elected officials and DSNY revisit the relocation and development of a fueling station to honestly consider the health and well-being of children and families beyond minimum health standards, so as to ensure the integrity, beauty and mission of an improved East Harlem, and invest in this community in a manner similar to the Manhattan 1/2/5 sanitation site.”

### **Borough President Recommendation**

This application (C 170269 PCM) was considered by the Manhattan Borough President, who on May 23, 2017, issued a recommendation to disapprove the application until presented with a fully designed garage on an appropriate site or a temporary facility that meets the Fair Share Criteria as efforts continue on the former.

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

On May 10, 2017 (Calendar No. 14), the City Planning Commission scheduled May 24, 2017, for a public hearing on this application (C 170269 PCM). The hearing was duly held on May 24, 2016 (Calendar No. 32).

At the public hearing, four speakers from the applicant team testified in favor of the application; eight speakers testified in opposition. The applicant team included DSNY’s Commissioner, Director for Real Estate, Assistant Commissioner for Environmental Review and project architect.

The Sanitation Commissioner described the project, its purpose and need, and the agency’s community outreach. The Director for Real Estate described DSNY’s planned operations on the proposed site. The Assistant Commissioner for Environmental Review stated that odor studies taken at a DSNY garage with refuse in a collection truck demonstrated that odor is generally undetectable only a few feet away from the parked vehicle. The project architect described proposed screening and the feasibility of enclosing the outdoor parking area.

Those speaking in opposition included the Deputy Borough President for Manhattan, the chair of Community Board 11, and community residents. All speakers expressed concern about siting a sanitation garage at this location, with its proximity to other development sites and to Harlem River

and Crack is Wack parks. The speakers also stated that because the facility will not be fully enclosed air quality could suffer and odors could escape. Other concerns included truck traffic and the lack of a design and planning sensitivity similar to that given to DSNY's Spring Street facility.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that the grant of the requested site selection and acquisition action, in conjunction with the related application for the proposed amendment to the Harlem-East Harlem Urban Renewal Plan, is appropriate.

The current Manhattan District 11 Garage was built in 1920, and has been used by DSNY since 1967. The proposed facility will provide a critical service to the East Harlem community and replace an existing garage in poor physical condition, which compromises DSNY's ability to efficiently deliver its services. Community Board 11's Statement of District Needs for the Fiscal Year 2017 called for the relocation of the M11 garage, as well as better service to the area.

During public review, the Commission heard testimony and received correspondence from community residents, stakeholders and non-residents concerned about the proposed location of the facility; its design and visual effect on neighboring properties; potential odors and related quality-of-life impacts; and public health concerns, such as fears over increased childhood asthma. Additional concerns included the perceived inequity resulting from other Manhattan DSNY garages having enclosed truck storage, and that other reasonable alternative sites were not fully considered. These concerns were echoed by the Borough President and Community Board 11. In response, on June 1, 2017, DSNY submitted a letter to the Commission addressing these concerns, which are discussed below.

The Community Board, Borough President and local residents have urged DSNY to consider enclosing the proposed facility and have pointed to the DSNY Spring Street Garage, which houses Manhattan Districts 1, 2 and 5, as a model for the Manhattan District 11 facility. At the public



hearing, DSNY stated that there are key differences between the Spring Street garage (i.e., the Manhattan District, 1, 2 and 5 garage) and the proposed East 127<sup>th</sup> Street facility.

The Spring Street garage site was a City-owned vacant parking lot, which had no existing building that could be readapted for DSNY use, a critical difference from the East 127<sup>th</sup> Street site, which would be leased from a private owner. For City facilities, as a matter of policy, the City prefers to invest more capital resources to develop property it already owns, as opposed to that committed for leased property, such as the Potamkin site, which provides an interim solution to a current pressing need. Moreover, the Spring Street garage, as a City-owned structure, was subject to the local law requirement that it be constructed in accordance with Leadership in Energy and Environmental Design (LEED) principles so as to attain LEED Silver status. This requirement does not apply to a leased facility, such as the East 127<sup>th</sup> Street acquisition site.

As DSNY noted in their testimony and in the June 1, 2017 letter, the Spring Street facility, with three sanitation districts (Manhattan 1, 2, and 5), required upper vehicle storage floors to accommodate the assigned fleets, with a ramp access system, and so could not be open to the sky. Protection of the ramps from the elements (rain, snow, sleet, and ice) was an important safety factor in enclosing that structure, as heavy vehicles travel up and down these ramps. By contrast, the Manhattan District 11 facility is proposed to serve one district, and that the truck storage area of the facility would not require an upper floor or ramps.

The Spring Street facility also has a salt shed, the design of which has been publicly acclaimed. The Manhattan District 11 garage already has access to a DSNY salt shed in the vicinity, which is located at First Avenue and East 124<sup>th</sup> Street; accordingly, no new salt shed is required.

The proposed facility would be screened from public view at street level. In response to concerns raised during the public review process, DSNY consulted with the project's architects to determine if it would be feasible to add a roof or additional screening to the truck storage area. As stated in the DSNY letter, “. . . We believe that fully enclosing the truck yard is impractical and unwarranted in this case, as it would add considerably to the floor area and cost of the project, with minimal advantage gained.”

During the public review, concerns were raised about potential off-site odors from the unenclosed parking of DSNY collection trucks. DSNY asserts that odors will not be a problem for several reasons. DSNY's prior odor studies taken at a garage with refuse in a collection truck demonstrated that odor is generally undetectable only a few feet away the parked vehicle. These studies were referenced in the July 2016 Environmental Assessment Statement prepared for the M11 Garage (see discussion on Page 52, citing DSNY Comprehensive Solid Waste Management Plan, Final Environmental Impact Statement, Appendix J - Collection Vehicle Odor Sampling Report, March 2005).

Moreover, DSNY Manhattan District 11 collection trucks will dump their loads on the same shift at the new East 91st Street Marine Transfer Station (MTS) that is nearing completion. Consequently, the trucks will not need to be stored at the garage with refuse in their hoppers, and fugitive odors will thereby be minimized.

DSNY will have a wash bay at the garage. If odor develops from residue remaining post-dumping, DSNY has informed the Commission that they will increase the frequency of truck hopper rinsing when the trucks return to the garage to park. As stated previously, DSNY is proposing to fully screen the site with walls and rollup doors. These doors would be closed after trucks depart in the morning and kept closed until they return in the midday. Once the main day-shift trucks return, the doors can be kept closed except for the occasional departure or return of trucks on the 4:00 pm to midnight shift. Although DSNY is confident that no odors will be present, such enclosure would help prevent any odors that do exist from leaving the site. Service sedans and personal cars would use other doors at the proposed facility.

At the public hearing, as well as in their June 1, 2017 letter, DSNY stated that they, at the request of Community Board 11, looked at other sites for the relocation of the Manhattan District 11 garage and Lot Cleaning Headquarters. In response, as part of the Fair Share analysis, DSNY reviewed several sites; all have issues relating to size, proximity to residential areas, accessibility, funding, or need for condemnation.

For example, a site located at West 155th Street, which is located within Manhattan Community District 10, was considered for the Manhattan District 11 garage. DSNY's initial proposal was to site a two-district garage complex for Manhattan District 9/Manhattan District 10. According to DSNY, the West 155th Street site comprises a mix of City-owned property, privately owned small businesses and a privately owned garage that is located in a predominantly residential community. Relocation to this site would require the condemnation of several privately owned properties and displacement of small businesses, making it an undesirable option.

DSNY also considered siting the new Manhattan District 11 garage and LCU Headquarters on what was thought to be vacant City-owned property on Randall's Island. Community Board 11 suggested three partial lots on Randall's Island; Block 1819 and part of Lots 15, 30 and 40, which were believed to be vacant, underutilized, and owned by the NYC Department of Citywide Administrative Services. At the public hearing and in their letter, DSNY stated that they contacted the Fire Department (FDNY) and the Department of Environmental Protection (DEP) to determine if either agency had vacant or unused parcels on Randall's Island; both agencies reported that all assigned properties are utilized. FDNY operates an extensive training academy on Randall's Island, which includes a subway tunnel with two subway cars. DEP operates the Ward's Island Wastewater Treatment Plant, which collects and treats sewage and removes harmful pollutants before discharging effluent into the Upper East River.

Additionally, DSNY investigated other potential sites on Randall's Island. The State of New York owns the entire area south and west of the Amtrak line, and it is leased to the NYS Office of Mental Health, which operates several mental health facilities under long-term 50-year leases. The remainder of the island is mapped parkland as part of Randall's Island Park. Accordingly, there are no available vacant or unused City-owned parcels of adequate size to site the Manhattan District 11 garage on Randall's Island.

The Commission notes that DSNY considered a Con Edison-owned site at 2137 First Avenue for the Manhattan District 8 Garage and, alternatively, as a site for a joint Manhattan District 8/Manhattan District 11 garage. As described in their June 1, 2017 letter, the lot has 95,869 square feet, with approximately 191,938 square feet of developable area. Con Edison currently uses the

site as a utility substation and employee parking. Surrounding uses are primarily residential; a commercial/office building is located across First Avenue. The site is also in close proximity to Thomas Jefferson Park. According to DSNY, Con Edison has consistently declined DSNY's requests to sell the site, stating that the site is a key asset in meeting the city's future energy requirements and is a focus of Con Edison's long-term planning and service delivery needs.

After the May 24<sup>th</sup> public hearing, a member of Community Board 11 apprised DSNY of another potential garage site. The site comprises a privately owned auto repair garage at Third Avenue and East 111<sup>th</sup> Street (Block 1660, Lots 1, 3, 4, and 45). The site is located in an R8A district, which does not allow DSNY garages as-of-right. As stated in their June 1<sup>st</sup> letter, upon review, DSNY determined that the site's size - approximately 22,000 square feet of lot area - makes it too small to house Manhattan District 11's operation.

The Commission notes that DSNY favors siting City facilities on City-owned property, and in their letter stated that “DSNY favors siting City facilities on City-owned land where feasible, and is hopeful that at some point in the near future, a site will become available to construct a multi-district garage for Community Districts 10 and 11. Once a site is identified and funding approved, it would generally take a minimum of 10-12 years for site selection and acquisition, land-use approval, and the design and construction of a new garage.”

The Commission recognizes the urgency for DSNY to relocate its Manhattan District 11 Garage, given the deteriorated condition of the garage structure; the poor working conditions for DSNY employees assigned to that location; and the garage's location opposite Metropolitan Hospital. However, the Commission also notes that, while necessary, the requested acquisition site is not the ideal solution to serve DSNY's long-term service delivery needs given its size, location and the mixed-use development activity proposed for neighboring blocks. DSNY has apprised the Commission that all vehicles and equipment assigned to the proposed Manhattan District 11 facility would be parked and stored on-site and not on the street, which is a significant improvement over how vehicles are parked and serviced at East 99<sup>th</sup> Street. Accordingly, the Commission urges DSNY to honor its commitment to park on-site and to not park its collection

trucks and other sanitation vehicles (e.g., salt spreaders, front-end loaders, light utility vehicles) on East 127<sup>th</sup> or East 128<sup>th</sup> streets, or on Second and Third avenues.

The Commission acknowledges DSNY's willingness to continue to look for another site and urges DSNY to continue to work with elected officials, Community Board 11 and community residents to identify a permanent garage site that will serve this community's future sanitation needs.

In addition to the requested site selection and acquisition action that is the subject of this report, DSNY requests approval of a minor modification to the Harlem-East Harlem Urban Renewal Plan to change the urban renewal land use controls for Site 16A, on which the proposed DSNY facility would be sited. The requested amendment to the Plan would change Site 16A land use controls from "material recycling facility" to "light industrial uses". The requested amendment would also update the Plan to reflect site boundary changes for Urban Renewal Sites 16A, 16B, 16C 16D, 16E and 16F. These changes are required to facilitate the use of the site by the Department of Sanitation.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment, 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 and findings described in this report, the application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property located at 207/217 East 127<sup>th</sup> Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters, Borough of Manhattan, Community District 11, is approved.

The above resolution (C 170269 PCM), duly adopted by the City Planning Commission on June 21, 2017 (Calendar No. 17) 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.

**MARISA LAGO**, *Chair*  
**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*  
**RAYANN BESSER, IRWIN G. CANTOR, P.E.,**  
**ALFRED C. CERULLO, III, MICHELLE DE LA UZ,**  
**JOSEPH DOUEK, RICHARD W. EADDY,**  
**HOPE KNIGHT, LARISA ORTIZ**, *Commissioners*

**ORLANDO MARÍN**, *Commissioner*, voting no

**CHERYL COHEN EFFRON, ANNA HAYES LEVIN**, *Commissioners*, abstaining

Application #: **C 170269 PCM**

Project Name: **DSNY DISTRICT 11 GARAGE AND LOT CLEANIN**

CEQR Number: 15DOS007M

Borough(s): **MANHATTAN**

Community District Number(s): **11**

Please use the above application number on all correspondence concerning this application

**SUBMISSION INSTRUCTIONS**

- Complete this form and return to the Department of City Planning by one of the following options:
  - EMAIL (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
  - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters, Borough of Manhattan, Community District 11.

Applicant(s): NYC Department of Sanitation 125 Worth Street, Room 710 New York, NY 10013		Applicant's Representative: Arlana Davis Executive Director of Real Estate NYC Department of Sanitation 125 Worth Street, Room 808 New York, NY 10013	
Recommendation submitted by: Manhattan Community Board 11 <input type="checkbox"/>			
Date of public hearing: 4/18/17		Location: National Black Theatre 2031 5 <sup>th</sup> Avenue, NY NY 10025	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.	
Date of Vote: 4/18/17		Location: NATIONAL BLACK THEATRE 2031 5 <sup>th</sup> Avenue, NY NY 10035	
<b>RECOMMENDATION</b> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove <input type="checkbox"/> Approve With Modifications/Conditions <input checked="" type="checkbox"/> Disapprove With Modifications/Conditions			
Please attach any further explanation of the recommendation on additional sheets, as necessary.			
<b>Voting</b> # In Favor: 27 # Against: 1 # Abstaining: 2 Total members appointed to the board: 46			
Name of CB/BB officer completing this form Angel Mescanin		Title District Manager	Date 4/20/17



Diane Collier  
**Chair**

Angel D. Mescain  
**District Manager**

## COMMUNITY BOARD ELEVEN

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April 18, 2017

Marisa Lago  
Director  
New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10271

### **Re: Land Use Application No. 170269PCM, 170270PCM – M11 Sanitation Garage Relocation**

On April 18, 2017, Community Board 11 (CB11) held a public hearing and voted on Land Use Application Nos. 170269PCM, 170270PCM, submitted by the New York City Department of Sanitation, the New York City Department of Citywide Administrative Services and the New York City Department of Housing Preservation & Development with respect to a proposed project which would result in the relocation of the Manhattan District 11 Sanitation Garage, Manhattan Lot Cleaning Unit and Headquarters to a site located at 207-17 East 127<sup>th</sup> Street (Block 1792, Lot 5 and p/o Lot 28) between Second Avenue and Third Avenue and East 127<sup>th</sup> Street and 128<sup>th</sup> Street in the Borough of Manhattan. The Manhattan District 11 Sanitation Garage and Manhattan Lot Cleaning Unit and Headquarters are currently located elsewhere in Manhattan Community District 11 (East Harlem).

Our board has considered this project over the past few months and has hosted several presentations by the development team.

#### Project Description

The City of New York (“City”) Department of Sanitation (“DSNY”) with the Department of Citywide Administrative Services (“DCAS”) proposes to acquire (acquisition terms to be determined), approximately 119,560 square feet (SF) of space comprising (a) an entire building of approximately 91,478 SF, (b) approximately 3,800 SF of outdoor parking space, and (c) approximately 24,282 SF adjacent land on which a new building, comprising of approximately 8,750 SF of space will be constructed by the property owner, at 207-17 East 127th Street (aka 2495 Second Avenue and/or 206-20 East 128<sup>th</sup> Street), in the Borough of Manhattan, all to be used by DSNY. The purpose of this project is to relocate the Manhattan District 11 Garage (M11), the Manhattan Lot Cleaning Unit (LCU), and the LCU Headquarters (collectively the "Proposed Project"), all currently located elsewhere in Manhattan Community District 11.

The Proposed Project Site, Block 1792 Lot 5 and p/o Lot 28, is within the East Harlem neighborhood in Manhattan Community District 11. The Proposed Project site is privately owned by the Potamkin Development Corporation LLC, with the Potamkin Hyundai/Mitsubishi car dealership occupying much of the site. The approximately 48,152 SF parcel is located in an M3-1 zoning district, and includes an at-grade 24,282 SF parking lot, currently used for vehicle storage by a paratransit vendor for Access-A-Ride, as well as employee vehicles. Currently, there is a three story 91,478 SF office building with roof top and cellar parking.



M11 would relocate from its current undersized and outdated facility at 343 East 99<sup>th</sup> Street, between First and Second Avenues. Staff from the LCU Headquarters and Manhattan LCU Office would relocate from their leased location at 177 East 123<sup>rd</sup> Street. Currently DSNY also uses seven City-owned lots in tandem with the East 123<sup>rd</sup> Street facility. Most of the assigned LCU vehicles would continue to be parked on these lots.

The new facility would house DSNY vehicles providing refuse and recycling collection and winter emergency services to Manhattan Community District 11. The property owner would retrofit the existing building to accommodate DSNY employee support space, offices, and small vehicle and accessory parking, and would also construct a one-story approximately 8,750 SF building addition which would store vehicles, and include a 1,870 SF vehicle wash bay and a 2,995 SF mechanics' bay. An outdoor, at-grade parking area would accommodate up to 24 collection trucks/large vehicles. A 14 foot fence and a 30 foot wide coil roll-up doors would screen the site. The garage would have a 4,000 gallon underground diesel fuel storage tank and dispenser, and above ground tanks for motor oil, waste oil, and hydraulic oil (1,000 gallons each). The facility would be operational in late 2017 or early 2018 following an approximately 15-18-month construction period.

M11 has 65 assigned personnel, of which approximately two-thirds would report to the Proposed Project site over a typical 24-hour period. M11 has 41 assigned vehicles, consisting of collection trucks, salt spreaders, sedans, SUV's, etc. The Manhattan LCU and LCU headquarters will have 45 personnel assigned, of which approximately two thirds will report on a peak day. The LCU will have two collection trucks at this location. The principal day shift is 6:00AM to 2:00PM. The garage would operate 24 hours per day, 7 days per week, with minimal operations on Sunday. The trucks will enter from East 128th Street, and travel south to refuel on site. A few cars will also enter the parking area from 128th street, but most will enter from 127th street. Employee and DSNY staff would access the Project Site from existing curb cuts along East 127<sup>th</sup> Street. Egress would also be from East 127th Street.

The approved site selection and acquisition application would allow DSNY in conjunction with DCAS to acquire the property.

The Proposed Project requires City Planning Commission ("CPC") approval of the site selection and acquisition for the proposed DSNY Garage at 207-17 East 127th Street, Borough of Manhattan, pursuant to the City's Uniform Land Use Review Procedure ("ULURP"), Section 197-c of the NYC Charter and an amendment to the Harlem-East Harlem Urban Renewal Plan (HEHURP). The Department of Citywide Administrative Services ("DCAS") is co-applicant for the ULURP application. The Department of Housing Preservation and Development ("HPD") is co-applicant for the amendment to the Harlem East Harlem Urban Renewal Plan (HEHURP). A draft Environmental Assessment Statement ("EAS") has been prepared to assess the environmental impact, resulting in a Negative Declaration. A consistency review with the City's Waterfront Revitalization Program has also been prepared.

#### Actions Necessary to Facilitate the Proposal

To facilitate the proposed project, this application requests the following actions:

- 1) Site Selection of a public facility (P2016M0200) by DCAS
- 2) Acquisition of real property (acquisition terms to be determined) by DCAS
- 3) Amendment to the Harlem-East Harlem Urban Renewal Plan (HPD would amend the HEHURP to redraw certain Site boundaries and change Site 16B usage from "materials recycling facility" to "light industrial uses")
- 4) Consistency Review of the project with the Waterfront Revitalization Program by the City Coastal Commission

The Proposed Project requires the CPC approval of the site selection and acquisition for the proposed DSNY Garage at 207-17 East 127th Street, Borough of Manhattan, pursuant to the City’s Uniform Land Use Review Procedure (ULURP), Section 197(c) of the NYC Charter as well as an amendment to the Harlem-East Harlem Urban Renewal Plan.

While there is no zoning change necessary for the Proposed Project site, an amendment is needed to the Harlem-East Harlem Urban Renewal Plan. The proposed amendment to the Harlem East Harlem Renewal Plan would modify certain plan development site boundaries and to change Sites 16B controls from “material recycling facility” to “light industrial uses.”

The Proposed Project complies with the current zoning for the project site. The proposed addition to the existing building is designed to reflect the existing building character of the area. It will be one story comprising approximately 8,750 SF, within the allowable 2.0 FAR. The Proposed Project is consistent with the location and design of other similar DSNY facilities within Manhattan and other similarly dense areas of the City.

These actions are necessary to facilitate the Proposed Project so that DSNY M11 garage may relocate from its current inadequate location at East 99th Street to an improved garage facility that will enable DSNY to maintain Community District 11 with essential sanitation and winter emergency services.

#### Community Board Comments

Community Board 11 voted to adopt the following resolution opposing these land use applications and the project as proposed:

WHEREAS, Community Board 11 of Manhattan (“CB11M”) encompasses the neighborhood of East Harlem, Randall’s Island and Ward’s Island and was established with a primary mission to advise elected officials and government agencies on matters affecting the social welfare of the district to ensure the interests, health, safety, prosperity, and welfare of the people are increased and/or preserved;

WHEREAS, CB11M has requested the relocation of the existing Manhattan Community District 11 (“M11”) Sanitation Garage from 343 East 99th Street (between First Avenue and Second Avenue), where it is adjacent to both healthcare and residential uses, to a more suitable location away from such neighboring uses;

WHEREAS, to facilitate the above-mentioned relocation, CB11M has proposed various suitable sites and has submitted repeated requests to the Mayor and City Council to allocate funds to provide a new facility and/or upgrade existing sanitation facilities within Community District 11 (“CD11”);

WHEREAS, in response, the NYC Department of Sanitation, (“DSNY”), together with the NYC Department of Citywide Administrative Services (“DCAS”) and the NYC Department of Housing Preservation & Development (“HPD”), has submitted a land use application seeking approval of certain actions which would permit the relocation of the M11 Sanitation Garage, the Manhattan Lot Cleaning Unit (“LCU”) and LCU Headquarters to 207-17 East 127th Street (between Second Avenue and Third Avenue);

WHEREAS, CB11M has stated its opposition to the proposed relocation of the above-mentioned facilities to 207-17 East 127th Street as the site is also adjacent to both healthcare and residential uses, and thus an equally unsuitable location—a concern expressed in letters submitted by CB11M in May 2016 and July

2013 to the Commissioner of the NYC Department of Sanitation, and voiced in numerous Community Board meetings by both CB11M Board Members and residents of the community;

WHEREAS, DSNY's proposal disregards the stated concerns of the East Harlem community regarding the proposed relocation as well as the needs of CD11's residents, business owners, health care centers, education entities, and green space preservationists;

WHEREAS, CD11 already hosts a sanitation garage for Community District 10 ("CD10") on 131st Street (between Lexington Avenue and Park Avenue), and the proposed relocation will increase exponentially the concentration of refuse in a two square mile area, which underscores the disregard DSNY and the current administration has for the City's Fair Share Mandate;

WHEREAS, DSNY's proposal is clearly indicative of the City's lack of concerted investment in the East Harlem community, in comparison to the investment seen in the sanitation facility for the SoHo community, which houses less than a third of the number of children and families that reside in CD11;

WHEREAS, DSNY has ignored past requests to provide a new facility and/or to upgrade CD11's existing sanitation garages with the most advanced indoor air filtration system and zero emissions sanitation trucks, and a new facility that meets LEED Gold standards, in preparation for the expected influx of residents as predicted and based on the City's rezoning proposal, and;

WHEREAS, the proposed relocation is contraindicative to the East Harlem Neighborhood Plan ("EHNP") as it does nothing to avoid further environmental and health damage to the East Harlem community, and affords no consideration to the increased negative health impacts, pedestrian and vehicular congestion, negative impact on property value, forthcoming population increase, increase of refuse related in the area, and the treatment of CD11 as a refuse center for other neighborhoods;

NOW, THEREFORE, BE IT

RESOLVED, that CB11M therefore stands firmly against the proposed relocation of the M11 Sanitation Garage, the Manhattan Lot Cleaning Unit, and the LCU Headquarters to 207-17 East 127th Street unless the aforementioned conditions of real investment and community input are inclusive in a project to which ample funds are allocated, and; be it further

RESOLVED, that CB11M demands the Mayor, elected officials and DSNY revisit the relocation and development of a fueling station to honestly consider the health and well-being of children and families beyond minimum health standards, so as to ensure the integrity, beauty and mission of an improved East Harlem, and invest in this community in a manner similar to the Manhattan 1/2/5 sanitation site.

*Full Board Vote: 27 in favor, 1 opposed, 2 abstained*

If you have any questions please contact Angel Mescain, our District Manager, at 212-831-8929 or amescain.cb11@gmail.com.

Sincerely,



Diane Collier  
Chair

Enclosure(s): 4

cc: Hon. Melissa Mark-Viverito, Speaker, New York City Council  
Hon. Bill Perkins, New York City Council  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Robert J. Rodriguez, New York State Assembly  
Hon. Inez E. Dickens, New York State Assembly  
Hon. Jose M. Serrano, New York State Senate  
Arlana Davis, New York City Department of Sanitation  
Randal Fong, New York City Department of Citywide Administrative Services  
Daniel Hernandez, New York City Department of Housing Preservation & Development  
Candy Vives-Vasquez, Community Board 11  
Judith Febbraro, Community Board 11



Diane Collier  
*Chair*

Angel D. Mescaín  
*District Manager*

## COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
1664 PARK AVENUE  
NEW YORK, NEW YORK 10035  
TEL: (212) 831-8929/30  
FAX: (212) 369-3571  
[www.cb11m.org](http://www.cb11m.org)

May 2, 2016

Kathryn Garcia  
Commissioner  
New York City Department of Sanitation  
346 Broadway  
New York, NY 10013

Dear Commissioner Garcia,

Community Board 11 is opposed to the Department of Sanitation's planned relocation of the Manhattan District 11 (M11) garage to the location on the Potamkin Auto Mall at 127th and 128th Streets between 2nd and 3rd Avenues. In a letter to then Commissioner Doherty, dated July 12, 2013, our board communicated its opposition to a similar plan to relocate the garage to that site (see attached).

As presented to our Land Use, Landmarks & Planning Committee on February 10, 2016, the proposed project does not address the concerns we had expressed in our earlier letter regarding the siting of a sanitation garage at that location. Moreover, this project does not address our FY2017 Budget requests (see attached) to construct a consolidated sanitation garage for our district using best practices in environmental controls including air quality and sound quality nor does this plan propose to relocate the M10 garage out of our district.

Our community is in need of a successful economic development project in the Urban Renewal area and a sanitation garage of comparable status as the proposed Brookdale garage and the newly built Hudson Square garage. An open parking lot does not meet these needs for this community, especially as they related to environmental and public health concerns such as air quality and noise.

The Community Board asks that the Department of Sanitation develop and identify plans for a consolidated enclosed garage for Manhattan District 11. The recently released East Harlem Neighborhood Plan (see attached) requires that a new sanitation garage meet or exceed LEED Gold standards and also asks that the M10 garage at 110 East 131st Street be relocated to a location within Community Board 10.

We request that the Department of Sanitation consider alternative sites within our district, including Randall's Island, for a new enclosed facility for the MN11 garage and that a list of these sites be provided to our office with an explanation as to the feasibility of each site considered.

If you have any questions or concerns, please contact our District Manager, Angel Mescain, at 212-831-8929 or amescain.cb11@gmail.com.

Sincerely,

A handwritten signature in black ink that reads "Diane Collier". The signature is written in a cursive style and is enclosed in a thin black rectangular border.

Diane Collier  
Chair  
Community Board 11

Enclosures (3)

cc: Daniel Klein, New York City Department of Sanitation (via email)  
Andres DeLeon, New York City Department of Sanitation (via email)  
Arlana Davis, New York City Department of Sanitation (via email)  
Hon. Bill Perkins, New York State Senate (via email)  
Hon. Jose M. Serrano, New York State Senate (via email)  
Hon. Keith L.T. Wright, New York State Senate (via email)  
Hon. Robert J. Rodriguez, New York State Senate (via email)  
Hon. Gale Brewer, Manhattan Borough President (via email)  
Hon. Inez E. Dickens, New York City Council (via email)  
Hon. Melissa Mark-Viverito, New York City Council (via email)



Matthew S. Washington  
Chairman

George Sarkissian  
District Manager

## COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
1664 PARK AVENUE  
NEW YORK, NEW YORK 10035  
TEL: (212) 831-8929/30  
FAX: (212) 369-3571  
[www.cb11m.org](http://www.cb11m.org)

July 12, 2013

Thomas J. Doherty  
Commissioner  
New York City Department of Sanitation  
346 Broadway  
New York, NY 10013

Dear Commissioner Doherty:

Community Board 11 is opposed to the NYC Department of Sanitation's planned relocation of the Manhattan District 11 (M11) garage to a location adjacent to the Potamkin Auto Mall site between 127<sup>th</sup> & 128<sup>th</sup> Streets and 2<sup>nd</sup> and 3<sup>rd</sup> Avenues and further requests that Sanitation work with our board to identify an agreeable new site and scenario for relocating the M11 garage.

This community district currently houses two sanitation garages, its own M11 at 99<sup>th</sup> Street and Second Avenue as well as the Manhattan District 10 garage at 130<sup>th</sup> Street and Park Avenue. The proposed relocation of the MN11 garage to 127<sup>th</sup> Street would result in two garages being located five square blocks from each other within our community. The area immediately adjacent to the proposed relocation site currently includes an elementary school on the same block and two heavily used public parks. Additionally, the block directly across the street from the proposed relocation site is intended for a large scale development project which will include hundreds of units of housing, much of which will be located in the area of the proposed garage.

As such, the same concerns our community has voiced with regard to the 99<sup>th</sup> Street garage being located in such close proximity to residential development would be reflected at the new site, as the new "garage" will continue to function without an enclosed facility and the strict environmental air filtering requirements found in modern sanitation garages. This proposal would simply move a problem from one location to another without addressing community concerns about public safety, environmental impacts, increased traffic, and noise pollution.

We request that you work with the community to come up with more creative alternatives that would allow all trucks to be parked inside of a building rather than parking them on the street. This is an important project and we look forward to working with the Department of Sanitation to come up with the best possible solution.

Please feel free to contact our District Manager, George Sarkissian, at 212-831-8929 or [gsarkissian@cb.nyc.gov](mailto:gsarkissian@cb.nyc.gov) with any questions.

Sincerely,

Matthew S. Washington  
Chairman  
Community Board 11

cc: Daniel Klein, New York City Department of Sanitation (via email)  
Andres DeLeon, New York City Department of Sanitation (via email)  
Hon. Bill Perkins, New York State Senate (via email)  
Hon. Jose M. Serrano, New York State Senate (via email)  
Hon. Keith L.T. Wright, New York State Assembly (via email)  
Hon. Robert J. Rodriguez, New York State Assembly (via email)  
Hon. Scott M. Stringer, Manhattan Borough President (via email)  
Hon. Inez E. Dickens, New York City Council (via email)  
Hon. Melissa Mark-Viverito, New York City Council (via email)  
La Shawn Henry, Community Board 11 (via email)  
Peggy Morales, Community Board 11 (via email)





# sanitation

**DIVISION OF CUSTOMER SERVICE  
AND GOVERNMENT RELATIONS**  
125 Worth Street, Room 728  
New York, New York 10013  
Telephone (646) 885-4503  
Fax (212) 788-9336

October 3, 2013

Mr. Matthew S. Washington, Chairman  
Manhattan Community Board 11  
1664 Park Avenue  
New York, NY 10035

Dear Chairman Washington:

I am writing in reply to your letter to Commissioner John Doherty regarding the relocation of the Manhattan 11 Sanitation Garage.

The Department of Sanitation (DSNY) has, as you know, discussed conditions around our Manhattan 11 garage on E. 99<sup>th</sup> Street with Community Board 11 and your elected representatives for more than a decade. CB 11 and the surrounding residential and hospital community has wanted this facility relocated for many years. At the same time, CB 11 has also wanted the relocation of our Manhattan 10 garage which is also located in CD 11.

Ideally, a suitable site for a new garage would be identified and acquired which would resolve both of these issues. Unfortunately, despite the Department's best efforts, DSNY has never been able to obtain such a site. At this time, a solution has been identified that would address the issues at E 99<sup>th</sup> Street.

As explained to CB 11 earlier this summer, the City has the opportunity to lease a portion of the Potamkin site at East 127<sup>th</sup> Street and Second Avenue. Obtaining this space would allow the relocation of the Manhattan 11 garage from E. 99<sup>th</sup> Street and the vacating of leased space occupied by our Lot Cleaning operation on East 123<sup>rd</sup> Street.

While this solution may not be perfect, it is the most realistic way we can resolve the E. 99<sup>th</sup> Street garage situation. The City's budget does not include funding for the construction of a new garage for Manhattan 10 and there are no sites currently available in that community district.

[www.nyc.gov/sanitation](http://www.nyc.gov/sanitation)

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**Fiscal Year 2017 Preliminary Budget Register**  
**Community District 11, Manhattan**  
**Expense Budget Priorities and Requests**

Priority	Tracking Code	Project Information	Agency Response
44	311201740E	<p><b>Request:</b> Address air quality issues</p> <p><b>Explanation:</b> Alternate locations are needed for the EH Sanitation Garages, which likely contribute to the airborne particulate matter that triggers asthma. The M-10 Sanitation Garage, which is supposed to serve and be located in the neighborhood of Central Harlem, is located on 131st Street and Park Avenue-- in direct violation of the City's Fair Share Mandate. This garage must be permanently relocated to Central Harlem to avoid further environmental and health damage to the East Harlem community.</p> <p><b>Responsible Agency:</b> Department of Sanitation</p>	<p>This program is currently funded and the Department of Sanitation recommends its continued support.</p>
45	311201733E	<p><b>Request:</b> Reduce rat populations</p> <p><b>Explanation:</b> The catchment area for the Rat Reservoir program should be expanded to include more areas in East Harlem, especially busy commercial corridors. Additionally, the program should target new construction sites, as the construction often drives rat populations into the streets/surrounding buildings.</p> <p><b>Responsible Agency:</b> Department of Health and Mental Hygiene</p>	<p>DOHMH continues to increase the number of inspections performed annually and has expanded our successful rat indexing approach to Manhattan (which has more than one inspector). We also continue to respond to all 311 complaints and readily participate in walk-through events requested by the community in areas of concern. Feel free to contact us to request a walk-through. Additional services would be contingent upon available resources.</p> <p>Additional comment: Increase in abatement as well.</p>

# 4.

## **Improve air quality in East Harlem by reducing congestion and mitigating vehicular emissions.**

### 4.1

Institute a pilot enforcement program to reduce congestion at key intersections and along key commercial corridors. Reduce vehicular idling (school buses, trash trucks, taxis, double-parkers).

### 4.2

Modify parking and loading/unloading regulations (such as via implementing rush hour regulations) along 125th St. between 1st Avenue and 5th Avenue, with the purpose of speeding up cross town bus times and improving air quality. Establish a similar set of recommendations for commercial deliveries to improve the efficiency of commercial truck traffic along East Harlem's other primary commercial corridors (116th Street, 106th Street, Lexington Avenue, and 3rd Avenue).

### 4.3

When bus or sanitation depots are redeveloped within East Harlem, require that new buildings meet or exceed LEED Gold standards.

### 4.4

Encourage passive building design standards in the rezoning area and develop incentives for developers to pursue passive building construction.

### 4.5

Relocate the M10 Sanitation Garage at 110 East 131st St. (at the intersection of Lexington & Park Ave) to a more suitable

location within Community Board 10. The M10 Garage only serves residents of CB10, but is located within CB11.

### 4.6

Relocate the existing M11 Sanitation Garage from 343 East 99th St. (between 1st & 2nd Ave, where it is adjacent to both healthcare and residential uses), to a more suitable location.

# 5.

## **Improve the energy resiliency and independence of East Harlem residents by increasing access to non-fossil fuel based renewable energy.**

### 5.1

Explore the possibility of incorporating a special zoning district to allow for the generation of non-fossil fuel renewable power for community use and sale back to the grid as a revenue generator, to facilitate the development of a microgrid.

### 5.2

Pilot a microgrid initiative at NYCHA's East River Houses and Metro North Plaza, Metropolitan Hospital, and several schools in the south-east part of the district.

### 5.3

Working in consultation with both NYCHA and NYCHA residents, develop and install energy storage infrastructure on NYCHA property (within a microgrid pilot area) to facilitate the following objectives: 1) greater resiliency and reliability in the event of a blackout; 2) the reduction of the need

for dirty peaker plant energy; and 3) generate revenue for NYCHA. The batteries can be used to store energy from off-shore wind facilities, with power purchased through the NYC Bulk Transmission System. Study the feasibility of siting enough storage infrastructure to reach 30mW of energy storage capacity.

# 6.

## **Reduce waste generated in East Harlem and improve the effectiveness of sanitation operations in commercial corridors in East Harlem.**

### 6.1

Improve sanitation along commercial corridors in East Harlem by installing more waste receptacles and providing more frequent sanitation pick-ups.

### 6.2

Set up a demonstration project in East Harlem NYCHA developments to evaluate NYCHA Recycles! Program and NYCHA resident-driven recycling initiatives.

***TRANSPORTATION,  
ENVIRONMENT  
& ENERGY***

# 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 170269 PCM and C 170270 HCM

### Docket Description:

#### **C 170269 PCM**

**IN THE MATTER OF** an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of property located at 207/217 East 127th Street (Block 1792, Lots 5 and part of 28) to facilitate the relocation of Department of Sanitation Manhattan 11 District Garage and Lot Cleaning Unit Headquarters; and

#### **C 170270 HCM**

**IN THE MATTER OF** an application submitted by Department of Sanitation, the Department of Housing Preservation and Development and Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter for the review of a proposed 16<sup>th</sup> Amendment to the Harlem-East Harlem Urban Renewal Plan:

Borough of Manhattan, Community District 11.

COMMUNITY BOARD NO:

11

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

May 23, 2017  
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

May 23, 2017

**Recommendation on ULURP Application Nos. C 170269 PCM and C 170270 HCM  
By the NYC Department of Sanitation, the NYC Department of Citywide Administrative  
Services, and the NYC Department of Housing Preservation & Development**

**PROPOSED ACTIONS**

The city of New York's Department of Sanitation (DSNY), along with the Department of Citywide Administrative Services (DCAS) are seeking approval of multiple land use actions to facilitate the development of a new district garage facility for Manhattan Community District 11, the Manhattan Lot Cleaning Unit (LCU) and the LCU Headquarters at 207-17 East 127<sup>th</sup> Street (Block 1792, Lot 5 and part of Lot 28) in the East Harlem neighborhood, Community Board 11 (CB11) in the Borough of Manhattan.

The actions include: 1) Site Selection of a public facility (P2016M0200) and the acquisition of real property (acquisition terms to be determined) by DCAS; and 2) an Amendment to the Harlem-East Harlem Urban Renewal Plan for uses permitted on the site.

*Site Selection and Acquisition of Real Property for City Facilities*

The New York City Charter mandates that the "acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease be subject to the Uniform Land Use Procedure. While no specific findings must be met to make a property eligible for acquisition pursuant to Section 197-c, site selection and acquisition of a city facility must be analyzed pursuant to the New York City Charter's "Criteria for the Location of City Facilities" as adopted by the City Planning Commission.

The 1989 City Charter required the City Planning Commission to "adopt criteria to further the fair distribution of the burdens and benefits associated with city facilities, consistent with community needs for services and efficient and cost effective delivery of services and with due regard for the social and economic impacts of such facilities upon the areas surrounding the sites." The Criteria for the Location of City Facilities has been in effect since 1991, and they are applied whenever the city sites a new facility by purchase or new lease.

The Criteria are intended to be part of a fair and open process with significant and early community involvement. While the Fair Share Criteria do not dictate any particular outcome, the sponsoring agency and the City Planning Commission must consider the Fair Share Criteria in siting facilities to assist in balancing a number of factors, such as community needs for services;

efficient and cost-effective delivery of those services; effects on community stability and revitalization; and broad geographic distribution of facilities. Certain criteria (set forth in Article 4.1) apply to all facility siting or expansions, while additional criteria (set forth in Article 5.1) apply to the siting or expansion of “local or neighborhood facilities.” Other criteria are to be considered for the siting of a “regional or citywide facility” (Article 6.1).

#### *Amendments to an Urban Renewal Plan*

The City has designated the Harlem-East Harlem Urban Renewal Area (“HEHURA”) as an urban renewal area and established the Harlem-East Harlem Urban Renewal Plan (“HEHURP”) pursuant to Article 15 of the General Municipal Law (“Urban Renewal Law”). The Department of Housing Preservation and Development (“HPD”) represents the City in carrying out the provisions of the Urban Renewal Law pursuant to §502(5) of the Urban Renewal Law and §1802(6)(e) of the Charter. The City originally designated the HEHURA and approved the HEHURP in 1968. The HEHURP was last amended in 2008 (Fifteenth Amendment) and expires in December, 2020. Any changes must be reviewed by the City Council.

## **PROJECT DESCRIPTION**

The Department of Sanitation (DSNY) and Department of Citywide Administrative Services (DCAS) propose to acquire Lot 5 and part of Lot 28 of Block 1792 for the development of a new DSNY facility. The purpose of the ‘Proposed Project’ will be to relocate the Manhattan District 11 Garage (M11), the Manhattan Lot Cleaning Unit (LCU) and the LCU Headquarters, all of which are located in aged facilities within District 11.

### **Background**

As mandated in the City Charter, DSNY operates a district garage for each of the 59 Community Districts throughout the city. Community District boundaries are coterminous with DSNY service district boundaries. Where feasible, for operational efficiency DSNY seeks to locate its district garages within the corresponding Community Districts they serve. The M11 Garage is currently located in the southeast section of Manhattan (MN) Community District 11 (CD11). The proposed site would relocate to the northeast part of the MN CD 11. The Proposed Project will consolidate the M11 Garage operations with LCU offices and allow the City to vacate garage facilities at East 99th Street and LCU office facilities at East 123rd Street.

#### *Current M11 Garage Operations at 343 E 99<sup>th</sup> Street*

The M11 garage located at 343 East 99<sup>th</sup> Street (Block 1671, Lot 20) in Manhattan CD 11 is unsuitable for the needs of its workers and to carry out the necessary operations required for the DSNY to meet its mandate. The building is currently under the jurisdiction of the New York City Health and Hospitals Corporation, but no portion of that building is currently used by it. The garage building, constructed in 1920, has been occupied by the DSNY since 1968. In 1988, the exterior wall of the building was deemed unsafe and a search for a new site was conducted. The garage was never relocated, however, and the building has continued to be occupied by the DSNY. Currently, the building is undersized, and cannot accommodate all of the assigned

equipment and vehicles indoors and the second floor slab is deteriorating and unable to support the equipment parking. The DSNY's need to relocate and acquire an alternative sight is further exacerbated by the fact that the required structural renovations cannot be performed without DSNY vacating the building. As a result of the building's current conditions and the constraints they create, DSNY equipment is often parked on the surrounding streets during the day, creating conflict with both the hospital and surrounding residential community. Collection trucks have nowhere else to park except on the street thereby taking public parking spaces in the surrounding area.

Additionally, the current garage facility does not conform to the zoning or existing uses in the area. Within a 400 foot radius of the existing facility there are residential, recreational, institutional, and educational uses.

#### *Lot Cleaning Unit Headquarters and Manhattan Lot Cleaning Unit*

DSNY LCU Headquarters is a Division of the Bureau of Cleaning, which is responsible for the assignment of equipment and personnel. LCU Headquarters directs and monitors the cleaning of abandoned lots and structures throughout the City, and the Manhattan LCU provides this service specifically within the borough of Manhattan. LCU Headquarters and Manhattan LCU personnel are currently located at 177 East 123<sup>rd</sup> Street (Block 1772, Lot 31) between Third Avenue and Lexington Ave. The building was constructed in 1925. It is privately owned and leased, and comprises three stories of approximately 27,819 sq. ft. The building contains offices, lockers, and showers for LCU personnel. Seven City-owned lots, totaling 19,502 sq. ft. located at 157, 159, 161, 163, 165, and 175 East 123<sup>rd</sup> Street are used for equipment parking for the adjacent building. Only the personnel from the LCU Headquarters and Manhattan LCU building would be relocated. The DSNY will maintain use of the City-owned lots for LCU equipment parking. These include Block 1772, Lots 23, 24, 25, 26, 28, 29 and 30.

#### *East Harlem Neighborhood Plan*

The East Harlem Neighborhood Plan ("EHNP" or "Plan") is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Mark-Vivierito, Manhattan Community Board 11, Community Voices Heard (CVH) and our office in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a yearlong process with no less than eight large public meetings, approximately 40 policy discussion, numerous calls and meetings with city agencies and on the ground canvassing for person-to-person survey collection. The culmination of this work resulted in a final report with over 230 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood.

The most relevant components of the East Harlem Neighborhood Plan to the current land use application rest in the plan's chapter entitled, "Transportation, Environment & Energy." The plan expresses the objective of improving air quality in East Harlem by reducing congestion and mitigating vehicular emissions. To accomplish this objective, the plan cites several recommendations crafted as a result of the planning process. Two of those recommendations are the relocation of the M10 sanitation garage from 110 East 131<sup>st</sup> Street to a more suitable location

within the community district it serves and the relocation of the M11 Sanitation Garage from 343 East 99<sup>th</sup> Street to a more suitable location. The plan conspicuously comments on the problematic nature of the current M11 location due to its proximity to both healthcare and residential buildings.

The instant site is identified in the plan's land use and zoning chapter as a project in the neighborhood's land use pipeline. While the plan makes no specific recommendation about the current land use application and project proposal, silence on the matter should not be taken to mean indifference. In fact, community stakeholders have been very active in communicating their thoughts about the proposed project. A vision for the community of East Harlem has been carefully and thoughtfully crafted, and the disposition of this land use application and the recommendation made by this office must be guided by that vision.

### **Area Context**

The East Harlem Neighborhood is north of the Upper East Side and generally bounded by East 96th Street to the south, Fifth Avenue to the west, East 142<sup>nd</sup> Street to the north and the Harlem River to the east. The major commercial corridors in the area are along 116<sup>th</sup> Street and 125<sup>th</sup> Street, and Second and Third Avenue.

Located in the northeastern section of CB11, the project site is surrounded by a rich and diverse mix of land uses, building types, natural resources, and cultural and historical sites. The land uses within a half-mile radius of the Proposed Project Site, include residential, industrial, religious, educational and recreational uses. Community facility uses in the immediate area include parks, a public school, a charter school, a private school, a job center, a benefits center, a senior center, and a day-care facility.

The block on which the property is located contains a diverse group of community stakeholders, institutions and commercial entities. The site borders a lot to the immediate east that contains at-grade parking for Potamkin Hyundai and Mitsubishi auto dealerships' vehicles. Directly west of the site there are two lots which are home to the True Church of God on Third Avenue, and King's Academy, a private school, which fronts Third Avenue from East 127th to East 128th Streets.

Directly south of the site The New York Proton Center, a state of the art cancer treatment facility, is under construction and is expected to be completed within the year. South east of the site, less than one half-block away, lies the 126<sup>th</sup> Street Bus Depot and future site for the East Harlem African Burial Ground memorial and mix-use development.

East Harlem is home to parks, playgrounds, and community gardens that provide recreational opportunity to the neighborhood's residents. The neighborhood is flanked by two city-wide parks, Central Park and Randall's Island, as well as two neighborhood parks, Marcus Garvey Park on the western border of the community district spanning East 120<sup>th</sup> Street and East 124<sup>th</sup> Street and Thomas Jefferson Park on the district's eastern border from East 111<sup>th</sup> Street to East 114<sup>th</sup> Street. Harlem River Park is directly north of the project site and the Crack is Wack Playground is directly east of Second Avenue between 127<sup>th</sup> Street and the Harlem River Drive.



Harlem River Park soccer field shares the eastern corner of that same block with the Chevrolet Cadillac of Harlem dealership, and a now-vacant MTA bus storage building. Harlem River Park is accessible from a pedestrian footbridge (Third Avenue Bridge), providing access from the north side of East 128<sup>th</sup> Street between Third Avenue and Lexington Avenue. Additionally, people can enter the park from East 128<sup>th</sup> Street closer to Second Avenue. East Harlem also has access to an active and publicly accessible waterfront at the Harlem River.

To the south of the Project Site within the one-half mile radius, the zoning is predominantly residential (R7B, R7A, R8A, and R9). There is a C4-4D commercial zone along Third Avenue from East 125<sup>th</sup> Street down to East 117<sup>th</sup> Street and an M1-1 manufacturing zone along Park Avenue between East 124<sup>th</sup> to East 120<sup>th</sup> Streets. In 2008, the City approved the Special 125<sup>th</sup> Street District, within which C4-4D general commercial districts were mapped along portions of East 125<sup>th</sup> Street (Martin Luther King Jr. Boulevard). To the northwest of the Project Site, west of Lexington Avenue, the zoning is predominantly R7-2. Within a 600 foot radius, the primary existing building characteristics consist of commercial/office space, public institutions/facilities, and multi-family elevator buildings. Despite adjacent residential zoning, there is little residential use within the predetermined radius. The area between East 112<sup>th</sup> Street and East 115<sup>th</sup> Street from Lenox Avenue to 1<sup>st</sup> Avenue, however, is home to four New York City Housing Authority developments built between the 1940s through the 1960s.

The area is well served by local transit with the 4, 5, and 6 subway lines, which stop along Lexington Avenue at East 103<sup>rd</sup> Street, East 110<sup>th</sup> Street, East 116<sup>th</sup> Street, and East 125<sup>th</sup> Street. The Second Avenue Subway will also service the neighborhood once completed. The line will stretch 8.5 miles along the length of Manhattan's East Side, from 125th Street in Harlem to Hanover Square in Lower Manhattan. In addition, a track connection to the existing 63rd Street F train and the N, Q, R Broadway Lines will allow a second subway line to provide direct service from East Harlem and the Upper East Side to West Midtown via the Broadway express tracks. Local Manhattan buses include the M15, M35, M60, M98, M100, M101, M103, as well as Bronx Express bus Bx15, for the East Harlem neighborhood. There is also a Metro North Railroad station at 125th Street and Park Avenue. Nearby major vehicular thoroughfares include, in order of proximity to the site, Second Avenue, the Harlem River Drive, East 125th Street (aka Dr. Martin Luther King Jr. Boulevard), the Willis Avenue Bridge, the Robert F. Kennedy Bridge (aka the Triboro Bridge), the Third Avenue Bridge, Park Avenue, and the Major Deegan Expressway (aka I-87).

There are also a number of cultural institutions located within East Harlem, such as La Marqueta, El Museo del Barrio, the Museum of the City of New York, Mount Sinai Center, and the New York Academy of Medicine. The East River Plaza, along the FDR between East 116<sup>th</sup> and 119<sup>th</sup> Streets, is a major commercial center in the area, consisting of national chain stores such as Target and Costco.

### **Development Site and Project Site**

The Project Site consists of 207-17 East 127<sup>th</sup> Street, (Block 1792 Lot 5 and part of Lot 28), in the neighborhood of East Harlem, Community District 11, in the Borough of Manhattan. It consists of a combined total of 48,152 sq. ft. Lot 5 is a through-lot with an area of 44,352 sq. ft.,

and has street frontage of 241 feet on East 127<sup>th</sup> Street and 154.2 feet on East 128<sup>th</sup> Street, with a depth of 199.08 feet between street property lines. The portion of Lot 28 that will be used for electric vehicle charging/parking is 3,800 sq. ft.

The Development Site consists of approximately 119,560 sq. ft. of space comprising an existing three-story building with cellar and rooftop parking of approximately 91,478 sq. ft., approximately 3,800 sq. ft. of outdoor parking space, and approximately 24,282 sq. ft. of adjacent land on which a new building, comprising approximately 8,750 sq. ft. of space will be constructed. The building currently houses the Mitsubishi/Hyundai dealership and a vendor for Access-A-Ride para-transit operations and is located along the eastern side of the Project Site, with the main building entrances off of East 128<sup>th</sup> Street, and additional service entries off of 127<sup>th</sup> Street. The western side of the building incorporates a one-way vehicular ramp that provides automobiles/SUVs full access to all the floors in the building, including the cellar used for parking and the roof, where vehicle inventory is stored. Office areas and support areas are located along the eastern side of the building. Vehicular service and parking areas are provided on each level between the vehicular access ramp and the office areas. The larger spaces towards the north-east corner of the building are currently used as automotive dealership showroom spaces. According to the Department of Buildings' records, the building was constructed in 2004 and is 58 feet tall. Part of the site is currently used as a vehicle storage lot for Access-A-Ride vans and employee vehicles operating between 4:00AM and 12:00AM. The Potamkin Hyundai and Mitsubishi Access-A-Ride office service operates daily from 7:30 AM to 6:00 PM.

### **Proposed Project**

The proposed project would end a multi-decade long wait by the DSNY and its M11 workers who have been serving the community from a facility that was deemed unsuitable in 1988. The proposal would create a new home with modern amenities for the DSNY personnel, the LCU personnel, and equipment that serve the community of East Harlem. The project would consist of a newly constructed building, an alteration to a pre-existing building, and the use of a 3,800 sq. ft. parking lot to accommodate vehicle storage and equipment. The property owner would retrofit the existing building to accommodate DSNY employee support staff, offices and small vehicle and accessory parking. The owner will also construct an approximately 8,750 sq. ft. one-story building addition for DSNY vehicle maintenance and repairs and washing and storage.

The maximum allowable FAR is 2.0 with a maximum base height of 60 feet before setback. In M3-1 districts, one parking space is required for each 300 sq. ft. of office space. The storage and mechanics uses trigger an additional parking requirement of 1 space per 2,000 sq. ft. or 1 space per 3 employees, whichever will require a lesser number of spaces. In total, DSNY's proposed 26,873 sq. ft. of office space will require 90 spaces and the storage and mechanics space will trigger one additional parking space. Up to 91 accessory spaces will be provided and a 14-foot fence with 30-foot wide roll-up doors will screen the site.

The new garage addition will be one story. The wash bay (enclosed) would be 1,870 sq. ft., while the mechanic's bay for two trucks would be 2,995 sq. ft.; winter vehicle storage for four salt spreaders and two loaders will occupy another 3000 sq. ft. Collection truck storage would be at grade outdoors, with up to 24 large vehicle parking spaces. The garage complex would have a

4,000 gallon underground diesel fuel storage tank and dispenser, and aboveground tanks in the cellar for motor oil, waste oil and hydraulic oil (1,000 gallons each). The facility would be operational by late 2017/early 2018, following an approximately 15-18-month construction period. DSNY trucks would access the site from East 128<sup>th</sup> Street and exit through a curb cut on East 127<sup>th</sup> Street. Employees and light duty vehicles would access the Project Site from existing curb cuts along East 127<sup>th</sup> Street, with egress also from East 127<sup>th</sup> Street.

### **Proposed Actions**

The proposed project would relocate the DSNY M11 facility from its current location at 343 East 99<sup>th</sup> Street and the LCU located at 177 East 123<sup>rd</sup> Street to a new facility at 207-17 East 127<sup>th</sup> Street. To facilitate this development, the following actions are required:

#### *Site Selection of a Public Facility and Acquisition of Real Property by DCAS*

The site selection and acquisition of real property for the purpose of a city facility requires an analysis pursuant to the City Planning Commission's Criteria for the Location of City Facilities (hereafter referred to as the "Fair Share Analysis")

The Fair Share Analysis considers both the siting of the Manhattan 11 District Garage under the "local facility" criteria of Article 5 and the siting of the personnel for LCU Headquarters and LCU Manhattan under the "regional/citywide facility" criteria of Article 6. In particular, a study area of one-half mile radius from the site was used for the purposes of the Fair Share Criteria to identify regional/citywide facilities within that radius that provide similar services to the LCU Headquarters and its Manhattan office. This allowed for consideration of whether the proposed facility would cause an adverse concentration of facilities that do not primarily serve the neighborhood.

For years the community of East Harlem has been home to two DSNY district garages raising concerns about the fair distribution of city facilities. In their application, the DSNY stated that there has been community consultation in the development of this proposal, that the geographic distribution of similar facilities was considered, the objective of providing efficient and cost-effective delivery of services has been assessed, and the goal of minimizing impacts on the surrounding neighborhoods has been evaluated. After applying the stated siting criteria and considering certain alternatives, the DSNY believes that the Project Site best achieves the City's objectives for siting and meets the Fair Share Criteria. Additionally, CB11 has noted disapproval with the Project Site's proximity to the current M10 garage, but expressed a willingness to house both garages under the same roof if the proper facility was provided

#### *Amendment to the Harlem-East Harlem Urban Renewal Plan*

To facilitate this project, the City would amend the Harlem-East Harlem Urban Renewal Plan (HEHURP) to modify certain project site boundaries and change the use of Site 16B from "material recycling facility" to "light industrial uses." The city may amend the HEHURP at any time pursuant to General Municipal Law §§ 504, 505 and The New York City Charter §§ 197-c, 197-d.

The City has no plans for a material recycling facility at this location and HPD has prepared HEHURP amendment documents to accompany the DSNY ULURP application to the CPC which will make a determination as to the disposition of this component on the instant application.

### **COMMUNITY BOARD RECOMMENDATION**

At its full board meeting on April 18, 2017, Manhattan Community Board 11 (CB11) passed a resolution disapproving the instant land use application for site selection and acquisition of 207-17 East 127th Street (Block 1792, Lot 5 and p/o Lot 28) for the purpose of relocating the DSNY M11 garage and the Manhattan Lot Cleaning Unit and Headquarters. The resolution was passed overwhelmingly in favor of disapproval of the proposed project with 27 in favor of disapproval, 1 opposed, and 2 abstentions.

The resolution echoed a long standing position against the site location as well as the proposed development design. It referred to letters written by CB11 to the DSNY Commissioner. The first, a letter to then DSNY Commissioner Thomas J. Doherty in 2013, the community board raised many of its issues with the proposed site and requested the opportunity to work with the DSNY in locating a more suitable location. The community board reiterated their position in another letter to current DSNY Commissioner Kathryn Garcia. In that letter, dated May 2, 2016, the community board not only restated their position regarding the issues surrounding the 207 127th Street site, but also expressed a willingness to continue housing the District 10 garage (M10) in a multi-district garage somewhere else in the East Harlem community. The resolution also characterized the current proposal as an indication of the “city’s lack of concerted investment in the East Harlem community.”

In addition, the resolution cited the presence of the Community Board 10 (CB10) DSNY garage within CB11 boundaries as a violation of the Fair Share Mandate, the health and environmental effects of the project, and the request to have the DSNY construct a new facility with the most advanced indoor air filtration system that meets LEED Gold standards, and zero emissions sanitation trucks. The resolution concluded with a statement to the Mayor’s Office seeking inclusion in the project’s decision-making process and the requisite funds necessary to construct a facility similar to the one recently constructed on Spring Street for the DSNY M1/2/5 districts.

### **BOROUGH PRESIDENT COMMENTS**

East Harlem residents and the hardworking men and women of the Sanitation Department deserve a better garage. But given the stakeholder conversations my office has held, the views of Manhattan Community Board 11, and the lack of planning and investment to date I am concerned that we are being asked to accept a bad deal in an effort to surge ahead of the current untenable position we find ourselves in at 99<sup>th</sup> Street.

In 1988, the exterior wall of 343 East 99<sup>th</sup> Street was compromised and the Department of Sanitation sought a site to relocate its Manhattan 11 (M11) garage, the garage that serves the community of East Harlem. It is nearly three decades since that event and throughout that period no action was taken to provide the workers of M11 and the community of East Harlem with a suitable facility. Instead, the workers at M11 have been forced to serve the people of East Harlem from a decrepit building with permanent scaffolds supporting the exterior wall and a second floor slab that has been deemed structurally unsound. The residents of the community in turn have had to suffer through the site of collection trucks sitting on their streets just feet from the Metropolitan Hospital and surrounding residences. But while this office is in support of the city's efforts to relocate the M11 facility, the current proposal to move their operations to 207 East 127<sup>th</sup> Street contains serious issues that demonstrate a lack of consideration and appreciation for the service M11 workers provide and the needs and desires of the community of East Harlem.

In an effort to gain a comprehensive understanding of the proposal and evaluate its appropriateness, my office met with the Department of Sanitation (DSNY), the Department of Citywide Administrative Services (DCAS), the owner of the Development Site, Alan Potamkin. We listened to Community Board 11, residents and community groups like the East Harlem Neighborhood Block Association. We also visited the 99<sup>th</sup> Street garage as well as the new state of the art garage located on Spring Street. Based on the conversations with DSNY and DCAS and our visit to the current M11 garage, we learned that the need for relocation is urgent. We also learned that there are practical constraints on constructing a facility that parallels garage facilities recently developed that serve other Manhattan communities. We heard from neighborhood residents that they felt unheard about their grave concerns surrounding the location of the site, the design of the proposed facility, and the immediate impact of the project on the surrounding neighborhood.

The current relocation plan highlights the pitfalls of releasing city assets without long term planning or community involvement. As a result of the disposition of the Project Site to the Potamkin Development Co. in 2002, the city finds itself in the compromising position to lease land it once owned so that it can provide necessary services to the East Harlem community and provide a safe work environment for the sanitation workers and personnel operating out of the current M11 garage. As a result, a self-inflicted limitation is imposed on its ability to create a garage that meets the laudable standards of other newly developed and proposed garages in other neighborhoods in the city. After conversations with the DSNY we learned that a facility like the M11/2/5 facility on Spring St. requires a building footprint of 80,000 sq. ft. The instant Project Site is only approximately 48,000 sq. ft., just above half the necessary footprint. We spoke with Mr. Potamkin about the potential of expanding the Project Site boundaries either through sale or lease and it was expressed to us in unequivocal terms that there was no possibility of either of those two scenarios.

Furthermore, the lease agreement does not contain an early termination right which would permit the city to terminate the lease prior to the 20 years term. The opportunity to terminate the lease prior to 20 years might create a path to developing a multi-district garage somewhere else in the district or an adjacent district at some point in the future. It would have the effect of using the proposed site as a temporary solution to an urgent need, a more palatable proposition. What we are instead left to contend with is a situation whereby the city will be paying rent on land it once

owned for a period of twenty years. There should be a shared sentiment that such policy is unacceptable and certainly unsustainable.

The location of the proposed site presents many of the same issues associated with the current garage location. As a result, it does not create a compelling basis for the DSNY's choice as the new garage's destination. It is in many ways similarly situated to that of the current M11 garage on 99<sup>th</sup> Street. This point has been made by the community board as early as 2013. This office shares the community board's feelings about the issues surrounding the proposed location. Currently, the M11 garage sits adjacent to residential buildings and is across the street from Metropolitan Hospital. The current proposed site offers no difference in this regard and in many ways it leaves the community worse off than the current situation.

The immediate area is mixed use in nature with development proposals that will further investment and residential density nearby. The proposed site abuts two lots occupied by a church, The True Church of God and its affiliated school, The King's Academy. To the southwest there is another church, United Moravian Church. Directly south of the site is the location of the aforementioned New York Proton Center. Less than one block away is the location of the African Burial ground, a future memorial and cultural center with a related mixed use development (See Land Use Application Nos. C 170275 ZMM, N170276 ZRM, C 170278 PPM).

Additionally, it should be noted that East Harlem is currently the home of the Community District 10 garage located at 130<sup>th</sup> Street and Park Avenue. By relocating the M11 garage to 207 127<sup>th</sup> Street, East Harlem will house two DSNY garages within five blocks of each other within their community. These facts, when viewed in the aggregate, lead to the conclusion that the proposed garage location offers no improvement from the current 99<sup>th</sup> Street location.

Since there is no unique benefit to the proposed site, I am asking that the DSNY work creatively to identify a new site for the M11 garage. Several sites were identified as potential candidates as part of the "Fair Share Analysis" noted previously. One such site is worth exploring further. The lot located at 2137 First Avenue (Block 1682, Lot 11) offers many of the requisite attributes the DSNY needs to construct a fully enclosed state of the art sanitation garage and it appears to have the capacity to house more than one community district. The site is, however, currently owned by Con Edison and a great portion of the lot is currently used for employee parking while the remainder of the lot lying on the eastern portion of the block along First Avenue contains two low density buildings for Con Edison personnel. Locating the M11 garage on this site would require either a purchase or long term lease. The DSNY previously considered the site for its M8 garage and alternatively as a multi-district garage housing M8 and M11. Con Edison, the owner of the site, has continually declined the DSNY's request to consider the site because it is viewed as a key asset in meeting the city's future energy needs and is the focus of their planning.

According to the DSNY, Con Edison has plans to develop the site. However, no information was provided as to whether the site could be considered as a temporary location for M11 to operate from while it continues its search for a permanent location. My office has recently reached out to the Real Estate Department for Con Edison to discuss the potential of this site. At the current time our recommendation requests the DSNY obtain more information about the

extent of Con Edison's plans and the possibility for creative solutions to any challenges present in acquiring the site.

Lastly, even if the site planning was appropriate and all alternative locations fully vetted and exhausted, I would remain concerned about the lack of equity paid to design of the facility. Despite the issues identified regarding the proposed location, one prevailing message that has been delivered by the community board and other neighborhood residents repeatedly in conversation and testimony is that the location could be accepted if the facility mirrors the garages recently developed and proposed in other areas of the city. The M1/2/5 garage located at Hudson Square should serve as the model for all sanitation garages in the future. It represents a genuine sensitivity to community concerns by ensuring the operations of the facility are completely contained and insulated. Its architectural design is innovative and sensitive to the surrounding environment. Measures were taken to decrease the overall bulk of the building and turn what might otherwise be an eye-sore into an aesthetically appealing work of art. The M1/2/5 garage serves approximately 300,000 residents in some of the city's most affluent neighborhoods. The same effort, care, and concern must be demonstrated for the people of East Harlem, and they should receive a facility that is equally appealing and sensitive to their desires and concerns. The current proposal does not reflect such an effort.

I would ask that the City Planning Commission in coordination with the relevant city agencies pursue conversations for temporary and permanent sites for the District 11 garage and ensure design and quality parity with other facilities in the Borough of Manhattan once such location or locations are secured.

#### **BOROUGH PRESIDENT RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends disapproval of ULURP Application Nos. C 170269 PCM and C 170270 HCM until presented with a fully designed garage on an appropriate site or a temporary facility that meets the Fair Share Criteria as efforts continue on the former.**



Gale A. Brewer  
Manhattan Borough President