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

Re: Recommendation on ULURP Application Nos. 170275 ZMM, 170278 PPM, 170093 MMM - 126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground Memorial Project

Dear Director Lago,

On April 18, 2017, Community Board 11 (CB11) held a public hearing and voted on the land use applications submitted by the New York City Economic Development Corporation (NYCEDC), on behalf of the Office of the Deputy Mayor for Housing and Economic Development for zoning map amendment and zoning text amendment actions, and the New York City Department of Citywide Administrative Services (DCAS) for a disposition action, that would facilitate the redevelopment of a City-owned site consisting of Block 1803, Lot 1 and a City-owned portion of Second Avenue between 126th Street and 127th Street in the East Harlem community of Manhattan (“Project Site”).

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

Project Description

There is no specific development proposal under consideration at this time for the Project Site that would be implemented pursuant to this application and the related land use applications. A Request for Proposals (RFP) soliciting proposals for development of the Project Site would be issued by the New York City Economic Development Corporation (NYCEDC) only after this application and the related land use applications are approved. While the discretionary approvals that comprise the Proposed Project have been defined, the specific development program and site plan under the Proposed Project would depend on the RFP responses. It is anticipated that the site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area and an indoor historical and cultural facility, as well as any required mitigation measures. As the Project Site is City-owned; the applicant intends to provide more affordable housing than required by the Mandatory Inclusionary Housing (MIH) program. For City Environmental Quality Review (CEQR) analysis purposes, the current affordable housing program for the Proposed Project assumes that 50 percent of the residential units would be affordable to households earning at or below 80 percent area median income (AMI).

Based on site conditions and the uses and densities permitted under the proposed C6-3 (MIH) zoning, the applicant and the lead agency for environmental review identified a reasonable worst-case development scenario (RWCDS) that will be the subject of the environmental review.

Reasonable Worst-Case Development Scenario

The RWCDS assumes the Proposed Project would result in approximately 655,215 gsf (624,014 zsf (5.40 FAR)) of residential development (comprising approximately 730 dwelling units, of which 50 percent would be affordable to households earning at or below 80 percent AMI); approximately 315,000 gsf (300,000 zsf (2.60 FAR)) of commercial uses (including retail and office uses); approximately 30,000 gsf (28,571 zsf (0.25 FAR)) of community facility uses, including an approximately 15,000 gsf (14,286 zsf (0.12 FAR)) historical and cultural facility as part of the memorial; 300 accessory parking spaces occupying approximately 90,000 gsf; and approximately 18,000 sf of outdoor, unbuilt memorial space.

The RWCDS would include a total of approximately 952,585 zsf, representing a built FAR of 8.25 on the 115,502-sf Project Site. Overall, including accessory parking areas that would not be higher than 23 feet above the base plane elevation, the Project Site would have a total of 1,090,215 gsf of building area (or 1,000,215 gsf of building area excluding accessory parking).

As noted above, the Proposed Project includes a Zoning Text Amendment that would designate the Project Site an MIHA subject to the affordability requirements of Options 1 or 2 of the MIH program. The specific MIH option applied to the Project Site will be determined by the New York City Planning Commission (CPC) and ultimately the City Council during ULURP, which would establish the required share and bands of housing affordability required for new residential developments. However, as the project site is City-owned, the applicant intends to provide more affordable housing than required by the MIH program. For CEQR analysis purposes, the current affordable housing program for the Proposed Project assumes 50 percent of the residential units would be affordable to households earning at or below 80 percent AMI. This 50 percent share of the total housing exceeds any of the MIH options outlined by the Zoning Resolution and the 80 percent of AMI threshold provides affordability for low- and moderate-income households that would not qualify for some affordable units created pursuant to MIH requirements. While MIH designation establishes a zoning requirement for affordability, the City ownership of the Project Site and its policy decision to provide greater affordability under the Proposed Project, consistent with the OneNYC Plan, would enable the site to provide approximately 365 units for low and moderate income households.

In order to capture the upper range of development possible on the Project Site, a preliminary massing scenario for the RWCDS has been developed for environmental review purposes and reflects a scenario that maximizes the permitted FAR, is consistent with the RWCDS land use breakdown, and anticipates that site disposition would stipulate location and programming elements of the Harlem African Burial Ground memorial, including an outdoor area within the likely footprint of the historic cemetery and an indoor historical and cultural facility, as well as any required mitigation measures. For analysis purposes, the RWCDS massing assumes two separate buildings. The larger of the two RWCDS buildings would occupy the western portion of the Project Site (west of the outdoor, unbuilt memorial space), would have frontage on Second Avenue, E. 126th Street, and E. 127th Street, and would rise to a maximum building height of 340 feet (34 stories). The smaller of the two RWCDS buildings would occupy the eastern portion of the Project Site (east of the outdoor, unbuilt memorial space), would have frontage on First Avenue, E. 126th Street, and E. 127th Street, and would have a maximum building height of 211 feet (19 stories). The larger of the two buildings would include 300 accessory parking spaces, which is expected to be accessed via vehicle entry/exit(s) on E. 126th Street. All parking and loading, and associated curb cuts would be in accordance with the applicable C6-3 (MIH) zoning requirements.

Based on a feasible development timeline, design and construction are assumed to be undertaken in a continuous manner, and it is assumed that full build-out would occur by 2022. Accordingly, a 2022 analysis year is assumed for analysis purposes. As development facilitated by the Proposed Project is expected to be operational in 2022, its environmental setting is not the current environment, but the future environment.

Purpose and Need

The Proposed Project is intended to facilitate a mixed-use, mixed-income development on a large City owned site, currently not in active use, with dedicated outdoor and indoor space that honors and commemorates the significant social, economic, and cultural history of the Harlem African Burial Ground and its descendent community. The Proposed Project reflects ongoing consultation with the Harlem African Burial Ground Task Force (HABGTF), the 126th Street Bus Depot Task Force, Manhattan Community Board (CB) 11 and local elected officials, who identified the need for affordable housing, economic development, enhanced neighborhood connectivity, and a space to honor the history of the site and of the broader East Harlem community.

The recently issued East Harlem Neighborhood Plan noted that the Project Site is a “Pipeline Site2,” a site located outside of the proposed area-wide East Harlem Rezoning Proposal that the City is working toward developing, with potential for creation of new housing and other development. Although further discussion of the Project Site was not provided, its redevelopment is consistent with a recommendation to “allow for increased density in select places to create more affordable housing and spaces for jobs.” The Plan also included a recommendation to “protect buildings and sites with significant local and cultural heritage” and identified the Harlem African Burial Ground as one of these sites.

Local residents, elected officials, and other interested stakeholders created the Harlem African Burial Ground Task Force (HABGTF) to ensure that the Project Site would be recognized as the site of the Harlem African Burial Ground. The goal of these efforts is to ensure the proper recognition and respect for the history of the surrounding community is embodied in the Proposed Project. The RFP to be issued by New York City Economic Development Corporation (NYCEDC) in the future would require the selected site developer to include a memorial area comprised of an outdoor space (approximately 18,000 sf) within the likely footprint of the historic cemetery, in addition to an approximately 15,000 gsf interior historical and cultural facility, thereby furthering the HABGTF’s goals of honoring and commemorating the history of the Harlem African Burial Ground and its descendent community.

Actions Necessary to Facilitate the Proposal

In order to facilitate the Proposed Development, the Applicant requests the following series of actions:

The Proposed Project requires several discretionary approvals. These include a Zoning Map Amendment, a City Map change, and disposition of City-owned property, actions that are subject to review under ULURP, under Section 200 of the City Charter. The Proposed Project also includes a Zoning Text Amendment, which is subject to public review with requirements similar to ULURP under Sections 200 and 201 of the City Charter. The Proposed Project is also subject to the CEQR process. The discretionary approvals include:

- A Zoning Map Amendment (Zoning Sectional Map 6b) approval by the CPC to change the zoning on the Project Site (Block 1803, Lot 1 and the adjacent Demapping Area) from the existing M1-2 light manufacturing district (high performance) to a C6-3 general central commercial district;

- A Zoning Text Amendment to map the Project Site as an MIHA subject to the affordability requirements of Options 1 or 2 of the MIH program in Appendix F of the Zoning Resolution (ZR), pursuant to ZR 23-154;
- A change to the City Map to narrow a portion of Second Avenue from 174 feet to a width of 125 feet and the conveyance of that area to the adjoining City-owned property (Block 1803, Lot 1) pursuant to §4-105 of the Administrative Code of the City of New York (subject to a separate application); and
- In accordance with Sections 197-c(10) and 384(b)(4) of the New York City Charter, the City seeks disposition approval of Manhattan Block 1803, Lot 1 (approximately 105,710 sf) and a portion of Second Avenue between E. 126th Street and E. 127th Street to be demapped (approximately 9,792 sf). The total Project Site that the City seeks to dispose of is approximately 115,502 sf. The NYCEDC intends to issue an RFP for the Project Site. The City will dispose of this site to the New York City Land Development Corporation, which will then be disposed of to the selected developer.

As the Project Site is located in the Coastal Zone, pursuant to Section 1, Chapter for of Title 63 of the Rules of the City of New York, the Proposed Project requires review for consistency with the New York City Waterfront Revitalization Program (WRP).

In addition, in the future site developer may seek public financing by HPD or the New York City Housing Development Corporation (HDC) to facilitate the development of affordable housing and/or the public financing by New York City Industrial Development Agency for economic development purposes.

As discussed above, although a specific development project would not be formulated until after the completion of the approval process, it is projected that the Project Site would be developed with a new mixed-use development pursuant to the design envelope allowed by these actions and by conditions specified in the conveyance of the property including requirements for the provision of the Harlem African Burial Ground outdoor memorial and indoor historical and cultural facility.

Community Board Comments

As proposed, 126th Street Bus Depot Mixed-Use Development and Harlem African Burial Ground Memorial Project would create much need affordable housing and commercial space as well as develop a memorial, including open space and community facility space, for the historic Harlem African Burial Ground. While there is more that can be done in terms of affordability of residential units in this project, our board is encouraged that EDC, HPD, and the Speaker Melissa Mark-Viverito's Office are committed to ensuring that 20% of the site's residential units will be affordable at or below 30% of the area median income (AMI).

Community Board 11 looks forward to continuing dialogue with EDC, the 126th Street Bus Depot Taskforce, and the Harlem African Burial Ground Taskforce in anticipation and preparation for the Request for Proposals (RFP) that EDC will issue and the Points of Agreement that will ensure the chosen developer adheres to its commitments to the East Harlem community.

Community Board Recommendation

Community Board 11 (CB11) recommends approval with conditions of ULURP Application Nos. C 170275 ZMM, 170278 PPM, and 170093 MMM provided that the New York City Economic Development Corporation commit to:

1. **Ensuring the project honors and commemorates the sacred and significant social, economic and cultural history of the Harlem African Burial Ground**
2. **Following the recommendations and design guidelines outlined by the Harlem African Burial Ground Task Force**
3. **Formally engage CB11 so as to allow the Board to continue to: (i) inform the RFP process, (ii) participate in the blind-briefing and selection of the developer, and (iii) inform the final design and resulting uses of the project.**
4. **Continue exploring funding options to ensure the project is 100% affordable, in line with CB11 and East Harlem Neighborhood Plan (EHNP) recommendations.**
5. **Ensure that a portion of the project's residential units be designated for and affordable to Seniors.**
6. **Providing preference to Not-for-profit affordable housing developers, should the land be disposed of for \$1.00**
7. **Selecting a developer who will fund a "First-Source Hiring" plan and meet CB11's percentage benchmarks for MWBE and local hiring to maximize local workforce participation, job training, and placement associated with the project, both pre-construction and post construction.**
8. **Selecting a developer who will commit to working with the Building Service Union for a developer-funded training program that would select East Harlem residents and train them for permanent union jobs.**
9. **Exploring potential partnerships with both national and local cultural and educational institutions for funding for the cultural space and ensuring its sustainability.**
10. **Ensuring that the developer has a contingency plan if additional remains are found**
11. **Reducing to writing the aforementioned commitments and providing CB11 an equal role as the Councilperson in crafting a Points of Agreement.**

Full Board Vote: 26 in favor, 1 opposed, 2 abstained

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

Sincerely,



Diane Collier
Chair
Community Board 11

Enclosure (1)

cc: Hon. Melissa Mark-Viverito, Speaker, New York City Council (via email)
Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Robert J. Rodriguez, New York State Assembly (via email)
Hon. Jose M. Serrano, New York State Senate (via email)
Robert Holbrook, New York City Economic Development Corporation
Candy Vives-Vasquez, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)

First Source Hiring Program

Purpose

The goal of this program is to recruit candidates from East Harlem FIRST!!

The developer shall fund a job placement program that recruits, screens and tracks opportunities for East Harlem residents to apply for work associated with each phase of the development project, including but not limited to pre- and post-construction jobs. The developer will establish a methodology and approach that will identify, train and refer qualified applicants over a six-year period.

The hiring goals of this program will be as follows:

- 35% of all hires for union or non-union jobs are East Harlem residents and are paid at the prevailing wage rate
- 50% of all post-construction jobs
- 35% of all contracts to MWBE and LBE organizations

Recruitment, intake and screening will require the developer to:

- Conduct the necessary outreach and host job fairs to identify possible candidates for employment at Avalon Bay for pre-construction and post construction job opportunities from Community Board 11
- Conduct resume writing and interview skills workshops
- Collect and review resumes and/or applications
- Coordinate with local workforce development organizations to identify potential candidates. These groups shall include, but not be limited to NYC Department of Small Business Services Business Solutions, Upper Manhattan Empowerment Zone, Workforce 1, El Barrios' Operation Fightback, Inc., Positive Workforce, Union Settlement and East Harlem Council for Community Improvement, Inc.
- Screen applicants to determine if applicant meets employment criteria as established by various skill sets
- Maintain list of screened applicants who meet criteria and will be referred for job placement

Training

- Provide the various training programs, including soft skills, job readiness training, career development, computer skills, customer service and civics
- Coordinate and provide supplemental hard skills training
- Assist potential applicants with identifying supplemental training and testing, as needed

Job Placement

- Utilize the East Harlem Talent Network Career Directory; Positive workforce and Strive to identify qualified candidates to be referred as direct placements,
- Refer qualified prospective employee resumes/applications to the prospective employer for their consideration
- Identify potential applicants from training programs for placements