Appendix J

Written Comments Received on the Draft Environmental Impact Statement

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Recommendation on ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning

Summary of Recommendation

The East Harlem Neighborhood Plan (EHNP) is a community driven plan for the redevelopment of East Harlem produced after an almost two-year process with input from hundreds of community stakeholders. It calls for:

(1) An extensive and upfront effort to preserve affordable housing;
(2) A maximum residential density of R9 or R9A on certain avenues to preserve neighborhood character;
(3) A broad rezoning area stretching all the way down to East 96th Street to ensure that the development needed to create adequate affordable housing is not so concentrated that it puts existing neighborhood context at risk;
(4) A plan for setting aside no less than 20 percent of the new affordable housing to be for residents earning at or below 30 percent of Area Mean Income (AMI);
(5) Addressing a number of community needs including preservation of cultural and historic resources, NYCHA funding, and resources for youth and seniors.

The Administration's ULURP application addressed here, while intended to create and preserve affordable housing falls short of the community plan in a number of significant ways. Additionally, Manhattan Community Board 11 in a show of faith with the extraordinary process that was the EHNP, issued a recommendation with conditions to improve the rezoning framework but significant progress has not been made in satisfying those conditions.

This application:

(1) Fails to provide a significant enough upfront preservation effort to stem the loss of existing affordable housing in East Harlem;
(2) Rezones significant swaths of Park Avenue and Third Avenue to the maximum residential density of R10;
(3) Shrinks the boundaries of the rezoning to exclude East 96th Street to East 104th Street necessitating the higher densities on Park and Third avenues;
(4) Fails to demonstrate that the target of 20 percent of newly developed affordable housing will be affordable to East Harlem residents earning below 30 percent of AMI; and

(5) Does not address many of the needs identified by the community, including a viable cultural and historic building landmark plan.

I support an East Harlem rezoning, but I cannot support the administration's ULURP application. I support most of what is contained in the EHNP, although it is not perfect. When I supported the administration's mandatory inclusionary housing program two years ago, I recognized that somewhat higher density would be required in order to build large amounts of new affordable housing. But the degree of density would have to be consistent with neighborhood context and community input. Here, the community gave extensive, thoughtful and informed input, but the administration could not see its way to support significant elements of the community's recommendations, which forces me to recommend a disapproval of the application.

Introduction

Residents of East Harlem are frightened by and angry about the prospect of tenant displacement caused by widespread and rapid gentrification. By all measures, it appears that East Harlem has been and continues to be one of the most quickly gentrifying neighborhoods in New York City. It is one of the neighborhoods in the City where rents are increasing most rapidly[1] and affordable housing is being lost at a fast pace[2]. According to the East Harlem Neighborhood Plan (EHNP), there are 46,000 households in East Harlem and over a quarter of them have severe housing needs that include those who spend more than half their income on rent, those entering homeless shelters, and those living in extreme overcrowding. The neighborhood is losing close to 300 units of affordable housing from rent protections and regulations every year with the rate of loss increasing substantially each year. If nothing is done (or if what is done does not adequately address the problem) we leave 12,000 households who currently remain in need of affordable housing or housing that they can afford.[3]

In the meantime, new as-of-right development continues in East Harlem under the current zoning framework and with no requirements for affordable housing. Through the purchase of existing buildings, new owners are pricing their apartments to take advantage of a hot market. The average costs per square foot of multifamily buildings in the neighborhood rose to $416 in 2016, an 8 percent increase from 2015. This year development sites are going for over $200 per-buildable-square-foot, a 25 percent increase from 2015.[4]

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[1] Kolomatsky, Michael, "South Bronx Rent Increases Greatest in the City". NY Times. March 3, 2017. Retrieved from https://www.nytimes.com/2017/03/03/realestate/south-bronx-rent-increases-greatest-in-the-city.html

[2] Clark, Dartunorro, "East Harlem's Affordable Housing 'Under Threat,' Report Warns". DNA Info. August 16, 2016. Retrieved fromhttps://www.dnainfo.com/new-york/20160812/east-harlem/east-harlems-affordable-housing-under-threat-report-warns

[3] This number represents the "total serve housing need" for East Harlem which includes those entering homeless shelters, households severely rent-burdens and those units that are severely overcrowded. More information, including the data sets used, can be found in the EHNP, pg 85 http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[4] *East Harlem: A.K.A. "The Neighborhood Hood" - Market Report, Quarter 1 2017* GFI Realty Services, LLC pg. 7 Retrieved from http://gficap.com/wp-content/uploads/2017/03/Marketing-Report_Q1_2017_Final.pdf

In these circumstances, doing nothing is not an option - unless we want to see accelerating large-scale displacement of East Harlem residents. To prevent this, our first priority is to preserve as much existing affordable housing as possible. Second, we need to ensure that new development creates housing that is affordable to neighborhood residents and to limit market rate development that speeds up displacement. Finally, we must, as I have always maintained, require that development respect the neighborhood character.

In March 2015, I joined Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and Community Voices Heard as a project partner for the EHNP steering committee. The process involved 21 stakeholders, 8 public visioning workshops and over 40 meetings. Approximately 1,500 East Harlem residents helped inform over 260 recommendations that covered 12 key topics areas. It was not an easy process, and all the Steering Committee partners worked hard to overcome the significant fears over adverse impacts on the part of stakeholder organizations and community members. The City knows this because the Department of City Planning (DCP) was present at most meetings and public forums.

That process culminated in the East Harlem Neighborhood Plan (EHNP) (www.eastharlemplan.nyc), a comprehensive roadmap for the redevelopment and future growth of the community. The plan is designed to carefully balance the goals of preserving and developing affordable housing, protecting neighborhood character and affording sufficient opportunity for development. That plan includes:

- An array of preservation actions including substantial funding for tenant legal services and organizing, and an East Harlem anti-harassment/anti-eviction district similar to the Special Clinton District to deter and remedy abusive practices by landlords; and a land trust and other mechanisms to preserve distressed and warehoused properties for affordable housing;
- Boundaries that stretch further south on the Avenues – in some cases to the upper East 90s -- than the boundaries in the DCP proposal, so that greater density as well as affordable housing opportunities could be spread over a larger area and significant luxury housing pressure above East 96th Street might be tempered with mandatory inclusionary housing;
- No greater density than a R9 or R9A District on Avenues and wide streets to preserve neighborhood character and ensure that additional density is not being utilized predominantly for taller luxury housing that puts additional pressures on rents and strains preservation efforts; and
- A minimum requirement that 20 percent of the affordable housing added be for income brackets at or below 30 percent of AMI, with specific commitments to go even lower, so that they would be available to East Harlem residents and so that the affordable housing component of the rezoning would not further exacerbate displacement.

Even with these well-considered and carefully balanced recommendations, crafted to maximize benefit to the East Harlem community, there was concern among community stakeholders that significant new development would increase housing pressure on residents without providing sufficient housing opportunities that would be available to them.

When the DCP certified this application, it was obvious that there were some major differences that we hoped could be resolved. But at this point, despite the community planning process they participated in, the administration has not made sufficient progress in resolving these differences.

Separate from the zoning - but almost equally important - are the policy, capital and programmatic recommendations in the EHNP that were made to offset impacts from any proposed rezoning. While the administration committed to some significant items, key priorities that were outlined by the EHNP steering committee still remain unaddressed and even more are awaiting further discussion.

Perhaps the most significant of all the issues continues to be density. Not only has the administration insisted on keeping large swaths of Third Avenue and Park Avenue with an R10 zoning designation, they have included a loosening of the tower-on-a-base rules so that even taller building heights can be achieved. These building forms -- much more appropriate for luxury high-rise buildings than for building affordable housing -- only further feed the community's fears that the proposal is tipping the balance too far in favor of market-rate development. It is the opposite of how we should be adjusting this proposal.

In addition, the administration has failed to commit to an up front and rigorous housing preservation program for the neighborhood. The City's plan for housing preservation in East Harlem remains in draft form and has been criticized for needing to be more tailored to East Harlem. To feel confident about the preservation program it would need to:

- Permanently increase enforcement and building sweeps by HPD in East Harlem;
- Integrate more mission-driven developers and community land trusts into city sponsored new development on city-owned land;
- Rely on those same partners to rehabilitate distressed and abandoned properties for use as affordable housing; and
- Create an anti-eviction/anti-harassment district modeled on the Clinton Special District.

Another place where the Administration and the EHNP diverge from one another is on the appropriate boundaries of the rezoning. As part of the EHNP process, the facilitators and steering committee members had difficult conversations with the public about the tradeoffs between density and affordable housing. The final position in the EHNP represented a compromise that would trigger the minimum amount of additional density required to create new affordable housing but spread out that new bulk throughout the neighborhood so that no specific corridor would be overly burdened with a drastic change in scale or pressure from new users. The City's application narrows the boundaries - leaving out the area west of Second Avenue and below East 104th Street - and calls for the maximum residential density allowed on swaths of Park Avenue and Third Avenue. Rezoning proposals at the start maximize their scope for the purpose of environmental review; but the City's unwillingness to compromise from that maximum is not reasonable or in the best interest of the community. East Harlem needs new affordable housing is needed for the neighborhood, but the distribution and concentration of new development should reflect to recommendations that came out of the EHNP process in which so many local participants sough to balance growth and preservation.

Finally, and admittedly difficult to address, is the need for commitments on how we can achieve deeper affordability in the planned affordable housing. The EHNP called for a minimum of 20 percent of affordable units to be affordable to those earning 30 percent of AMI or less. We have barely been able to meet that target in most projects on City-owned land. If we cannot do it there, success is less likely on private development. Thus, from the community's perspective, their fears of too much luxury development are compounded by fears that even the affordable development will remain out of reach.

Each one of these failings alone, while significant, might not be fatal. But in the aggregate, given the enormous study and work of the EHNP, a failure to address and incorporate the community's concerns and recommendations puts the proposed proposal at odds with the community planning process.

What follows below is my recommendation on the City's proposed application for the rezoning of East Harlem. Because the factors I have outlined are so essential to an acceptable rezoning, this recommendation is a recommendation to disapprove.

BOROUGH PRESIDENT'S COMMENTS

After careful review, the application in its current form still does not represent a plan that I believe ensures a better future for East Harlem and for that reason I cannot support it. While the application shares broader themes with the EHNP about the need for required affordable housing, active street walls, and concentrating new commercial use along the viaduct to better utilize that area, there remain significant points of disagreement.

As Borough President, I came into office determined to challenge the top-down planning framework that drove many neighborhood-rezoning efforts. Instead, I have worked for decision-making models that approach planning from the bottom-up.

For Manhattan Community Board 11, which encompasses the East Harlem neighborhood, the loss of affordable housing and corollary need for new affordable housing development, the increased market-rate development, the increasing occurrences of tenant harassment, and the displacement of existing residents, motivated discussions and repeated efforts to plan comprehensively. The Board, with the help of Civitas and the Regional Planning Association, launched several studies to understand the various housing problems of their community and come up with solutions. Other advocacy organizations such as Picture the Homeless undertook their own analysis and focused on underutilized and warehoused properties, which they believed could contribute to replenishing a diminishing affordable housing stock if activated and put into the hands of nonprofit developers and/or community land trusts.

With the announcement of Mayor de Blasio's housing plan in 2015 and its focus on East Harlem, the East Harlem Neighborhood Plan Steering Committee, convened by City Council Speaker Melissa Mark-Viverito, came together to respond with a bottom-up plan for the future of the community. Two years of in-depth analysis, engagement, research, organizing, and consensus building produced a plan and a process that has been recognized nationally as the gold standard

for other neighborhoods to replicate. In the end, we believed that the Plan was a fair and comprehensive strategy for achieving critical neighborhood investments.

The EHNP was submitted to the administration in February 2016. The City made its proposal in the fall of 2016, and while there were some significant differences, members of the EHNP believed these differences could be resolved. My office and the rest of the members of the EHNP spoke to the Administration early about our disagreement with this application's proposed densities along portions of Park and Third Avenues. We also voiced our concern that there were no specifics on how the potential gap between the affordability of the lower-income housing proposed to be developed and the incomes of the current residents would be addressed.

Unfortunately, months of meetings did little to resolve differences on the environmental analysis, the geographic boundaries and additional density proposed by the City. Given the difficulty involved in coming to the consensus in the EHNP, the failure to make headway on significant differences with the administration lead us to conclude that the City's proposal is inappropriate.

Land use applications for the redevelopment of East Harlem constitute only one piece of the neighborhood plan necessary to achieve the complement of preservation and growth the neighborhood desperately needs and has been promised. The Mayor's 10-year housing plan commits to aggressive preservation strategies including legal services, other anti-harassment programs and funding for rehabilitation of existing housing. The allocations of dedicated pools of capital for rezoning areas through the Neighborhood Fund (administered by EDC), the Rezoning fund (administered by DEP) and the Housing and Acquisition Funds (separate entities, both administered by HPD)[5] and the mayor's statements and housing plan created an expectation that neighborhoods subject to these rezonings could expect an upfront, targeted and aggressive preservation program in conjunction with any rezoning proposal[6].

While there are some City-wide programs and strategies available for housing preservation, the programs are not comprehensive, sufficiently funded or tailored to meet the preservation challenges of the East Harlem community. East Harlem is a community in which three-quarters of all housing is regulated in some form, units are rapidly being deregulated and landlords are warehousing properties subject to regulations. What is more, some 28 percent of residents live in distressed NYCHA properties. So there is a clear need for more aggressive and tailored strategies.

In addition, the EHNP sets forth numerous other capital and programmatic investments needed to ensure the success of the neighborhood rezoning as contemplated in the Administration's housing plan. While some of these have been addressed, others, discussed below, have not. All of these programmatic and capital needs-related recommendations have been available to the administration for over a year and a half and could have been incorporated into commitments accompanying this rezoning proposal.

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[5] *Capital Spending & Neighborhood Rezoning: More Than $1.6 Billion Planned for New Infrastructure Funds.* New York City Independent Budget Office. May 2015. Retrieved from http://www.ibo.nyc.ny.us/iboreports/capital-spending-neighborhood-rezoning-more-than-1.6billion-planned-new-infrastructure-funds-may2015.pdf

[6] Housing New York: A Five-Borough, Ten-Year Plan. Office of the Mayor. May 2015. Retrieved from https://shnny.org/images/uploads/NYC-2014-housing-plan.pdf

To separate the land use elements from the programmatic and capital-needs elements of the plan would yield an inadequate analysis of the merits of the proposal and so for our review we consider the work done on both the zoning and community commitments together.

We begin with what, in my opinion, should come before, and continue throughout and beyond the period of any rezoning – the preservation effort. Then, a discussion of the proposals for the development of new affordable housing is laid out, followed by a discussion of the need for additional support for NYCHA developments. Next, this recommendation covers the land use issues of rezoning boundaries, density, and other zoning issues. And, finally we address other programmatic and infrastructure efforts to strengthen the East Harlem Community. We are left with an incomplete picture of what the impact of this application will be and how we can ensure the better future for the community promised by the applicant. Ultimately, the current proposal falls short in both the land use and the programmatic categories.

Affordable Housing

Housing Preservation Plan

If we are concerned about affordable housing for the residents of East Harlem then protecting the existing housing stock is essential. Approximately 75 percent of East Harlem residents live in regulated housing.[7] Given that East Harlem has lost approximately 3,444 units of affordable housing since 2007 and is estimated to lose 3,666 units over the next 13 years,[8] this proposal needs to lead with a robust preservation strategy because new construction alone is insufficient.

A central idea behind all of the administration's neighborhood rezonings is to create opportunities for new development that include significant amounts of required affordable housing in areas that are experiencing major development pressures. A plan to preserve affordable units is essential to ensure that these plans actually result in a net gain of affordable housing and not merely an attempt to tread water against strong currents of incoming market rate housing and outgoing regulated units.

The City has put forward a draft of their preservation plan for East Harlem with goals to preserve and develop affordable housing, reduce barriers to applying for affordable housing and increase economic opportunities along-side their planned housing investments. The draft report provides important details about the housing crisis in East Harlem, the impact of as-of-right development in a strong real estate market on stability in the neighborhood and why government intervention is necessary to stave off further harm. The analysis goes on to outline several existing and some new programs that correspond to the aforementioned goals. But this housing preservation plan falls short from what the EHNP and other stakeholders requested to have in place prior to the push for more density.

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[7] *Draft East Harlem Housing Plan.* Office of Neighborhood Strategies, NYC HPD. pg. 5. May 1, 2017. Retrieved from http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-harlem-housing-plan-draft.pdf

[8] The data is based on CB11 analysis, using RPA affordable housing database, John Krauss rent stabilization data, and NYC PLUTO database. pg 83 http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

A draft housing plan that has been crafted and circulated to the public is a laudable step forward but its status as a "draft" highlights its failure as an upfront and aggressive strategy. Strategies to forcefully root out existing harassment and poor building conditions, which will only be exacerbated with the incentive to develop even with new affordable housing requirements, need to be underway now.

As part of their analysis of conditions on the ground, the HPD's Office of Enforcement and Neighborhood Services (OENS), the Neighborhood Planning and Preservation Unit, the Division of Neighborhood Preservation (DNP) coordinated to do "block sweeps" and additional enforcement visits as part of the development of the proposed rezoning. The results included a more robust list of distressed properties that can be stabilized through subsidized repairs or proactive identification of places that need tenant services, violations correction or litigation. While the temporary increase in services were welcome it still is unclear if this heightened level of involvement is permanent for an area that has needed it for some time and will need it even more moving forward.

Also missing is a commitment that strengthens the anti-harassment protections afforded to tenants in situations where bad landlords are creating unsafe conditions and trying to remove tenants to achieve higher rents. For tenants, the burden of providing proof of harassment is extraordinary, with most judges requiring an extensive history laid out in excruciating detail for a case to be seriously considered. A *Real Deal* article from July 2017 explained that in NYC Housing Court from 2014 to 2016 tenants only won 2 percent (or less) of cases brought when suing for harassment. In 2016, only 15 of the 977 cases that tenants lodged were decided in a tenant's favor.[9] Recommendation 1.7 of the EHNP called for an East Harlem anti-harassment / anti-eviction district, modeled after the Special Clinton District on Manhattan's West Side with the funds to support tenant organizers that will monitor for abuse. At our first meeting with HPD after the release of the report, my office made clear that this would be essential to any support for this proposal. In response, we were told that a citywide answer to the request for anti-harassment districts was being crafted. However, several deadlines have passed and we have nothing yet to assure us that it will be in place. [10]

One particular stock of existing housing within the rezoning boundaries that has remained inaccessible to East Harlem residents is the warehoused units kept unoccupied by various property owners throughout the neighborhood. One *Crain's* article estimates at least 50 properties throughout East Harlem fit this description.[11] These units – many of which are located between East 106th and East 116th Streets and between Lexington and Third Avenues - have been off line for decades and residents and business owners view them as blighted. Based on the age and size of these buildings and their similarity to occupied buildings in the area, there is reason to believe these units, if they were in circulation, would constitute a much-needed pool of rent-

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[9] Bockman, Rich and Parker, Will. *Life after Croman* .The Real Deal. July 01,2017. Retrieved from https://therealdeal.com/issues_articles/life-after-croman/

[10] *East Harlem Neighborhood Plan.* East Harlem Neighborhood Plan Steering Committee. pg 68. February 2016. Retrieved from http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[11] Anuta, Joe, *Rezoning could be boon for East Harlem landlords.* Crain's. June 12, 2017. Retrieved from http://www.crainsnewyork.com/article/20170612/REAL_ESTATE/170619989

regulated apartments. Despite that, a lack of concern for the surrounding area has resulted in owners of these warehoused buildings keeping those units vacant and limiting activity to the commercial ground floor simply to keep up with tax bills. Now the rezoning we are considering would award those same owners for their speculative actions.

DCP has explained that applying the proposed zoning districts would ensure any value realized by these particular owners will at least result in the minimum affordable housing requirements of MIH, and maybe more if HPD term sheets are considered by the developers of those sites. While this is encouraging, the minimum 25 percent of required affordable housing that would be created at these locations is not sufficient. If new development occurs here, mechanisms should be explored to require additional affordable housing to reflect the disinvestment these buildings represented for the community. While the City has pushed back against applying modified versions of their inclusionary housing program, exploring this concept in East Harlem for these sites could send a strong message against speculation and warehousing.

The City needs to confront this issue because it is not only an East Harlem problem; it is a citywide problem. A 2012 report, *Banking on Vacancy*, initiated by Picture the Homeless (PTH), found that 3,551 vacant buildings that were surveyed could potentially house 71,707 people.[12] There are several recommendations in the report, including some legislative solutions that should be piloted as part of the East Harlem Preservation Plan. The *Housing Not Warehousing Act*[13] is a package of three City Council bills that create a mandatory registry for all landlords holding their property vacant, mandate the City to do an annual count of all vacant property, and require a report of all city, state, federal, and authority-owned vacant property suitable for the development of affordable housing. The report would also include recommendations on how to turn these city-owned properties into affordable housing as soon as possible. These underutilized properties should be targeted for extremely low to middle-income families and kept permanently affordable under the direction of mission-driven developers and/or community land trusts.

Development of New Affordable Housing

The EHNP recognizes that the City's current affordable housing development tools leverage the private market and balance affordable unit production with market-rate unit production. Our plan called for at least 50 percent of all units produced in East Harlem to be affordable to extremely low-income up to middle income residents and a minimum of 20 percent of those units to be affordable to those at or below 30 percent of AMI.

There is significant doubt that MIH alone will deliver on the units we need for East Harlem families searching for affordable housing. Option 1 and Option 3, the most likely designations for this area, are set at 60 percent of AMI with a required tranche of 20 percent of MIH units at 40 percent AMI. These levels of affordability do not go deep enough to provide housing for our most vulnerable communities. In East Harlem, 37 percent of residents make under $23,350 or lower than 30 percent of AMI. That is not a specified AMI bracket addressed by MIH, but

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[12] *Banking on Vacancy: Homelessness and Real Estate Speculation.* Picture The Homeless. January 2012. Retrieved from http://www.issuelab.org/resources/14899/14899.pdf

[13] Picture The Homeless. "Announcing the Housing Not Warehousing Act." Picturethehomeless.org. Retrieved from http://picturethehomeless.org/announcing-the-housing-not-warehousing-act/

instead is a probable result of the averaging that will happen as projects move forward. But this creates uncertainty that causes people in the community not to trust that these residents are being considered in this plan.

Where we have found some common ground is that the EHNP and the administration both look to maximize our opportunity for lower levels of affordability on public sites where we have more control. My office has regularly stood by the policy that projects on public sites should be 100 percent affordable and that the affordability should be made lasting through "practical permanence." Recent HPD affordable housing pipeline projects like La Promesa/Acacia Gardens (C-150212 HAM), Lexington Gardens II (C-160338 ZSM), and the proposed Sendero Verde (C-170361 ZMM) give us a sense of what to expect. Those projects have set aside 10 to 20 percent of their units for residents that are at or below 30 percent AMI. On some of the public sites, such as the Harlem Burial Ground Project on the former 126th Street Depot site (C-170275 ZMM), the City is only agreeing to making 50 percent of the total development affordable, citing the funding constraints for the community facility and memorial elements that will be part of the future ground plan. While on this project it will include 20 percent of the affordable units at 30 percent of AMI, we are still forced to access market-rate housing on city-land. If we are barely (or in some cases not) reaching the 20 percent target of affordability necessary for a significant segment of the East Harlem community on public sites , it is impossible to assure the community that we can satisfy this goal overall when developments on private land are added.

We must call for more affordability on our city-owned sites since we are limited in our ability to push for changes in how the Mandatory Inclusionary Housing program is implemented. In these projects, we would work with mission-driven developers and/or the East Harlem/El Barrio Community Land Trust to get to those tiers that are below 30 percent and require entire projects to be 100 percent affordable. Together with projected private development under MIH we could target for 50% of the new housing on private rezoned and public sites to be affordable at a variety of low- and moderate-income levels. This model still encourages the building of desperately needed moderate and middle-income units and targets our housing policy and scare city-owned land where it is needed most.

The EHNP identified at least five public sites for the City to review. We should receive a commitment to target these sites, and any other remaining city-parcels for mission-driven developers and community land trust partners who share our goal of creating housing inclusive of all families, regardless of total income.

A Commitment to NYCHA residents in East Harlem

Manhattan's largest concentration of public housing is in East Harlem and represents almost 28 percent of all the residents that call this area home and 9 percent of the City's entire NYCHA

population[14]. Data using NYCHA's 2011 Physical Needs Assessment Summary compiled by the Community Service Society places the total cost for capital needs of the NYCHA developments in East Harlem at approximately $1.88 billion.[15] Any final proposal that moves forward with a growth plan for this community should identify a significant down payment toward bringing these developments back to a state of good repair. Without a commitment at this stage, the plan lacks a central piece advocated for by residents.

Regarding the zoning proposal specifically, there were several areas where the City's proposal deviated from the EHNP and made my support for the application improbable.

Zoning Changes

Rezoning Boundaries

The EHNP- recommended rezoning boundaries included all of Manhattan Community Board 11. The proposed study area was supported with a list of potential soft sites we felt represented the kind of as-of-right development that may be possible and should be subject to MIH. The current application shrinks those boundaries to an area generally bounded by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east. Part of the rationale to support a larger study area was that the EHNP sought structured growth on a scale more appropriate for the neighborhood. Instead of concentrating higher densities into narrower corridors as this application does, the EHNP looks to spread the additional density needed to achieve affordable housing goals over a greater area and reduce the burden that comes with new development on any one location.

Moreover, there is significant concern about the area south of East 104th Street. The southern area has been rising in value due to several factors such as its proximity to the Upper East Side, access to existing and new mass transit with the opening of the 96th Street Q train station and distance from the Manhattan Core. Institutions are even recognizing value here; Marymount had recently filed a BSA application to build a new campus. This strong market has also seen a decline in existing rent–regulated housing. Property tax data collected by programmer and cartographer John Krauss shows numerous buildings losing between 10 to 50 percent of their rent-regulated stock below East 104th Street and above East 96th Street.[16] We believe current and potential market attraction to this area warrants preservation districts or mandatory housing requirements for new development in this area.

Height, Density and Neighborhood Character

It is important to recognize there are several areas where this application overlaps with the spirit of the EHNP. Along Madison Avenue above East 126th Street, DCP included our

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[14] *Community Visioning Workshop #3: NYCHA / Housing Preservation*.pg.54.East Harlem Neighborhood Plan. Retrieved from http://www.eastharlemplan.nyc/EHNP_FINAL_FINAL_LORES.pdf

[15] *2011 Physical Needs Assessment (PNA) Summary*. New York City Housing Authority. Retrieved from https://www1.nyc.gov/assets/nycha/downloads/pdf/transparency-pna-2011.pdf

[16] To view the property tax data and review the change over time of rent-stabilized units in the area you can visit http://blog.johnkrauss.com/where-is-decontrol/

recommendations about contextual and preservation districts. DCP proposes to map large sections of Lexington Avenue and several midblock sections with contextual districts that reflect the existing built character. This application also embraced recommendations for active street requirements along East 116th Street and additional density along Second Avenue. However, those areas of agreement still left some significant disagreement over key corridors.

The difference between the East Harlem Neighborhood Plan and the applicant's proposal in suggested density for Park and Third Avenues was one of the most difficult components to overcome. DCP put forward a proposal that would apply the highest floor area districts available along parts of Park Avenue between East 115th Street and East 132nd Street and Third Avenue between East 104th Street and East 122nd Street where our own community-driven process suggested a more contextual alternative that triggers MIH but is more closely aligned with the existing neighborhood character.[17]

- For Park Avenue between East 115th Street and East 132nd Street, the EHNP recommended MX/R7 or R8 districts, with some additional density above that around transit nodes. This works out to densities ranging from 7.2 to 10 FAR. The Administration proposed a R9, R10 and MX/R9 and R10 districts or densities ranging from 8.5 to 12 FAR.
- For Third Avenue between East 104th Street and East 122nd Street, the EHNP recommended R9 or R9A with densities of 8 and 8.5 FAR respectively. The Administration proposed a R10 and C4-6 (R10 equivalent) district with a maximum 12 FAR for residential use.

Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts. One important reason why some preferred R9 or R9A was that the bulk of the extra density would go to create affordable housing, whereas R10 would have allowed for a greater ratio of market-rate units. Though asked by EHNP, our office and others to consider revisiting other, more modest alternatives, the administration has refused to amend their application. The opposition to change includes refusing to study height limits more generally as one of the alternatives so that we can identify other possibilities that could create affordable housing but also preserve neighborhood character.

I am concerned that the new tower form proposed in the East Harlem Corridors Special District exacerbates the height and density issue even further. As currently written in the application's "Proposed Actions," the new text would allow thin, tall towers on a small base, a floor plate more appropriate for luxury and not affordable development. This further plays into the fears that the balance struck by the proposal has swung too far to the side of market-rate development. Instead, the text should require the tower-on-base regulation typically found in high-density districts or set high enough minimums where you have a building form that responds to the proximity of the viaduct, but also addresses the concern for excessive height in residential areas.

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[17] A comprehensive comparison of the EHNP and this application is available on the CB 11's website under "Presentations" at http://www.cb11m.org/east-harlem-rezoning/

Finally, during negotiations with the Administration over potential height limitations my office was told that Federal Aviation Administration (FAA) regulations for this area prohibited buildings from going above specific heights identified in the La Guardia field Flight Obstruction Area Map. This would place an effective height-limit on buildings in the proposed R10 districts from achieving heights that might otherwise be allowed.

After reviewing the FAA obstruction area map, it was clear that the airport conical surface[18] that extends west from the airport over Manhattan only covered the northern proposed R10 districts (Above East 118th Street along Park Avenue and above East 116th Street up to East 124th Street along Third Avenue) while leaving the southern proposed R10 district untouched. According to the Administration's own Market and Financial Study that was done as part of the MIH Program application, the southern portion of the district is considered a "strong market" identified by strong sales prices, robust land prices and the ability to command attractive market-rate rents.[19] This is exactly the kind of area where we would fear out-of-context development. For the northern proposed R10 Districts that are covered by the FAA obstruction map, the effective height limit is approximately 400 feet and much higher than what the community was comfortable with during height discussions in the EHNP process.

As of Right Parking Garages

The application would allow public parking garages of up to 150 spaces as-of-right in districts where they are not currently allowed. This provision is in conflict with the policy of this office to disincentivize car use in areas with access to mass transit. Even in areas where the special permit is required, we have raised concerns with some of the study parameters and underlying assumptions of the residential parking study that accompanies those types of applications. My concern would only deepen if the public review component is removed.

Commercial Overlays on New York City Public Housing Authority (NYCHA) Campuses

The proposal includes several commercial overlays to be mapped along the wide street frontages of several NYCHA campuses. As part of the EHNP process, there was discussion among the subgroups about targeting these spaces for economic development driven by NYCHA residents. I believe that DCP's inclusion of the overlays was intended to be responsive but it did not reflect the recommendation in the Plan. The EHNP concluded that such a drastic change to NYCHA's built environment required separate and direct engagement with the residents who live there. The proposal uses too broad a brush and applies the overlays without considering fears related to displacing residents, playgrounds and open space.

Special transit land use (TA) district at East 116th Street and Lexington

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[18] An Airport Conical Surface is an imaginary surface, which extends upward and outward from the outer limits of the Horizontal Surface and exists primarily to prevent existing or proposed manmade objects, objects of natural growth or terrain from extending upward into navigable airspace. Retrieved from http://www.wacaz.com/services/obstruction-evaluation/airport-conical-surface/

[19] *Market and Financial Study: NYC Mandatory Inclusionary Housing.* BAE Urban Economics, Inc. September 2015. Retrieved from https://www1.nyc.gov/assets/planning/download/pdf/plans-studies/mih/bae_report_092015.pdf

As part of the administration's proposal, special transit land use (TA) districts, first mapped in 1974, were updated to reflect recent planning decisions regarding Phase 2 of the Second Avenue Subway. TA districts have rules that efficiently lessen the conflict between substantial pedestrian movement and access to underground transit by removing stairway entrances from the middle of sidewalks and reserving space in new developments adjacent to subway stations for subway-related uses. For the developer, the reserved space is exempt from their floor area calculations. Given the support for this as a smart planning tool, I was surprised not to see it included elsewhere, particular along the existing Lexington line where additional density is being considered. The application proposes changing the area surrounding the East 116th Street Station on the Lexington Line from a R7-2 to a R9 District. While the plan and my office encourages the theory that extra density is most appropriate near mass transit, this location is not properly prepared to accept that density. This location was one of three transit nodes identified as being adversely impacted under the Draft Environmental Impact Statement (DEIS). Mapping a TA District, roughly similar to the subway improvement language of the Special Lincoln District, would mitigate this impact.

Other Areas of Concern

Preservation of Historic and Cultural Resources

The administration's proposal also lacks concrete ways to preserve architecture, arts and culture in East Harlem. Preserving these assets from the impact that new development might have on visual aspects of neighborhood history has always been a priority for the community. In our plan and subsequent public hearings residents noted it as a top concern. We had hoped to engage in a thorough review of the sites proposed by the EHNP and by Landmark East Harlem or discuss ways the City can continue to explore more culturally and historically relevant designations such as was accomplished with Stonewall Inn. Review and work by the LPC should have been occurring as this application progressed. It is incredibly disappointing that this work was not seen as a priority despite my continued calls since the beginning of my tenure as Borough President for parity for Northern Manhattan in the consideration of landmark designations.

Environmental Review Issues

Our office, the steering committee and the administration remain unable to agree on the appropriate criteria to determine projected and potential project sites in the DEIS. Key differences include the likelihood that houses of worship will build on these sites and the status of rent-stabilized buildings, which are often ruled out as developable sites by DCP. However our own research suggests these buildings might be susceptible to redevelopment. The City has recently launched the New York Land Opportunities Program (NYLOP), an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial institution. , "to help mission-driven organizations with limited real estate experience form joint

venture partnerships to develop affordable housing on their underused land.[20]" Faith-based organizations constitute a significant category of these mission-driven organizations, a fact that underscores the potential for redevelopment of these properties. Underestimating the potential development universe will cause us to miss impacts we could have avoided. Moreover, failure to account for all development sites affects the calculations of the number of units of housing that can and will be created thereby impacting how much and where density is acceptable in East Harlem.

Other issues caused my office to question the environmental review. The DEIS found no impact on water and sewer infrastructure, solid waste and sanitation services, a finding that is implausible given that such problems occur in the neighborhood under existing conditions. Our concern about how generation rates for Upper Manhattan school children are calculated was brought to DCP's attention early on. It was also identified as part of the Lexington Gardens II application and the Draft Scope of Work for the Harlem African Burial Ground application. An analysis using American Community Survey (ACS) Public Use Microdata (PUMS) completed by a land use consultant for CB11 shows the rate of child birth in Upper Manhattan as higher than in other areas of Manhattan. However CEQR has one generation rate for the whole borough. While the Zoning Resolution does draw a distinction between the Manhattan Core and Upper Manhattan for a host of other land use policies, this topic is exempt. The result is an underestimating of the need for future school seats.

Community Need for Public Investment in Services and Infrastructure

From the moment East Harlem was announced as a potential area for rezoning, stakeholders in East Harlem were aware that the needs that would have to be addressed so that any rezoning could benefit the community would have to come from a rigourous community process Zoning alone would be an insufficient tool for getting at many of the underlying problems identified in community district need statements submitted by the Community Boards or the lack of investments highlighted by local CBOs. There was general agreement that East Harlem's future has to come from a comprehensive assessment of the state of the neighborhood and has to cover a range of socioeconomic and cultural areas of study. The EHNP brought together residents and topic experts so that we could respond with hard data needed for that assessment.

In terms of our process, the administration has had a year and a half to consider, act on and incorporate our recommendations. During that time there has been some movement toward agreement. To support the desire for more holistic, service-rich education environments, the City has committed to funding three new community schools next year. Local art and cultural capacity-building initiatives will be funded through the awarding of a Building Cultural Capacity Grant. To address questions about healthy teaching environments for children, the DOE is installing air conditioners, with corresponding electrical system upgrades, throughout the school system by Fiscal Year 2022. The City opened a Neighborhood Health Action Center in April 2017 and partnered with the New York Academy of Medicine (NYAM) to provided small grants and support to local organizations to address community health issues. To respond to some of

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[20] *Mission-Based Partnerships*. NYC HPD. August 2017 Retrieved from http://www1.nyc.gov/site/hpd/developers/mission-based-partnerships.page

our open space and green infrastructure concerns, NYC Department of Parks and Recreation (DPR) is simultaneously proceeding with an East Harlem Resiliency Study and a design process for the Harlem River Park Greenway Link along the esplanade between East 125th and East 132nd Streets. Planning for a new East 125th Street Plaza to be located adjacent to the Metro North station has begun, and two Select Bus Service bus stations at Lexington Avenue and East 125th Street are in the works. To help small businesses, the City has committed to $1.49 million in Neighborhood 360 grants to local nonprofit partners and a new Workforce 1 center to supplement existing nonprofit-driven employment and training programs in East Harlem.

These measures are noteworthy, but essential needs remain unaddressed. There is no plan to boost opportunities for East Harlem students and young adults to access the Career and Technical Education opportunities in their own community board area. For those schools that are not community schools, ways to increase resources for social/emotional services and academic remediation have not been identified. There are no firm commitments on naturally occurring retirement community (NORC) project funding for the neighborhood, or integration of the findings into the EIS from the Health Impact Assessment conducted by NYAM. Few substantive conversations have occurred with the Department of Transportation (DOT) about strategies for decreasing vehicular congestion around East 125th Street and placing more City Benches around the community district. The community has received no commitment for a consolidated state of the art sanitation garage, though the DSNY Commissioner expressed interest in doing so at the City Council hearing on the District 11 garage on July 27, 2017. There is disappointment among many EHNP members on the slowness to embrace local purchasing requirements, requiring local hire provisions for projects receiving subsidies under $2 million, as well as other labor demands, including good wages, apprenticeships, and safe working conditions. At the public forum related to education and relevant subcommittee discussions, participants called for increased afterschool program capacity and the desire to see prioritized repair or relocation capital for pre-K, daycare and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building. However, there has been little discussion to further these goals. Finally, even though the waterfront was left out of the City's proposal, it must be addressed to prepare for East Harlem's growth. We had hoped to see a funding strategy for esplanade repair and maintenance below East 116th Street and a long-term rebuild plan for the East 107th Street Pier by this time.

We understood that these types of actions, while perharps not appropriately a part of the land use applications, would support and accompany a neighborhood rezoning. We are disappointed that more progress on these critical initiatives has not been made.

I believe that the City put forward this application with the intention of helping and supporting East Harlem. The application's primary goals are to create new affordable housing, preserve neighborhood character, create opportunities for economic development, improve the pedestrian experience, and commit to the kind of capital needs East Harlem deserves. That said, while we agree on the principles, we are far apart on the specifics as to how these goals should be achieved. At this point in the process not enough of the critical community concerns have been addressed to allow me to support this proposal.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends **disapproval** of Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM.

Gale A. Brewer
Manhattan Borough President

APPENDIX – East Harlem Rezoning

PROPOSED ACTION

The City of New York Department of City Planning (DCP), together with the Department of Housing Preservation and Development (HPD), is proposing a series of land use actions—including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan (collectively, the "Rezoning Plan") in order to facilitate the creation of permanent affordable housing, amongst other goals. The Rezoning Plan is one implementation measure of the East Harlem Neighborhood Plan which was the result of a two year community planning process. The Proposed Actions would affect an approximately 96-block area of the East Harlem neighborhood in Community District 11, Borough of Manhattan.

Generally, any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program. In evaluating the amendments to the Milbank Frawley Circle-East Urban Renewal Plan, this office must consider whether the changes are in line with the original goals of the renewal plan and if the changes improve on the existing agreement.

The Zoning Plan must also be evaluated using the lens of the East Harlem Neighborhood Plan (EHNP). The EHNP called for the development of permanent affordable housing, the preservation of existing affordable units, respect for the existing neighborhood character including its cultural landmarks, improvements to the pedestrian experience, and the creation of new commercial and manufacturing space to support job creation adjacent to existing and future transit nodes.

Goals of the Rezoning Plan

Collectively, the actions that make up the Rezoning Plan reflect DCP's goal to achieve the following land use objectives:

- Create opportunities for requiring permanently affordable housing to ensure that the neighborhood continues to serve diverse housing needs;
- Modify the existing zoning, where appropriate, to preserve the built neighborhood character;
- Create opportunities for economic development while preserving the vitality of existing commercial and manufacturing uses;
- Establish a Special District with urban design controls that balance new development with existing neighborhood context and scale and improve the pedestrian experience; and
- Establish a planning framework that addresses capital infrastructure needs and services required to support current demand and future growth.

PROJECT DESCRIPTION

Background

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of $30,380, down 9 percent from 2010.[21] The area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator buildings).

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 Melissa Mark-Viverito, 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 two year long process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

Previous East Harlem Rezoning Plans

DCP 2003 Rezoning

In 2002, DCP proposed a rezoning for 57 blocks in East Harlem, east of Lexington Avenue and south of East 124th Street to East 99th Street, much of which was originally zoned R7-2, a moderate density residential district. This plan was approved by the City Planning Commission and adopted by the City Council in 2003. The rezoning replaced height factor zoning districts with contextual zoning districts. While contextual, there were greater heights on the avenues and lower heights on mid-blocks. The purpose of the rezoning was to create new opportunities for residential development, encourage ground floor retail and local services, and protect the scale of mid-blocks and broad neighborhood character through targeted contextual districts. The proposal replaced much of the R7-2 with R7A, R7B, R8A, and C4-4D districts. The C4-4D district was

[21] Furman Center. *Manhattan Community Board 11 Profile*. State of New York City's Housing and Neighborhoods 2016. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

specifically written for East Harlem and was a new zoning district at that time. Several existing manufacturing districts were rezoned to residential districts or lighter industry. Parking regulations were also modified to meet the needs of new commercial overlays.

125th Street Rezoning

DCP collaborated with several other mayoral agencies in December of 2003 to generate a development framework for the entire 125th Street corridor between the Harlem and Hudson Rivers. The application affected 24 blocks along 125th Street spanning sections of Manhattan Community Boards 9, 10 and 11. The proposal focused on zoning and urban design controls, encouraging a balanced retail mix, addressing traffic challenges, and supporting growth for arts and entertainment in the area. The final zoning application approved by the City Council in April 2008 modified height and bulk regulations but retained many of the elements that sought to increase opportunities for new, mixed-use housing and cultural and retail development for Harlem.

2013 CB11 Rezoning Study

In January of 2013, Community Board 11 approved the East Harlem Land Use and Rezoning Initiative Final Recommendations, a joint project with CIVITAS and Community Board 11, informed by over a year of community input. The planning and zoning study area included East 115th Street and East 132nd Street, bounded by Madison Avenue on the west and Lexington Avenue on the east. The report made recommendations to update zoning districts and increase density in certain areas, promote affordable housing and economic development, and preserve neighborhood character. Many of the recommendations from this report were integrated into the East Harlem Neighborhood Plan initiated two years later.

Milbank Frawley Circle Urban Renewal Area and Milbank Frawley Circle East Urban Renewal Plan

The Milbank Frawley Urban Renewal Area (URA) is located in Community Board 11 and was created by the Board of Estimate in September 1967. In August 1992, a portion of the URA was established as the Milbank-Frawley Circle East Urban Renewal Area, an action which modified the boundaries to facilitate the development of a130-unit affordable housing project (C-920139HUM). The URA is bounded by East 125th Street to the north, Park Avenue to the east, 107th Street to the south and Fifth Avenue to the west. Since then it has gone through four minor changes and one amendment.

The objectives of the URA are to:

- Redevelop the area in a comprehensive manner, by removing blight and maximizing appropriate land uses;
- Remove or rehabilitate substandard and unsanitary structures;
- Remove impediments to land assemblage and orderly development;
- Strengthen the tax base by encouraging development and employment opportunities in the area;

- Provide new housing of high quality;
- Provide appropriate community facilities, parks and recreational uses, retail shopping, public and private parking; and
- Provide a stable environment within the area which will not be a blighting influence on surrounding neighborhoods.

Harlem-East Harlem Urban Renewal Plan

Established in 1968, The Harlem-East Harlem URP covers portions of Manhattan Community Districts 10 and 11 from approximately East 106th to East 133rd Streets, east of Fifth Avenue. As part of the URP, design, building bulk and parking requirements were included to reinforce the existing urban character. Lots were separated into five land use categories, and supplementary controls were made on specific sites.

The objectives of the URA are to:

- Redevelop the area in a comprehensive manner, remove blight and maximize appropriate land use;
- Remove or rehabilitate substandard and unsanitary structures;
- Remove impediments to land assemblage and orderly development;
- Strengthen the tax base by encouraging development and employment opportunities in the area;
- Provide new housing of high quality and/or rehabilitated housing of upgraded quality;
- Provide appropriate community facilities, parks and recreational uses, retail shopping, public and private parking; and
- Provide a stable environment within the area that will not be a blighting influence on surrounding neighborhoods.

Project Area

The Project Area encompasses a portion of the East Harlem neighborhood in Manhattan Community Board 11. The rezoning area encompasses 96 blocks bounded by East 132nd Street to the north, Second Avenue to the east, East 104th Street to the South and Park Avenue to the west.

The predominant land use in the Project Area is residential with several New York City Housing Authority (NYCHA) developments and multi-family walk-up and elevator buildings. There are also a number of mixed commercial and residential developments, commercial and office spaces, public facilities and institutions including: La Marqueta, El Museo del Barrio, Museum of the City of New York, Mount Sinai Center and the New York Academy of Music. The area is well served by mass transit with the No. 4 and 6 subway line train stops at East 125th Street, East 103rd Street, and East 110th Street. Several bus lines also run along the major commercial corridors of 125th Street, 116th Street, Third Avenue and Second Avenue including the: M1, M2, M7, M35, M98, M100, M101, M102, M16, M60 Select Bus, and Bronx bound bus lines. Outside of the Project Area there is access to the No. 2, 3 and 5 subway lines and access to Citibike bike stations.

The Project Area is divided into three geographic areas which reflect distinct neighborhood character and land uses: North of East 125th Street, Mid-East Harlem and South of East 116th Street.

North of East 125th Street
The "North of East 125th Street" area extends along the east and west sides of Park Avenue to the west, midblock between Madison and Fifth Avenues. On the west side of Park Avenue between East 125th and East 132nd Streets is a predominantly residential neighborhood with few ground-floor retail uses and three- to four-story brownstones on the mid-blocks and five- to seven-story mid-rise buildings along the avenue. The northern portion of Park Avenue is predominantly automotive and manufacturing uses with surface parking, gas stations, the Metropolitan Transit Authority (MTA) Metro-North Railroad elevated viaduct and parking for Department of Sanitation vehicles. The intersection of East 125th Street and Park Avenue is a commercial node which was rezoned in 2008 with height limits. Here there is a 12-story building that functions as an office space with ground-floor retail, and a few smaller buildings that have ground floor retail use and residential use on the upper floors.

Mid-East Harlem (between East 125th Street and East 116th Street)
The Mid-East Harlem area is bounded by East 125th Street, East 116th Street, Park Avenue, Lexington Avenue, Third and Second Avenues. This area is predominately residential with the highest concentration of NYCHA developments in the Project Area and mixed residential buildings with ground floor commercial uses along the avenues. The MTA Metro-North Railroad viaduct structure is along Park Avenue along with many surface parking lots facing the avenue and beneath the viaduct. Lexington Avenue is characterized by mixed-use buildings with ground floor retail space. The residential buildings vary from four to six story tenement buildings to tower-in-the-park buildings ranging from 11 to 32 stories. The mid-blocks in this area have shorter residential buildings not exceeding seven stories; there are a number of community facilities and at grade open spaces. Third Avenue is a commercial corridor with many vacant upper floors and heavily underutilized sites.

South of East 116th Street
The South of East 116th Street area includes East 104th Street to East 116th Street and Park Avenue, Lexington Avenue and Second Avenue. This area is largely characterized by mixed use buildings and multifamily walk-up buildings. The building heights range between four and eight stories along Lexington Avenue and along Third Avenue there are four to seven story tenement-style buildings with ground floor retail. Similar to the Mid-East Harlem area, there are many vacant upper floors with active ground-floor retail usage. The NYCHA developments that are in this area include the Lehman and Carver Houses along Park Avenue between East 104th Street and East 110th Street.

PROPOSED ACTIONS

The New York City Department of City Planning ("DCP") and the New York City Housing Preservation and Development ("HPD") seek several land use actions to facilitate a rezoning

plan in response to land use and planning recommendations from the East Harlem Neighborhood Plan (EHNP) and to advance the goals of Mayor De Blasio's *Housing New York: Five Borough, Ten-year Plan.*

The DCP seeks to amend the Zoning Map, Section Nos. 6a and 6b, to change existing light manufacturing districts to mixed residential, commercial and manufacturing uses and establish the Special East Harlem Corridor District ("EHC"). This action would also amend the Zoning Map to include the boundaries of the EHC along major thoroughfares and the modified boundaries of the existing Special Transit Land Use District ("TA"). In addition, DCP also seeks Zoning Text Amendments to the Zoning Resolution to establish the EHC and establish a Mandatory Inclusionary Housing Area ("MIHA") in the proposed rezoning area. As the co-applicant, HPD only seeks amendments to the Milbank Frawley Circle-East Urban Renewal Plan ("URP").

The proposed actions summarized above are discussed in greater detail below.

Proposed Zoning Map Amendment

Changes to zoning map(s) nos.6a and 6b would establish the boundaries of the Special East Harlem Corridors District (EHC) and modify boundaries of the Special Transit Land Use District. The EHC boundaries would be mapped along major corridors within the rezoning area including Park Avenue, Lexington Avenue, Third Avenue, Second Avenue, and the East 116th Street corridor, In addition, the amendments would replace all or portions of existing R7-2, C8-3, M1-2, M1-4, C4-4, C4-4D, R8A, R7A, and C6-3 districts within the rezoning area with M1-6/R9, M1-6/R10, C4-6, C6-4, R10, R9, R7A, R7B, and R7D districts. In addition, the proposed rezoning would replace or eliminate portions of existing C1-4, C2-4, and C1-5 overlays with C1-5 or C2-5 overlays and establish new C1-5 overlays.

Proposed Zoning Text Amendment

The Proposed Actions include amendments to the text of the City of New York's Zoning Resolution (ZR) to:

- Establish special use, bulk, ground-floor design and parking regulations within a Special East Harlem Corridors District (EHC);
- Create a new special permit related to the development, conversion, or enlargement of hotels within the proposed EHC;
- Modify existing provisions of the Special 125th Street Special District applicable to the portion of the special district located at the intersection of East 125th Street and Park Avenue to implement new special use, bulk, ground-floor design, and parking regulations;
- Modify the boundaries of the TA District to reflect the current plans of the Metropolitan Transportation Authority (MTA) for prospective Second Avenue Subway locations, accommodate ancillary support facilities for the future phase of the Second Avenue Subway, and introduce bulk modifications to facilitate the inclusion of necessary

transportation-related facilities in new developments within Special District boundaries; and

- Amend Appendix F of the Zoning Resolution to apply the Mandatory Inclusionary Housing (MIH) program to portions of the proposed rezoning area, including areas where zoning changes would promote new housing.

Urban Renewal Plan (URP) Amendments

The Proposed Actions include amendments to the Milbank Frawley Circle-East URP, to make the URP compatible as warranted with the above zoning actions:

- Remove the supplementary setback control on sites along Park Avenue between East 110th Street and East 123rd Street;
- Change the designated land use of Site 9 from 'residential/public and semi-public' to 'residential';
- Change the designated land use of Site 25A from 'residential, residential/commercial, and commercial/semi-public' to 'residential'.

Waterfront Revitalization Program (WRP)

Portions of the rezoning area are within the Coastal Zone and will require review by the CPC, in its capacity as the City Coastal Commission (CCC), to determine if they are consistent with the relevant WRP policies.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 20, 2017, Manhattan Community Board 11 (CB 11) passed a negative resolution with conditions related to this application. The final vote for the resolution was 32 in favor, 9 opposed, and 1 abstention. Due to difficulty experienced by the Board with recording individual votes from board members, a vote was held on Tuesday June 27, 2017 where the Board voted to ratify and affirm the previous week's vote. The ratification and affirmation was adopted by a vote of 27 in favor, 7 opposed, and 0 abstentions. Before the full board vote, the representatives of DCP and HPD appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

To more fully evaluate the Proposed Actions, CB 11 created the East Harlem Rezoning Task Force, which met from March to June 2017, and which interacted extensively with the community through public meetings, community outreach, electronic and paper surveys, and other efforts to develop a comprehensive response reflecting the community's interests and concerns.

In their written comments submitted to the Department of City Planning, CB 11 supported the EHNP, and the zoning framework that would require affordable housing in every new development in the rezoned areas while minimizing density, preserving community character,

and stimulating local economic growth. However, while CB 11 recognized that the Proposed Actions are in the spirit of the EHNP rezoning recommendations, it found significant differences, especially as it relates to the impacts of increased density.

According to CB 11, the EHNP generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. However, in large portions of the rezoning area, the Proposed Actions would impose the highest density residential districts allowed by law on both Third Avenue and Park Avenue, which are considerably higher than those recommended by the EHNP.

CB 11 stated that it considers this increase in density excessive. Although it creates needed affordable housing, the Proposed Actions will irrevocably change the character of the community while only making approximately 25 percent of new units permanently affordable. Furthermore, CB 11 expressed concerns that the Proposed Actions will result in negative impacts including but not limited to increased pedestrian traffic, strain on public transportation capacity, sufficiency of existing education facilities, demand of social services, displacement of local businesses, and impacts on existing infrastructure.

While noting that there is no mitigation possible for the proposed increase in allowable FAR to 12, CB 11 presents alternatives and mitigation strategies to address these impacts. In particular, CB 11 supports a larger rezoning area as recommended in the EHNP that includes areas east of Second Avenue and south of 104th Street. Furthermore, CB 11 believes that for large portions of East Harlem that are proposed to be upzoned to R10 and R10 equivalent districts, R9 or R9 equivalent districts would provide a more appropriate balance between affordable housing, community character, and mitigation of impacts. CB 11 also raises the longstanding concern about the true affordability of housing for East Harlem residents, and recommends that MIH in new residential developments should be set at a 50/30/20 model, with 50% market units, 30% moderate-income units, and 20% low-income units, while any development on public land should be 100% affordable housing, with income bands targeting a spectrum from 10% of AMI to 120% of AMI.

In conclusion, CB 11 recommended disapproval of the Proposed Actions unless it undergoes a set of extensive and detailed modifications as follows:

1. Limit upzoning to a maximum R9 and R9-equivalent up-zoning, except for an R10 equivalent district along the modified 125th Street Special District;
2. Require a special permit application process for commercial parking garages;
3. Apply an Enhanced Commercial Corridor special district on 116th Street to limiting the width of storefronts;
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital;
5. Include 127th Street between Park Avenue and Lexington Avenue in the rezoning proposal;
6. Include currently carved out portions of north Park Avenue;
7. Include entrances for MTA subway-related uses into building envelopes if East 116th Street and Lexington Avenue is rezoned;

8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects;
9. Establish an adequately funded workforce development program, which offers certifications and apprenticeships;
10. Require 35 percent of the workforce to be from East Harlem;
11. Fund community partnerships with existing community local reentry programs to facilitate productive transitions for those returning to society after being incarcerated;
12. Provide preference for MWBE/DBE;
13. Create a tax incentive program to promote contracts with local MWBE/DBE in development;
14. Create a tax incentive program for commercial property owners to ensure growth of small businesses;
15. Maintain engagement with the community before, during, and after construction, with regular reports to CB11 to track progress on goals;
16. Renew anti-displacement legal services contracts, and improve benchmarks to ensure more effective representation to combat and/or mitigate the effects of gentrification;
17. Increase the number of HPD inspectors; make inspection times convenient to residents, and require follow-up on whether violations were cured, promptly impose fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord;
18. Greatly increase HPD outreach in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues;
19. Increase proactive outreach by the City to identify landlords who could benefit from subsidies to bring unregulated buildings into rent-regulation schemes;
20. Establish a citywide Certification of No Harassment program, or at least expansion the current program to all of CD11;
21. Develop a 50/30/20 MIH model through subsidies (50 percent market units, 30 percent moderate-income units, and 20 percent low-income units);
22. Prohibit offsetting affordable housing offsite;
23. Require developments on public land to be 100 percent affordable residential housing, including all housing in any NYCHA in-fill project (affected NYCHA residents must be included in decision-making);
24. Give priority to local non-profit developers in all RFPs for development on public land;
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations;
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families;
27. Ensure that M11 sanitation garage is located in a fully enclosed facility with updated technology and relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate;

BOROUGH PRESIDENT PUBLIC HEARING

On Thursday, July 13, 2017, the Manhattan Borough President conducted a public hearing on both the rezoning plan by the Department of City Planning (DCP) to rezone 96-blocks of East Harlem and a concurrent private application known as Sendero Verde at East 111th Street (Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM) located in the area of the proposed East Harlem rezoning. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

Those who testified all spoke out in opposition to the rezoning plan. Many who testified asked the Borough President to issues a no vote without conditions while some who spoke asked for the City to go back and consider amending aspects of the proposal, particularly around zoning and density, to conform to the recommendations in the East Harlem Neighborhood Plan. Several speakers mentioned the need for targeted investment in public housing developments throughout East Harlem. There were also several speakers who testified to discrepancies and differences of opinion in how the Draft Environmental Impact Statement (DEIS) was conducted and where the analysis might have underestimated the impact on the community as result of the proposed rezoning plan.

A representative from the New York Academy of Medicine testified about the results of a health impact assessment (HIA) done specifically to gauge the impact of the affordable housing component of the application to public health in East Harlem. The HIA was requested as part of the EHNP. HIAs are "structured process[es] to assess the potential health impacts of a policy, plan, or project and make recommendations on how to lessen negative health impacts and increase health benefits"[22]. The New York Academy of Medicine HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community and recommended prioritizing the protection of existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses.

[22] Realmuto, Lindsey, Owusu, Shauneequa, and Libman, Kimberly. *Health Impact Assessment Connecting Housing Affordability and Health.* New York Academy of Medicine. pg. 6. September 2016. Retrieved from https://nyam.org/media/filer_public/de/46/de46ec8b-ae8f-4dca-a6b2-c7ce3bfb9ffe/healthimpassessfinal2016.pdf

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Gale A. Brewer, Borough President

August 2, 2017

Recommendation on ULURP Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM - Sendero Verde – East 111th Street by The New York City Department of City Planning

PROPOSED ACTIONS

The New York City Department of Housing Preservation and Development ("HPD" or "the Applicant") is seeking approval of several actions to facilitate the development of three mixed-use buildings, ranging from 10 to 37 stories (including bulkheads), containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, and approximately 142,185 square feet of community facility space ("Proposed Project") on Block 1617, generally bounded by Park Avenue, East 111th Street, Madison Avenue, and East 112th Street within the East Harlem neighborhood of Manhattan, Community Board 11.

The actions include: 1) rezoning of the project area from R7-2/C1-4 to R9/C2-5; 2) a zoning text amendment to designate the Project Area as a Mandatory Inclusionary Housing Area (MIHA); 3) a UDAAP area designation and project approval along with a disposition of City-owned property; 4) an acquisition of a designated area within the project area by the City for community garden use and publically accessible path; 5) a special permit from the City Planning Commission (CPC), pursuant to Zoning Resolution (ZR) §74-743, to modify the bulk regulations within a Large Scale General Development (LSGD) to modify height and setback restrictions and yard requirements applicable to the Proposed Project; 6) a special permit from the CPC, pursuant to ZR §74-744(b), to allow commercial use above the level of the second story in a mixed-use building contrary to the provisions set forth in the ZR §32-42 and §32-435 (c); 7) a special permit from the CPC, pursuant to ZR §74-532, to waive 129 accessory off-street parking spaces required in connection with non-income restricted dwelling units within the Proposed Project and 8) a certification from the CPC pursuant to ZR §32-495 to waive the requirement that a minimum of 50 percent of a building wall facing upon a wide street shall be occupied at the ground level by commercial uses.

Zoning Map Change and Text Amendment
In evaluating these land use actions, the office of the Manhattan Borough President must consider if the proposed language meets the underlying premise of the Zoning Resolution of promoting the general health, safety and welfare of the neighborhood in which this project is being proposed and whether the development would be appropriate to the neighborhood. Any changes to the zoning map should be evaluated for consistency and accuracy, and given the land use implications, appropriateness for the growth, improvement and development of the

neighborhood and borough. In evaluating the text amendment, this office must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the Mandatory Inclusionary Housing ("MIH") program.

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

a) the present status of the area tends to impair or arrest the sound growth and development of the municipality;
b) the financial aid in the form of tax incentives, if any, to be provided by the municipality pursuant to [the tax incentives provisions of the Urban Development Action Area Act]… is necessary to enable the project to be undertaken; and
c) the area designation is consistent with the policy and purposes [of the Urban Development Action Area Act].

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

Site Selection
HPD requests, pursuant to Section 197-c of the New York City Charter, the acquisition of property generally located on Block 1617 for use as passive recreation space and community gardens.

Special Permit pursuant to §74-743 of the Zoning Resolution ("Large-Scale Special Permit")
In accordance with the provisions set forth in Chapter 4 of the Zoning Resolution, the City Planning Commission may, after public notice and a hearing, grant a special permit for modifications of the use or bulk regulations of the Zoning Resolution, provided that, for each modification, the conditions that must be addressed prior to granting the special permit are met.

For any LSGD, the Commission may permit special rules and deviations from the parameters of the ZR for distribution of floor area, distance between buildings, the distribution of units, lot coverage and total required open space, all of which are subject to specific limitations outlined in the ZR. In order to grant a special permit, under §74-743 (b)[1] the Commission shall find that:

[1] Under §74-743(b), the findings under Sections 74-743 (b)(3), 74-743(b)(5) – (9) are not applicable for the proposal under consideration. Findings are applicable based on proposal location and the scope of waivers or encroachments requested to facilitate the development or enlargement.

1) the distribution of floor area, open space, dwelling units, rooming units and the location of buildings, primary business entrances and show windows will result in a better site plan and a better relationship among buildings and open areas to adjacent streets, surrounding development, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the large scale general development, the neighborhood and the City as a whole;
2) the distribution of floor area and location of buildings will not unduly increase the bulk of buildings in any one block or unduly obstruct access of light and air to the detriment of the occupants or users of buildings in the block or nearby block or of people using the public streets;
4) considering the size of the proposed large-scale general development, the streets providing access to such large-scale general development will be adequate to handle traffic resulting therefrom;
10) a declaration with regard to ownership requirements in paragraph (b) of the large-scale general development definition in Section 12-10 (DEFINITIONS) has been filed with the Commission; and
11) where the Commission permits floor area distribution from a zoning lot containing existing light industrial buildings to be demolished in accordance with the provisions of paragraph (a)(12) of this Section, such floor area distribution shall contribute to better site planning of the waterfront public access area and shall facilitate the development of affordable housing units within a large-scale general development.

In addition, pursuant to §11-42(c) of the Zoning Resolution, for a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed large-scale general development, a phasing plan showing the distribution of bulk and open space and, in the case of a site plan providing for common open space, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

The Commission may also prescribe additional conditions and safeguards to improve the quality of the large-scale general development and to minimize adverse effects on the character of the surrounding area.

Special Permit pursuant to §74-744(b) of the Zoning Resolution ("Stacking Special Permit")
For any LSGD, the Commission may permit residential and non-residential uses to be arranged within a building without regard for the regulations set forth in §32-42 provided the Commission shall find that:

1) the commercial uses are located in a portion of the mixed-use building that has separate access to the outside with no opening of any kind to the #residential# portion of the building at any story;
2) the commercial uses are not located directly over any story containing dwelling units; and

3) the modifications shall not have any adverse effect on the uses located within the building.

Special Permit pursuant to §74-532 of the Zoning Resolution ("Parking Waiver Special Permit")
The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development.

The CPC may, in conjunction with an application for a large-scale residential development or large-scale general development in the Transit Zone seeking a bulk modification, reduce or waive the number of required accessory residential off-street parking spaces, including any spaces previously required for an existing building on the zoning lot, provided the Commission finds that:

a) where the applicant is seeking a reduction of parking spaces required by §25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the creation or preservation of income-restricted housing units in such large-scale residential development or large-scale general development. Such finding shall be made upon consultation with the Department of Housing Preservation and Development;
b) the anticipated rates of automobile ownership for residents of such large-scale residential development or large-scale general development are minimal and that such reduction or waiver is warranted;
c) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, including the availability of parking spaces for such uses; and
d) such reduction of parking spaces will result in a better site plan.

In determining the amount of parking spaces to reduce or waive, the CPC may take into account current automobile ownership patterns for an existing building containing residences on the zoning lot, as applicable. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

Related to the ULURP approvals, the applicant also seeks a certification from the City Planning Commission to the Commissioner of Buildings pursuant to ZR §32-435 to waive or modify a street wall requirement if the Commission finds that such change will enhance the design quality of the street wall.

PROJECT DESCRIPTION

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text

amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation for the development site.

Background

According to the NYC Department of Finance's Automated City Register Information System (ACRIS) the block and lots within the proposed development site all entered City stewardship, with a few exceptions, approximately between 1970 and 1980. That period overlapped with a wave of disinvestment and housing abandonment in low-income communities throughout the City. Rising costs and insecure economic cycles were especially punishing to vulnerable communities with older building stock. These conditions resulted in thousands of lots accumulating tax arrears, which sped up abandonment, and ultimately led to municipal ownership.[2]

Over time many community members advocated for community-centric planning to convert these underutilized and/or vacant spaces into positive contributions to the neighborhood. Strategies ranged from affordable housing to community centers. One specific example was the conversion of these spaces into community gardens and ball fields, as was the case with Block 1617.

The community gardens that have called this site home include Chenchita's Garden, Little Blue House Garden, Mission Garden, Friendly Garden, Villa Santurce, and Villa Santurce Jardinera. These represent some of the oldest community gardens in the City[3]. Under HPD control, community garden groups were allowed to sign multi-year interim license agreements, which gave them temporary use of the land. The ball field has been in active use by the East Harlem Little League at least since 1997.[4]

East 111th Street Community Visioning Sessions

In conjunction with goals set out by Mayor de Blasio's Housing New York Plan to create and preserve 200,000 affordable units, HPD took steps to begin planning for affordable housing on Block 1617. In February 2016, HPD, City Council Speaker Melissa Mark-Viverito, Manhattan Community Board 11 and the Office of the Manhattan Borough President convened community workshops to gather input on how to design a framework for future planning on this site.

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[2] Breaking the Cycle of Abandonment, *Pioneer Institute - Better Government Competition No. 10* (2000) Retrieved from https://www1.nyc.gov/assets/hpd/downloads/pdf/bgc_winner.pdf

[3] *Bill de Blasio adds affordable housing while preserving NYC's gardens,* Daily News, December 31, 2015. Retrieved from http://www.nydailynews.com/news/politics/gonzalez-de-blasio-raze-gardens-affordable-housing-article-1.2482214

[4] *Ball Fields For Housing: A Trade-Off Is Contested,* NY Times, August 29, 1997. Retrieved from http://www.nytimes.com/1997/08/29/nyregion/ball-fields-for-housing-a-trade-off-is-contested.html

HPD collected the input into a "Community Visioning Report."Below are the summary findings from the report[5]:

Programming

- Housing Types: Families, singles and young couples, seniors, and other supportive housing for those with special needs;
- Community Facility Types: Arts and cultural center, publicly accessible open space, active recreation facility, and other youth and workforce/economic development centers; and

Retail Types: Sit-down restaurant or cafe, affordable supermarket with healthy food options, and pharmacy; commercial uses in general should promote activity and enliven the street.

Affordability

- Rents affordable to a wide mix of household incomes, but prioritizing extremely low and very low income households;
- Strategies for affordability in perpetuity, such as community land trusts and non-profit ownership; and
- Options for homeownership.

Site Layout & Urban Design

- Maximize the number of affordable units, while respecting surrounding context;
- Create multiple buildings of varying scales with greater heights on the avenues;
- Buildings should incorporate setbacks;
- High quality design and green / sustainable features;
- Retail should be located on the avenues;
- Gardens should be located where there is access to adequate sunlight;
- Safety and security strategies should be prioritized on Park Avenue;
- Streetscape improvements, such as trees, benches, bike racks, and lighting, should be incorporated into the development and sidewalks; and
- Publicly-accessible open space (in addition to the four community gardens being incorporated into the new development).

Additional Considerations

- Local hiring initiatives, fair wages, and apprenticeship programs;
- Targeted marketing of new units to local residents and those that have been displaced from the neighborhood; and
- Willingness to work together with the community and gardeners, after developer selection.

A Request for Proposal (RFP) titled *SustaiNYC* was released on May 23, 2016 outlining many of the parameters highlighted by meeting participants. The RFP also required responders to achieve

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[5] *East 111th Street Site Community Visioning Summary Report,* Office of Neighborhood Strategies, NYC Department of Housing Preservation & Development. April 25, 2016. Retrieved from https://www1.nyc.gov/assets/hpd/downloads/pdf/community/e111-report-back.pdf

other City policy goals such as the application of Passive House design. Language in the RFP asked responders to refer to other documents included as appendices so that they may identify other priorities. Those documents included the EHNP, the Community Visioning Report and a Community Garden Profiles and Priorities report drafted by the gardeners and staff from NYC Greenthumb.

East Harlem

The boundaries of East Harlem coincide with the boundaries of Manhattan Community Board 11. The Community District is generally bordered by East 96th Street to the south, East 132nd Street to the north, Fifth Avenue to the west and the FDR Drive and Randall's Island Park/Wards Island Park to the east. Additionally, CB 11 includes Thomas Jefferson Park, Marcus Garvey Park and Harlem River Park. As of 2016, East Harlem residents totaled approximately 122,434 residents with a median income of $30,380, down 9 % from 2010.[6] Thea area is characterized by multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator).

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 Melissa Mark-Viverito, 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 two yearlong process with no less than eight large public meetings, approximately 40 policy discussions, numerous calls and meetings with city agencies and on-the-ground person-to-person survey collection. Representatives from mayoral agencies necessary for implementation of the plan, including DCP and HPD, were present at most meetings. This work resulted in a final report with over 260 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood. The Steering Committee continues to meet on implementation of its recommendations.

The Plan acknowledges that this site is an active project within HPD's Manhattan pipeline, but it does not contain specific zoning recommendations for this full block site. According to the Plan's recommendations, all future rezonings should be done to ensure that 50 percent of the new housing on private and public rezoned sites is affordable to a variety of low- and moderate income levels. The Plan also recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no more than 30 percent of AMI.

Other goals of the Plan relevant to this project are that affordable housing projects include:

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[6] Furman Center. *Manhattan Community Board 11 Profile.* State of New York City's Housing and Neighborhoods 2016. Retrieved from http://furmancenter.org/files/sotc/SOC_2016_PART2_MN11.pdf

- establishing a community preference for East Harlem residents (Affordable Housing Development, Objective 2.10);
- eliminating minimum parking requirements in rezonings (Zoning & Land use, Objective 2.11);
- preserving and investing in open space and playgrounds (Open Space & Recreation, Objective 1.1);
- expanding the use of underutilized and nontraditional spaces for the arts (Arts & Culture, Objective 1.2);
- creating socially vibrant sidewalks and activating the commercial streetscape (Zoning & Land use, Objective 3.1) and;
- leveraging rezonings to replace aging and inadequate school facilities with new facilities developed at the base of new developments (Zoning & Land use, Objective 3.3)

The Plan calls for permanent affordability when public sites are developed. However, only 40% of the units created in this project (those mandated under MIH and related regulatory agreements) will be permanently affordable.

Area Context

Located along the western border of CB11, the project site is surrounded by residential buildings with varied typologies. The majority of the area is zoned R7-2, R8A with a C1-5 overlay mapped along portions of East 110th Street, and C1-4 mapped along portions of Madison and Park Avenues. R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. The top elevations of a building in non-contextual districts like R7-2 are set by height factor regulations that determine the building's impact on light and air. Developers can also choose to build a project pursuant to the Quality Housing Program. The Program helps protect the architectural integrity of neighborhoods by incentivizing height and street wall standards with more FAR and specific floor area deduction.

To the north and northeast of the project are Taft and Johnson Houses, two New York City Housing Authority development sites that are 14 and 19 stories respectively. To the east, the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. To the west the area is mapped C1-9, R8, C4-6, and R7-2 with building profiles that include multi-family tenements, high-rise residential buildings, single story commercial buildings, and academic institutions. To the south the area is mapped R7-2 with building profiles that include multi-family tenements, mid-rise residential buildings, and single story commercial buildings. Most recently, a rezoning was approved in 2016 for Lexington Gardens II (C 160336 ZMM), located three blocks south of the project. The application was a change from R7-2 and C8-4 Districts to an R9 District with the goal of producing approximately 390 new affordable residential units.

A number of educational institutions border the Project Site. It sits in Manhattan Community Education Council 4, which extends from East 96th Street and Second Avenue to East 125th Street and the Harlem River. Although mostly in East Harlem, it also includes Ward's Island and

Randall's Island. Mosiac Prepatory Academy, Success Academy Harlem East, and a District 75 Special Education School are co-located at the former 100-year-old PS 101 build to the east of the Project Site between Park and Lexington Avenue on East 111th Street. Also to the east of the Project Site is the Harbor Science and Arts Charter School located at 132/142 East 111th Street. To the west of the Project Site is P.S. 108 Assemblyman Angelo Del Toro Educational Complex located at 1615 Madison Avenue and The Alain L. Locke Magnet School for Environmental Stewardship and Harlem Link Charter School located at 21 West 111th Street, and P.S. 185 the Early Childhood Discovery and Design Magnet School located at 20 West 112th Street.

The area is home to several renowned spiritual and cultural institutions. The closest house of worship is the historic First Spanish Methodist Church on 163 East 111th Street to the east of the Project Site. To the west of the project site is the Community Christian Church of NYC located on 5 West 110th Street. To the north of the Project site is Mount Zion A.M.E. Church located on 1765 Madison Avenue. Nearby cultural centers, include El Barrio's Artspace PS109 located on East 99th Street between Third and Second Avenues and the Julia de Burgos Latino Cultural Center located on Lexington Avenue between East 105th Street and East 106th Street. Open spaces in close proximity to the project site include Central Park to the west and Marcus Garvey Park to the north.

The area is well served by the MTA. There are several bus routes that service the Project Site. To the southwest are bus stops for the M1, M2, M3 and M4 lines that run between Inwood and the East Village. To the east are bus stops for the M101, M102, and M103 that run between Harlem to City Hall. The M116 bus runs cross-town along 116th Street and the M106 bus runs cross-town along 106th Street. A select bus line, the M15, also serves the project site along Second and First avenues. Subway stations include the 110th Street stop on the #6 Lexington Line located at Lexington Avenue and East 110th Street, and the 110th Street stop on the 2 and 3 Seventh Avenue Express line located at Lenox Avenue and East 110th Street. The Project Site is also near Citi Bike terminals at Madison Avenue and East 106th Street, Madison Avenue and East 110th Street, and Third Avenue and East 109th Street.

Emergency services are provided by the NYPD's 23rd Precinct, located on East 102nd Street between Lexington and Third Avenues, and FDNY Engine 58 and Ladder 26 located on 1367 Fifth Avenue and Engine 91 located on 242 East 111th Street.

Project Area and Project Site

The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25,28, 29,31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally, the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

As previously noted, the proposed Project Site is bound by Park Avenue to the East, East 111th Street to the south, Madison Avenue to the west and East 112th Street to the north on Block 1617. The project site has an approximate total lot area of 76,576 square feet. The site includes six community gardens along the west, south and east frontages of the full block and a baseball field in the center. The lot is currently zoned as an R7-2 District with a C1-4 commercial overlay to a depth of 100 feet along Park and Madison Avenue. As stated above, R7-2 is a medium-density residential height factor district that allows development between 0.87 to 3.44 FAR and community facility development with an FAR of up to 6.5. C1- 4 overlays are designed to allow for local retail needs. The Project Area includes only city-owned parcels (Block 1617, Lots 20, 22, 23, 25,28, 29,31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122). The remaining two lots on Block 617 are not part of the development site and are privately-owned. Lot 21 has a single four-story mixed-use building and Lot 34 is used for storage and surface parking.

Proposed Project

The Proposed Project includes the construction of three mixed-used buildings, the reconstruction and reassignment of footprint for four existing community gardens and a public path and interior open space. Once completed, the project will front all frontages on Block 1617. A significant factor in making the project work is the creation of a large-scale general development that will merge the zoning lot and memorialize all agreements into a land disposition agreement associated with the transfer of the property. This action will exclude privately –owned lots 21 and 34.

The Proposed Project will contain approximately 718,447 square feet of floor area (9.15 FAR). Of the total floor area for the proposed project, 544,069 (7.10 FAR) will be slated for residential use resulting in approximately 655 residential units. Commercial use will take up approximately 32,194 square feet (0.44 FAR) and approximately 142,185 square feet of community facility space (1.60 FAR) will be included. The three buildings are predominately residential with a mix of unit sizes ranging from studio through three bedroom units. The buildings will range from 10-37 stories or 117 to 432 feet (including bulkheads). Each of the buildings are predominately residential but will include either some commercial or community facility use or both.

What the application refers to as Building A is located at the intersection of Madison Avenue and East 112th Street. This building represents the tallest of the three structures at 37 Stories with an envelope height of approximately 418.5 feet with a three-story base. This building will contain approximately 308,723 square feet of residential use or 365 residential units, approximately 10,311 square feet of community facility use and approximately 32,194 square feet of commercial space, representing the total of the commercial space for this project. The commercial space will include a supermarket.

Fronting East 112th Street and wrapping to the west around Madison Avenue is Building B. This building will be 15 stories with an envelope height of approximately 218.5 feet with a five-story base. This building will contain approximately 163,945 square feet of residential use or 211

residential units and approximately 120,934 square feet of community facility use. Building B will be the home of a proposed DREAM Charter School.

Proposed for the midblock frontage of East 111th Street is Building C. This building will be 10 stories with an envelope height of approximately 151.34 feet with a seven-story base. This building will contain approximately 71,401 square feet of residential use or 79 residential units and approximately 10,941 square feet of community facility use.

Pursuant to the requirements of MIH, the applicant has proposed using Option 1 and Option 3 for this project. Option 1 requires that at least 25 percent of the residential floor area be permanently affordable with varying levels of affordability that average to 60 percent of AMI of ($48,960 for a household of three[7]) with an additional requirement for a minimum of 10 percent of housing be affordable at 40 percent of AMI ($31,080 for a household of three). Option 3 requires 20 percent of the total MIH floor area to be affordable at an average of 40 percent of AMI ($31,080 for a household of three. Another stipulation is that subsidies are allowed only where they are necessary to support more affordable housing.

Out of the approximately 655 residential units in the three buildings, approximately 262 units, or 40 percent of units, will be permanently affordable. The higher percentage of permanently affordable units are due to HPD's requirement that any MIH project receiving public subsidy must increase the amount of permanently affordable units by 15 percent. Assuming that community preference will still be in effect when this building receives its Certificate of Occupancy, at least 50 percent of units are set aside for the residents of Community District 11. All of the affordable units will be subject to the affordable housing lottery with the maximum income capped at 130 percent of AMI.

The remaining 393 units will remain affordable for a term of 60 years. Currently the proposed developer is still in discussions with HPD as to what term sheets will be appropriate for this project but currently the proposed developer will be using HPD's Extremely Low & Low-Income Affordability (ELLA) Program for Buildings B & C and the M2 / Mixed-Middle-Income Program Term Sheets for Building A.

Per conversations with the applicant, the rent structure for units in the three buildings will provide six tiers of affordability. The breakdown is as follows: 20 percent of units or approximately 134 units at 30 percent AMI; five percent of units or approximately 32 units at 40 percent AMI; six percent of units or approximately 42 units at 50 percent AMI; 27 percent of units or approximately 174 units at 60 percent AMI; 17 percent of units or approximately 109 units at 80 percent AMI, and 25 percent or approximately 164 units at 130 percent AMI. The affordable units will be distributed pursuant to the current requirements of MIH.

Figure 1: Approximate Rents for Proposed Affordable Apartments

Affordable at 30% of AMI

[7] based on the new AMI chart that HPD published on 1/11/17

Incomes	**# of units**	**Proposed Monthly Rents**
Studio	39 units	$327 per month
1 Bedroom	49 units	$418 per month
2 Bedroom	28 units	$509 per month
3 Bedroom	18 units	$582 per month
Total # of units	134 units	

Affordable at 40% of AMI		
Incomes	**# of units**	**Proposed Monthly Rents**
Studio	8 units	$464 per month
1 Bedroom	12 units	$590 per month
2 Bedroom	7 units	$714 per month
3 Bedroom	5 units	$819 per month
Total # of units	32 units	

Affordable at 50% of AMI		
Incomes	**# of units**	**Proposed Monthly Rents**
Studio	7 units	$599 per month
1 Bedroom	21 units	$758 per month
2 Bedroom	9 units	$917 per month
3 Bedroom	5 units	$1,053 per month
Total # of units	42 units	

Affordable at 60% of AMI		
Incomes	**# of units**	**Proposed Monthly Rents**
Studio	31 units	$775 per month
1 Bedroom	63 units	$970 per month
2 Bedroom	51 units	$1,162 per month
3 Bedroom	29 units	$1,344 per month
Total # of units	174 units	

Affordable at 80% of AMI		
Incomes	**# of units**	**Proposed Monthly Rents**
Studio	7 units	$1,050 per month
1 Bedroom	21 units	$1,320 per month
2 Bedroom	9 units	$1,590 per month
3 Bedroom	5 units	$1,831 per month
Total # of units	109 units	

Affordable at 130% of AMI		
Incomes	**# of units**	**Proposed Monthly Rents**

Studio	33 units	$1,727 per month
1 Bedroom	49 units	$2,168 per month
2 Bedroom	49 units	$2,609 per month
3 Bedroom	33 units	$3,008 per month
Total # of units	164 units	

Source: Jonathan Rose Companies | L+M Development Partners | Handel Architects | Steven Winter Associates (2017). Sendero Verde presentation [PowerPoint slides]. Retrieved from http://www.cb11m.org/current-projects/

All three buildings will meet Passive House standards. Successful implementation of this sustainability program will include a combination of structural elements installed during construction in addition to educational and support programming once the building starts to accept tenants. At the center of the proposed project will be an interior courtyard approximately 264 feet x 63.42 feet. The courtyard will be a passive recreational space with public entrances along Park Avenue, East 111th Street and the rear entrances of the adjoining community facility spaces.

Finally, per the requirements of the RFP, the applicant and the proposed developer will allocate space for continuing community garden use at the proposed development site. The reconstructed community gardens will be placed on the southern half of the full block site, fronting Madison Avenue, East 111th Street and Park Avenue. A dedicated community room and a bathroom will be available to the four gardens and located in Building A. The City plans to move forward with an acquisition of the garden areas and ultimately put them under the jurisdiction of DPR. A public path that traverses the garden area will be included in the acquisition action. Future maintenance of the path will remain the responsibility of the proposed developer. The maintenance of the path, public accessibility and upkeep requirements of the interior courtyard, hours of operations and other administrative responsibilities will be included in the disposition agreement.

Proposed Actions[8]

In order to facilitate the development of the mixed-use proposal of three buildings containing a total of approximately 655 residential units, approximately 32,194 square feet of commercial space, approximately 142,185 square feet of community facility square feet ("Proposed Project") and the selection of land for community gardens and passive recreation space on Block 1617, the following land use actions are required:

Zoning Map Amendment:

[8] The Project Site is within a larger Development Site for which the applicant is seeking an Urban Development Action Area (UDAA) and Urban Development Action Area Project (UDAAP) area designation that includes Block 1617, Lots 20, 22, 23, 25,28, 29,31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122. Part of the Development Site will be acquired by the City for use by the community gardens. Additionally the applicant proposes a zoning map amendment and zoning text amendment for all of Block 1617, which includes the Project Site and two privately owned lots not included in the Proposed Project (Block 1617, Lots 21 and 34). Both the Development Site and the privately owned lots make up the Project Area.

The applicant seeks a zoning map amendment to rezone the project area (Block 1617) from an R7-2 district with C1-4 overlays along both Park and Madison Avenue to a R9 district with C2-5 commercial overlays to a depth of 100 feet along the frontage of Park Avenue and the frontage of Madison Avenue. The rezoning area includes the Project Site (Lots 20, 22, 23, 25,28, 29,31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122) and the two privately owned lots (Lots 21 and 34).

Zoning Text Amendment
The applicant seeks to amend Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area over the Project Area affecting the city-owned property and privately owned property on Block 1617.

Designation of an Urban Development Action Area and Urban Development Action Area Project, Disposition of city –owned property
The applicant seeks to designate Block 1617, Lots 20, 22, 23, 25, 28, 29,31, 33, 35, 37, 38, 39, 40, 41, 42, 43, 45, 50, 51, 52, 53, 54, 121, and 122 as a UDAA and UDAAP based on their analysis of the project area consisting of underutilized land and determination that incentives are needed to change what the applicant describes as "substandard, unsanitary, and blighting conditions." The applicant is making the claim that the proposed project will promote better conditions and sound development. Disposition of the land to a developer will be determined by HPD. The proposed developer team is Jonathan Rose Companies, L+M Development Partners, Handel Architects, and Steven Winter Associates.

Site Selection
The city seeks authorization to acquire Lots 22, 121, 122 and 35 and portions of Lots 23, 25, 28 and 37 for use as a Community Garden. There are existing community garden spaces and a publicly-accessible path within the aforementioned lots. The Department of Parks and Recreation (DPR) will assume jurisdiction with the future owner of the Proposed Project to be responsible for all maintenance.

Special Permit pursuant to §74-743 of the Zoning Resolution
As stated in the application, in order to facilitate the construction of the Proposed Project, the applicant requests a special permit, pursuant to §74-743, to modify the bulk regulations within a LSGD containing height and setback restrictions and yard requirements applicable to the Proposed Project as follows:

- 23-65(a) and (b) to apply tower-on-a-base regulations to the entire development site and all buildings located on the development site, including those portions located beyond 125 feet from the wide street frontage along the short dimension of the block, and beyond 100 Feet from the wide street frontage along the long dimension of the block;
- 23-651(a) To determine the aggregate tower coverage of all buildings on the development site based upon the entire area of the development site, including those areas located beyond 125 feet from the wide street frontage along the short dimension of the block;
- 23-651(a)(1) to (i) calculate tower coverage restrictions to those portions of the proposed buildings on the development site located at any level above the maximum base height of

85 feet, (ii) to calculate tower coverage based upon the aggregate of all buildings located on the development site, and (iii) to allow, upon completion of all the buildings on the development site, the towers of all the buildings on the zoning lot to occupy in the aggregate an area comprising less than 30 percent of the lot area of the zoning lot at upper levels of the tower, and more than 40 percent of the lot area of the zoning lot at lower levels of the tower;

- 23-651 (a)(3) to permit a minimum of 55 percent of the total floor area permitted on the zoning lot to be located below a height of 150 feet above base plane;
- 23-651(a)(4) to allow the tower portion of the building at a height of 85 feet and above to be located at the street line (the portion of Building C located above 85 feet above base plane and located at the street line);
- 23-651(a)(5) to allow tower portions of the proposed development to be located on a narrow street at a distance that is more than 100 feet from the intersections with a wide street (Building C along East 111th Street);
- 23-651(b)(1) and 35-64(a)(1) to:
    - permit the proposed development not to occupy the entire frontage of the zoning lot along a wide street and on a narrow street within 125 feet of its intersection with a wide street (along Madison Avenue, Park Avenue and portions of East 111th Street), and;
    - to allow the base of the street wall of the proposed project along a wide street to not be located entirely on the street line (The base of Building B at the intersection of Park Avenue and East 112th Street);
- 23-651(b)(2) to permit the base of the proposed tower-on-a-base development along Madison Avenue and portions of East 112th Street to setback from the street line between a height of 47 feet and 60 feet above curb level, and allow the base along East 112th Street and East 111th Street to exceed a height of 85 feet above curb level;
- 23-651(4) to allow the open area at ground level between Park Avenue and East 112th Street street lines and the street wall of the proposed project not fronting on a building entrance or exits to not contain landscaping; and
- 24-832 to allow a permitted obstruction within a portion of the rear yard equivalent located in a residential district beyond 100 feet of a wide street that is used for a community facility use other than a school, house of worship, college, university or hospital with related facilities.

Special Permit pursuant to §74-532 of the Zoning Resolution
The applicant is also seeking a special permit, pursuant to §74-532 of the ZR, to waive up to 129 required accessory off-street parking spaces required in connection with up to 322 units of affordable housing made available to families earning over 80 percent AMI within the proposed development. Currently the Proposed Development includes no parking spaces as part of the site plan. Their analysis of car-ownership rates in the area anticipates a demand for 41 parking spaces and believes that existing on-street parking can absorb the need.

Certification from the City Planning Commission pursuant to ZR §32-435
The applicant is also seeking a certification from the CPC to waive the requirement that a

minimum of 50 percent of a building wall facing upon a wide street be occupied at the ground level by commercial uses. This action is not subject to review by the Borough President.

COMMUNITY BOARD RECOMMENDATIONS

At its Full Board meeting on June 27, 2017, Manhattan Community Board 11 (CB 11) passed a favorable resolution with conditions in support of the application. The final vote for the resolution was 29 in favor, 5 opposed, and 3 abstentions. Before the full board vote, the applicant appeared before several committees between December 2016 and June 2017 and the Board held two public hearings, on May 16, 2017 and June 20, 2017, where they heard testimony from the public.

In their written comments submitted to the Department of City Planning, CB 11 voiced support for the applicant's efforts to create affordable housing but expressed several concerns related to programming on the project site and depth of affordability. The Board questioned the need for the number of apartments set at 130 percent of AMI and wanted to see that redistributed to lower tiers. They also opposed the current unit distribution scheme, where all of the apartments set at 130 percent of AMI are consolidated into a single building. The Board challenged the applicants and proposed developer team's commitment to local hiring and pointed to their own robust set of standards as a minimum benchmark the applicant and developer should seek to achieve. CB 11 members also expressed a desire to see a local nonprofit developer recruited to be an equity partner on the project. The Board also asked several questions related to topics such as ADA compliance, maintenance and management of the proposed development with specific attention to the public open space.

As a result of these conversations, CB11's approval is contingent on the following commitments:

- All housing on the project should be 100 percent permanently affordable;
- Local hiring commitment for the project should include a guaranteed minimum of 10%, with a CB11 target of 35 percent pre-construction, 35 percent during construction and 100 percent post-construction, with all community partners be subject to same hiring requirements;
- The percentage of total units currently set at 130 percent of AMI is reduced from 25 percent to 20 percent. The remaining 5 percent shall be a set at under 60 percent of AMI;
- All buildings should contain each of the income tiers;
- The final agreement should state that the open space will remain accessible to the public into perpetuity;
- A management plan for the premises should be provided prior to the vote of the Office of the Manhattan Borough President and the Council Member;.
- The hours and availability of amenities shall be set forth clearly, and there shall be signage on the premise clearly conveying to the public that the public space may be used by the public;

- CB11 should have final approval on the selection of any community partners selected for the premises and such partners shall be from the East Harlem Community;
- There should be compliance with ADA requirements throughout the entire project;
- There should be additional safety training beyond OSHA training and an on-site security monitor during construction and pre-apprenticeship and apprenticeship training;
- The development team and anchor tenants should come before the community board quarterly as the project progresses and after the project, as well as coming before the Manhattan Borough President, NYC Council, DCP;

BOROUGH PRESIDENT PUBLIC HEARING

On July 13, 2017, the Manhattan Borough President conducted a public hearing on both this application and a related application by the Department of City Planning (DCP) to rezone 96blocks of East Harlem (Nos. C 170358 ZMM et al), an area that also includes the proposed development site. Approximately 135 people attended and 25 people presented testimony. Additional testimony from 13 people and organizations were submitted prior to and after the public hearing.

From both the written and oral testimony collected, only one speaker spoke to the subject application directly. This speaker offered an alternative scenario that would result in less housing, commercial and community facility use, consolidate the community gardens into one entity but also preserve the baseball field located in the middle of the full block. However, the other speakers' comments which were directed toward the larger rezoning did address issues raised by this application, including the possibility that calculations related to environmental and quality of life impacts by development were underestimated in the EIS, that proposed development lacked representation from local nonprofit developers and that there was need for more units at lower levels of affordability.

BOROUGH PRESIDENT'S COMMENTS

Since taking office, making affordable housing accessible to working people and vulnerable communities has been one of my top priorities. Along with other elected officials and community partners, this Office has introduced legislation that strengthens enforcement against code violations and seeks to stem the turnover of previously income-restricted units. On the ground, we have worked with legal aid attorneys and organizers to knock on doors, investigate the conditions of overleveraged building portfolios and help make tenants aware of their rights while empowering them to advocate together for better standards as tenant associations.

Alongside these efforts, we have tried to maximize our role in the land use process to create opportunities for affordable housing that counter the loss of income-restricted apartments, a phenomenon that is having a destabilizing impact and undermines the diverse communities that make up our city. Communities that once reflected a cross section of different backgrounds, cultures and occupations, are under threat because of the increasing cost of living and rising

rents, which contribute to displacing long-time residents and small businesses. Deregulation of residential units, due to porous state laws and expiring regulatory agreements, have stripped hundreds of thousands of tenants of their basic protections and placed them at the mercy of market forces.

We have been told that there are limitations on what we could demand of the private sector to create the kind of housing the majority of New Yorkers can really afford. With that in mind, we have only our city-owned sites as places we can guarantee that government shape the conditions and requirements so we are sure the housing that is built is more affordable and permanent than options provided by the private sector. Public site development is our best hope for building the housing we need for middle and moderate-income families as well as our most vulnerable communities.

Block 1617 or the East 111th Street site is already a location with profound importance and part of the fabric of East Harlem. As home to several of the City's oldest and most popular community gardens, it has attracted the attention of locals and other horticulture enthusiasts as an example of how community-driven green spaces can thrive. In addition, East Harlem Little League, that used and maintained the ball field, remains a source of pride for a community that values outlets that help young people explore their potential. Based on our conversations, I understand that HPD has always planned to develop affordable housing for this site, andgiven the depth of the housing crisis, especially in CB11, I believe affordable housing is an appropriate use. However, an acceptable proposal would have to address those housing needs and continue the site's role as a convening space for residents throughout the district. A proposal, such as this one, that incorporates those objectives would be a fitting next use for this city-owned parcel.

The applicant and the proposed developer have outlined a compelling proposal for the future of Block 1617. The concept plan as presented appears to be a genuine attempt at achieving elements of the EHNP. The proposed developer has sought to provide a range of neighborhood assets and presented creative strategies for managing the relationship between the community gardens and open space to the layout of the other site elements. The proposal also furthers the use of Passive House Design, a set of design principles used to attain a quantifiable and rigorous level of energy efficiency, which I have worked to make the standard for new development in Manhattan. Finally, the most important piece of this plan that we need to examine is the commitment to affordable housing, the centerpiece of this application.

Open Space

The application maintains significant space for the community gardens. However, according to our conversation with the gardeners, the proposed design and site assignments for the community gardens are smaller than what they currently use. I understand that the parameters in the RFP for the gardens was based on the original license agreements and that the proposed developers are trying to provide more than the minimum areas, but I believe we can do better. I would like to see a more thorough plan for how these gardens would thrive under the site arrangement proposed by the developer. Additionally, because the gardens are such a community asset, links between the gardens and the community facility partners to enhance the benefits available to the

community should be explored. The question of how the gardens and community facilities could work together came up after the proposed developer was announced, but has not been adequately explored.

We need to formalize the specifics concerning the maintenance and operation of the interior courtyard space. Issues such as how the space will be maintained, who will decide and be responsible for sharing information related to the hours of operation, access and the permitted activities must be spelled out. Though we have received verbal assurances from the applicant that the conveyance of this land will be accompanied with a disposition agreement outlining this information, it is worrying to have some of these important questions still unanswered as I consider the appropriateness of the application.

Affordable Housing

Public sites are our best opportunity to create housing for those making at or under 30 percent of AMI. The lowest income tiers for housing under the MIH program are largely out of reach for these working New Yorkers. While the application provides that 20 percent of the affordable housing provided will be available to persons with incomes no greater than 30 percent of AMI, I urge the applicant to consider if there is more that can be done. 37 percent of residents of East Harlem earn less than 30 percent of AMI and we know that private developments rarely have more than 20 percent of affordable housing set aside at this income level. Therefore if we are to reach the goal of the EHNP of making 20 percent of the affordable housing at the level of 30 percent of AMI or lower, we must make up for "lost ground" in public projects such as this.

While I applaud the proposed developer's commitment to making all the residential units income-restricted at the onset, 60% of those units are not permanent. The restriction of those units is based on a regulatory agreement with a fixed timeline. Recently my office was told that a nonprofit partner was going to be included on the development team. While encouraging, we have yet to get more specifics about what their role will be and what level of equity they will have in the project. Additionally we understand that the nonprofit developer is based in the Bronx. CB11's recommendation had called for a mission-driven organization that is based in East Harlem and to be included in the choosing of that entity – both of which did not happen. In discussions with the proposed development team, they have explained that the available finance mechanisms limit what their commitment to long-term permanence can be. As the City moves to shrink its portfolio of unused or underutilized land, it must do so with the intention of preserving the value of that same land to the residents of the city in perpetuity. Where requirements for permanent affordability of all units in a project built on formerly city-owned land are not possible, the City must explore mechanisms to achieve "practical permanence" as a tool for future development of projects where the City has contributed land. MIH requirements are an effective way to assure permanent affordability in private projects, but developments that use City land must be held to a higher standard. All dispositions of city-owned land have the option of attaching a restrictive covenant to the deed that establishes additional requirements to the property owner.

The City must take the concept of "practical permanence" beyond balloon payments and establish a public process that occurs at or near the expiration of the public financing and regulatory agreement to ensure true and permanent oversight of our city assets. This would go far toward justifying the permanent disposition of city land. If this is not an option for for-profit developers when city-owned land is involved, then we should consider prioritizing mission-driven nonprofit developers and/or community land trusts to act as the steward to help achieve the permanence we seek. These are not new concerns nor are they ideas I raise here for the first time, and I urge progress on developing such mechanisms.

Density and Neighborhood Character

The increase in density from R7-2 to R9 is appropriate at this location since two wide streets bound the site, and the scale of the project will allow for a greater number of permanently affordable units through MIH. Based on the East Harlem Neighborhood Plan and previous Community Board 11 land use decisions, upzonings paired with site planning that strives to minimize the impact of additional density have been supported where proposals maximize the amount of permanently affordable housing. In contrast with the East Harlem Rezoning proposal (C- 170358 ZMM), a separate application running concurrently in ULURP where I have serious concerns that the additional density outweighs the benefits of the additional affordable housing, the Sendero Verde project provides a level of detail and specific site planning that make me confident that this project can be a substantial benefit to the community.

This application also smartly uses the design tools via bulk, height and setback modifications available when using a LSGD to relate the building mass and placement of open and garden space to the surrounding area in an appropriate manner. The site plan calls for the tallest of the three buildings (Building A) to be adjacent to the frontage that is most appropriate for the density (two wide streets) and in proximity to similar tower-in-the-park developments located to the north of the lot. Buildings B and C, significantly shorter, are aligned with the mid-rise developments found along the remaining frontages. Several modifications among the proposed actions would mitigate light and air issues for the open space, the gardens and the surrounding area in comparison to several as-of-right scenarios.

In addition, the argument for waiving required accessory parking to support maximizing the amount of affordable units or contributing to driving down the AMI tiers for a percentage of units was thoughtful and in line with the policy of this office.

After careful review, I believe the modifications and permits requested by the applicant are appropriate and would contribute to a better site plan and relationship between the buildings, and the wider neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of Application Nos. C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C170364 PQM, C 170365 ZSM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM, and N 170368 ZCM on the following conditions:

1. **That the applicant and the proposed developer work with our office, Community Board 11, the local Council Member, and the City to reach deeper levels of affordability below 30 percent AMI on the income-restricted units and increase the percentage of units at 30 percent AMI and below;**

2. **That the proposed developer include a locally-based mission-driven nonprofit developer and/or community land trust as an equity partner with sufficient leverage to ensure that the extension of the non-permanent units as income-restricted units is made a priority;**

3. **That the applicant commits to and provides a timeline for completing a study of how to enact "practical permanence" by using restrictive covenants on the deed to compel owners to extend the duration of affordability and regulatory requirements;**

4. **That the proposed developer develop a tower design that demonstrates an integrated and well-designed façade, taking into account factors such as street wall articulation and amounts of fenestration, that will result in a prominent and distinctive building which complements the character of the surrounding area; and**

5. **That the applicant and the proposed developer commit to providing regular updates to the Board and demonstrate ways they have incorporated both the Board's and my recommendations prior to the CPC vote.**

Gale A. Brewer

Gale A. Brewer
Manhattan Borough President

THE COUNCIL
OF
THE CITY OF NEW YORK
CITY HALL
NEW YORK, NY 10007

MELISSA MARK-VIVERITO
SPEAKER

TELEPHONE
(212) 788-7210

June 23, 2017

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

Dear Ms. Lago:

When the Mayor first announced that East Harlem was a neighborhood under consideration for a rezoning, I accepted the challenge to work with my community to produce a planning framework that addresses the larger policy goals of building and preserving affordable housing while ensuring that we develop a plan that is genuinely reflective of the broader aspirations of my community.

As you know, the East Harlem Neighborhood Planning Process was an intensive effort to build consensus within the neighborhood. I am fortunate to have a community with significant capacity that we (Community Board 11, Manhattan Borough President Gale Brewer, Community Voices Heard, and former Council Member Inez Dickens) were able to leverage to do outreach to thousands of residents and bring in expertise from affordable housing developers, planners, social service providers, health researchers, education experts, and many other community leaders and residents. City agencies, especially DCP, were very helpful participants in this process as well, and I thank them again for their support.

Since the release of the East Harlem Neighborhood Plan (EHNP), my staff has provided the Administration with updates on many of the priorities as discussions with the steering committee have fleshed out and added specificity to the plan's recommendations. I look forward to continuing discussions with the Administration on the non-zoning priorities in the EHNP.

But, more urgently, there are a number of zoning concerns that I would like to highlight for you because of their time-sensitive nature. If we do not have these options on the table when the City Council acts on this proposal, we put the rezoning proposal, related applications, and all of the work that the community and this Administration have done at significant risk. Community Board 11 highlighted some of these concerns, including height restrictions, which are also a priority reflected in the EHNP, in their resolution voting to disapprove the rezoning with conditions.

My staff looks forward to discussing these issues with you in detail but in brief:

1) Height Limits & Density Framework on Park Ave. & 3rd Ave. – We need to have an option in place at the time of the Council's vote that keeps within scope the R8A MIH height limits along the length of Park Avenue and the R9A MIH height limits along Third Avenue. We are still looking forward to feedback from stakeholders and have not arrived at a final determination but strongly believe that height limits are appropriate and that the proposed residential density needs to be reduced. By analyzing the above height limits options, we create more flexibility for the Council to respond to concerns about these aspects of the rezoning.

2) Mixed-Use – The steering committee believes that a consistent mixed-use framework along Park Avenue that supports development beyond retail is important. Therefore, we would like the proposal to include an option that contains a use requirement for non-residential consistently along the corridor and limits the permitted use groups more tightly.

3) Public & Accessory Parking – The proposal should include a tighter set of requirements along the lines of the Manhattan Core rules to ensure that we do not build more parking than the community needs and that we create streetscapes that are oriented toward pedestrians.

4) Transit Entrances – The proposal should also include requirements for subway stair relocation as part of new development along Lexington Avenue to ensure improved pedestrian circulation.

5) Arts Bonus for Park Ave. Hub – This element of the proposal has not been discussed at length and we would like to examine alternatives to ensure that the intent of creating arts space along 125th Street is not compromised.

Thank you for your careful review of these issues. I look forward to continuing the work of building a more equitable, community-driven vision for our neighborhoods across New York City.

Sincerely,

MELISSA MARK-VIVERITO
Speaker

cc: Emma Wolfe
Jon Paul Lupo
East Harlem Agency Team

Testimony

of

La'Shawn Brown-Dudley

Acting Assistant Commissioner, East Harlem Neighborhood Health Action Center

New York City Department of Health and Mental Hygiene

before the

New York City Planning Commission

August 23rd, 2017

1 Centre Street

New York, NY

Good Afternoon Chair Lago, and members of the Commission, I am LaShawn Brown-Dudley, Acting Assistant Commissioner for Harlem Neighborhood Health Action Centers, a Bureau of the New York City Department of Health and Mental Hygiene's Center for Health Equity. Today, I will describe what we do at Neighborhood Health Action Centers and our role in the East Harlem Neighborhood Planning effort. In particular, I want to highlight the work we are doing to strengthen neighborhood health through the Action Center, which directly supports the East Harlem Neighborhood Plan's recommendations.

Under Commissioner Bassett, racial equity, social justice, and inclusion have formed the Health Department's guiding principles. In 2014, the Department formed the Center for Health Equity to strengthen and amplify the department's work to eliminate health inequities rooted in historical and contemporary injustices and discrimination. One of our key approaches to advancing health equity is to invest in key neighborhoods by working directly and consistently in and with our neighborhoods. We are doing that by reinvigorating underutilized Health Department buildings and co-locating health programs, clinical services, community-based organizations and sister government agencies — all under one roof. The Action Center is an extension of the former District Public Health Offices that were re-energized over 14 years ago, and a reimagining of the neighborhood health center movement that first begin in NYC in the early 1900s. The Action Center aims to better serve community members by providing important programs and services, connecting them with resources, and serving as a space for residents and partners to convene, plan, and organize. Three Action Centers are now operational which are located in East Harlem, Brownsville, and Tremont. The East Harlem Action Center occupies two physical spaces - one at 115th Street, and another smaller space at 110th St, and provides a range of co-located services, such as nutrition education, mental health services for youth and families, assistance with health insurance and SNAP enrollment, and chronic disease management.

In recognition of the need for more primary care services embedded in the community, the Administration has provided capital support to establish a Federally Qualified Health Center at the Action Center. The Action Center will also have a teaching kitchen for nutrition education and workforce development. We recently opened a Family Wellness Suite to support healthy outcomes for our little NY'ers, and designated meeting spaces for neighborhood use. Also key

to the work of the Action Center are our referral specialists who link residents to neighborhood resources and better integrate public health and healthcare neighborhood opportunities.

In addition to providing and linking residents to services, the Action Center builds trusted partnerships to address upstream structural barriers to achieving optimal health. Health is more than health care. Good health depends on well-paying jobs, affordable and safe housing, access to healthy food, strong social networks, and other neighborhood conditions. Therefore, our public health work must address the social determinants of health as well as amplify the voices and power of those who live in our neighborhoods.

In order to align with the recommendations of the East Harlem Neighborhood Plan and with support from the New York State Health Foundation we partnered with the New York Academy of Medicine and Mount Sinai to facilitate a participatory decision making process whereby resident panelists selected grantees to implement health-related projects. A total of $275,000 in funding was allocated to eleven East Harlem organizations.

This funding has had an impact. During the one year grant period, funded organizations contributed to the East Harlem Neighborhood Plan recommendations by hosting 315 activities, and reaching almost 7,000 community members. Activities included food and nutrition workshops; youth programs; an emergency preparedness communications campaign; walking groups; and job training. Organizations and residents found this inclusive decision making experience to be informative and empowering, and we hope to expand it in the future.

The Neighborhood Health Action Center represents a permanent investment and is committed to advancing health equity and the health of East Harlem. Through our dedicated facilities, personnel, and programming and together with the Department of City Planning, sister government agencies, community partners, and residents, the Health Department is committed to ensuring that the comprehensive neighborhood plan responds to community identified needs and improves the health of East Harlem residents.

Thank you.

Testimony of Kim Darga, Associate Commissioner of the
Department of Housing Preservation and Development Division of Preservation
City Planning Commission
August 21, 2017

Good afternoon Chair Lago and members of the City Planning Commission. I am Kim Darga, Associate Commissioner of the Division of Preservation at the Department of Housing Preservation and Development. I am testifying in support of the proposed East Harlem rezoning and to share further details on the Preservation component of HPD's East Harlem Housing Plan. I understand that questions and comments have been raised about whether the rezoning will result in the displacement of existing residents who have lived in East Harlem for many years and fear that they will no longer be able to afford the neighborhood if it is rezoned. To help address these concerns, I would like to describe the work that HPD has been doing, and will continue to do, to preserve the affordability of existing housing in the neighborhood.

The City defines preservation broadly, as preserving the quality, financial feasibility, and affordability of the existing housing stock. We work with owners of properties that are regulated by the City or other governmental entities, as well as those that are unregulated. Since January 2014, the City preserved the affordability of 91 buildings with 3,387 residential units in East Harlem, which represents almost 8% of all homes preserved across New York City and about 9% of the non-NYCHA housing stock in East Harlem. These properties provide a range of affordability within the community, with over 70% affordable to low income residents.

HPD'spreservation programs provide assistance to owners of privately-owned properties, from 1-4 unit owner-occupied properties to multi-family properties with varying financial and physical conditions. Most of HPD's preservation programs have very few eligibility restrictions, with the needs of the property determining which program is most applicable. The City assistance, typically a subsidy loan and/or property tax exemption, improves property conditions while maintaining affordability.

Owners that receive assistance are required to enter into a regulatory agreement that imposes rent and income limitations for the duration of the benefits, typically 30 or more years. While our programs preserve affordability for a range of households, our foremost priority is to preserve the current affordability for the current residents. Our preservation programs follow a no-displacement policy for existing residents. Rent and income limitations remain in place for decades so that affordability remains in the community for future residents as well. While owners are required to commit to affordability for the duration of any financial benefit, we aim for the longest possible term of affordability. We have supported the formation and expansion of Community Land Trusts across the City, including in East Harlem, and adjusted how we structure projects to maximize the length of the regulatory protections.

As Commissioner Torres testified, the vast majority of the housing stock in East Harlem is already protected affordable housing regulated by governmental agencies. We actively seek to preserve the viability and affordability of this housing. We developed specific preservation programs, including our LIHTC Preservation Program and HUD Multifamily Program, to address the unique characteristics of these properties, and we do proactive and targeted outreach to owners. For instance, we invite owners of LIHTC properties to a workshop on HPD's LIHTC Preservation Program. For HUD-assisted properties, we participate in a working group and co-host events with HUD.

We are also actively working to preserve the affordability of unregulated buildings. We have expanded eligibility in existing finance programs and launched a new Green Housing Preservation Program in mid-2015 so that we can assist more properties. In particular, the Green Housing Preservation Program, which targets smaller multi-family properties, provides no- and low-interest loans to enable owners to undertake energy efficiency and water conservation improvements in order to reduce operating costs.

Outreach and engagement with community partners and building owners is a critical part of our preservation strategy. The Division of Preservation works closely with the Office

of Neighborhood Strategies, as well as other parts of the agency on outreach and community engagement. Some recent examples include:

- In Community District 11, HPD has conducted outreach to approximately 2,600 properties through calls and letters.
- In addition, HPD has held three events within the past few years, including two Landlord Resource Fairs in partnership with local elected officials and one property owner information session with Speaker Mark-Viverito. HPD organizes Landlord Resource Fairs and similar events to provide property owners with information from a variety of city agencies and community-based organizations.
- We are piloting a Landlord Ambassadors Program in partnership with Enterprise to provide technical assistance for property owners who are interested in, but unfamiliar with, the process of securing financing to undertake building improvements and improve financial viability. East Harlem's Ambassador, the Mutual Housing Association of New York (MHANY), began work this summer and will begin conducting outreach in partnership with local stakeholders this fall.
- Lastly, HPD has launched "nyc.gov/letsinvest," a new preservation marketing campaign targeting owners of smaller properties who may need help financing repairs to lower their operating costs and upgrade their properties, and are also willing to "partner" with the City's to keep New York affordable.

We expanded our preservation programs, and it is our hope that extensive tenant protection and code enforcement efforts paired with this multi-pronged strategy of marketing, outreach and events, and technical support offered by Landlord Ambassadors will also expand the reach of these financing programs

I support the proposed East Harlem rezoning, which, if approved, will decrease pressure on the existing stock by allowing more development to meet the demands for housing in the area while providing additional new affordable units.

Human Resources Administration
Department of Social Services

Testimony Of Jordan Dressler, Civil Justice Coordinator, Office of Civil Justice at the Human Resources Administration
Before the City Planning Commission
August 23, 2017

Good afternoon Chair Lago. My name Jordan Dressler, the Civil Justice Coordinator and I oversee the Office of Civil Justice at HRA. Thank you for inviting me to appear before you today to discuss the work of the New York City Human Resources Administration (HRA) and our focus on carrying out the Mayor's priority of fighting poverty and income inequity and preventing homelessness. HRA provides assistance and services to three million low-income children and adults many of whom reside in and around the area considered within the East Harlem rezoning plan.

HRA is the nation's largest social services agency assisting over three million New Yorkers annually through the administration of more than 12 major public assistance programs as well as the nation's largest municipal identification program, IDNYC. Additionally, since June of 2015, HRA has been the home of the Office of Civil Justice, a permanent office created through a local law enacted by the City Council and the de Blasio Administration to oversee, manage, and monitor the City's programs to provide civil legal assistance to New Yorkers in need. Most recently, with the integration of the Department of Homeless Services (DHS) and HRA into the Department of Social Services in April of 2016, HRA now oversees HomeBase, which connects households on the brink of homelessness with an extensive network of neighborhood-based services to help them remain in their communities and avoid entering shelter. The entirety of these programs represents a comprehensive set of public assistance programs and preventative services to enable New Yorkers to stably remain in their homes and in their neighborhoods.

In administering these programs, HRA is at the forefront of this Administration's efforts to combat poverty and reduce homelessness. This administration has taken a prevention-first approach. Not only is preventing homelessness before it occurs critical to meeting the overarching goal of the City's Turning the Tide plan - namely, reducing the number of families and individuals living in shelter - it is also a cost-effective and commonsense response to New York's homelessness problem.

The provision of civil legal services for New Yorkers in need, in particular legal services for tenants facing harassment, displacement and eviction, is a critical element in that fight. By investing in these important services, we are already seeing results: in 2016, 27% of tenants facing eviction in housing court in New York City – more than one in four – had counsel, up from just 1% in 2013. At the same time, residential evictions by marshals have declined by about 24%.

These advances are products of the Administration's unprecedented commitment to increasing access to justice for tenants in need across the City. Since 2014, the de Blasio Administration has increased funding for free legal assistance programs for tenants from roughly $6 million in Fiscal Year 2013 to approximately $62 million in Fiscal Year 2017. This includes over $33

million to support the City's Anti-Harassment and Tenant Protection legal services program (AHTP), launched at HRA in 2015 in several neighborhoods across the City in which tenants face acute pressures of displacement, potential loss of affordable housing and harassment through disrepair, buyout offers and threats by unscrupulous landlords.

One of those neighborhoods is East Harlem. Since October of 2015, our AHTP legal services providers – which include the Legal Aid Society, Legal Services NYC and members of the LEAP coalition including the Urban Justice Center, Lenox Hill Neighborhood House, Mobilization for Justice, New York Lawyers for the Public Interest and NMIC – have served over 900 households in the East Harlem zip codes of 10029 and 10035, providing legal assistance, advice and representation to more than 2,800 East Harlem residents in need, including over 1,100 children. In addition to legal representation in court including eviction defense and affirmative cases seeking repairs or court intervention in building management, the AHTP program provides resources for tenant outreach and pre-litigation services with the goal of preventing displacement. AHTP legal services providers also offer community education, landlord-tenant mediation, and counsel on cooperative tenant actions and building-wide lawsuits.

AHTP providers work closely with the City's Tenant Support Unit (TSU) to assist households identified through TSU's outreach campaigns as in need of legal assistance or other housing-related needs. TSU specialists have been on the ground conducting outreach to tenants in East Harlem and other target neighborhoods since July of 2015, informing tenants of their rights, identifying housing-related issues faced by members of the community and making connections for tenants with legal and other services. The TSU approach involves case management of all issues until their closure, which includes referrals to legal services providers as well as outreach to HPD and other City agencies. Since July of 2015, TSU specialists have knocked on nearly 19,000 doors in the East Harlem zip codes of 10029 and 10035 and have provided assistance to 1,500 households in need. In addition to on-the-ground outreach, TSU also has ongoing partnerships and collaborations with local elected officials. TSU holds regular monthly "office hours" in the district office of Speaker Mark-Viverito, and routinely receives referrals from the Offices of Manhattan Borough President Brewer and State Senator Serrano. And TSU participates in "know your rights" sessions and tenant outreach events in the neighborhood.

In total, since January of 2014, as the Administration's tenant legal services programs were brought under HRA's supervision and the investment and support for these services were dramatically increased, well over 100,000 New Yorkers in over 50,000 households have received free legal advice, assistance, and representation. And now, the City has taken an historic step in its commitment to providing access to housing legal services. Earlier this summer, the City Council under the leadership of Speaker Mark-Viverito and lead sponsors Councilmembers Levine and Gibson passed and Mayor de Blasio signed the nation's first Universal Access to Counsel law, making the City of New York the first city in the United States to provide access to legal services to all tenants facing eviction in court. Universal Access will provide free legal representation in court to New Yorkers facing eviction with household incomes at or below 200% of the federal poverty level (about $50,000 for a family of four), and legal assistance and counseling to those earning more. The new investments to support Universal Access to Counsel will be implemented and phased in over the next five fiscal years, starting with an additional $15 million in Fiscal Year 2018 that brings our current investment in tenant legal services to $77 million, and reaching an overall investment of $155 million by Fiscal Year 2022. At full

implementation, the City's tenant legal services programs are expected to provide access to legal services for 125,000 households, or 400,000 New Yorkers, and will level the playing field for tenants facing eviction and displacement.

And these programs are only part of the Administration's effort to preserve and expand the availability of affordable housing for New Yorkers. Affordable housing, a precious resource, is permanently lost to the City when tenants are evicted from rent-regulated and rent-controlled apartments and rent is increased above affordable levels. Protecting these affordable units throughout New York City for families and seniors and protecting tenants in non-rent-regulated buildings is critical. And the financial and human costs we avert when tenants avoid eviction and preserve their tenancies are substantial; every family that stays in their home spares the City the expense of emergency shelter services – but more importantly spares the family the trauma of homelessness, including disruption of education, employment and medical care. Our legal services programs are aimed at keeping these New Yorkers in their homes, preventing displacement, and preserving and protecting the City's affordable housing stock.

Homelessness in New York City

To provide context for the focus of our work, I want to talk a little bit more about homelessness in New York City, particularly over the last two decades. First, it is important to note that the average monthly census of Department of Homeless Services' shelters increased 115 percent during that time—rising from 23,868 in January 1994, to 31,009 in January 2002, before reaching 51,470 in January 2014.

This Administration has stemmed the tide of homeless shelter census growth in New York City and prevented the census from reaching a projected 70,000 in December 2016, and we are now focused on achieving a sustained reduction in the shelter census.

Nonetheless, as the Turning the Tide plan describes, while the structural forces driving homelessness in New York City — poverty and a lack of affordable housing — are similar to other urban areas of the U.S., the scale of the problem the City now faces is unique in its intensity and scope.

A few statistics from the Turning the Tide plan emphasize the severity of the problem. Between 2000 and 2014, the median New York City rent *increased* by 19 percent in real dollars and household income *decreased* by 6.3 percent in real dollars. Meanwhile, between 1994 and 2012, the city suffered a net loss of about 150,000 rent-stabilized units. Combined, these and other trends mean that by 2015 the city had only half the housing it needs for about three million low-income New Yorkers.

As a result, these New Yorkers end up sacrificing a great deal to stay in their homes and maintain their connections to their communities. Some 360,000 New York City households pay more than 50 percent of their income on rent and utilities. Another 140,000 households pay more than the 30 percent. This means a total of a half a million New York City households are paying an unaffordable amount of their income for housing.

Many people who face these rent burdens cycle in and out of poverty, living just one personal crisis away from homelessness. In fact, an ongoing longitudinal study suggests that nearly half

of all New Yorkers lived in poverty at some point between 2012 and 2014 (the three-year period studied).

As a result of these economic factors, 70 percent of the shelter system census now consists of families, and 34 percent of the families with children have an adult who is working.

At the same time, domestic violence is a major driver of homelessness, with some 30 percent of the families with children in the DHS shelter system having a history of domestic violence.

Prevention-First Approach

In the face of these challenges, the Administration has taken and is taking a "prevention-first" approach. In addition to increases in tenant legal services over the last few years, some of the most important prevention-related enhancements this Administration has already made include:

- Providing a greater amount of emergency rental assistance so that rent-burdened New Yorkers at risk of eviction can stay in their homes. In the first three years of the Administration, 161,000 households received this help;
- Expanding the City's nationally recognized Homebase program so that more New Yorkers can maintain housing in their community.
- Developing the Tenant Support Unit, which since its launch has reached more than 194,000 New Yorkers through its proactive outreach on critical services to prevent homelessness among renters facing housing-related problems; and
- Creating a new Homelessness Prevention Administration (HPA) within the Human Resources Administration (HRA) – of which the Office of Civil Justice is a part - that brings homelessness prevention, rental assistance, and early intervention all under one roof to improve program management and effectiveness.

Homelessness Prevention Administration

By working to ensure that clients have access to the benefits they are eligible for, such as public assistance, SNAP (food stamps), Medicaid, and SSI, New Yorkers are connected to benefits that can weave a safety net to lift them out of poverty. The prevention programs HRA oversees expand and strengthen this safety net to include case management services like family mediation; educational advancement; employment; financial literacy services; early warning referrals from NYCHA, Adult Protective Services and City Marshals for tenants on the verge of eviction; and finally emergency grants and rental assistance to keep families and individuals in their homes and prevent and alleviate homelessness.

In order to prevent evictions and displacement, HRA provides emergency grants, to keep thousands of New Yorkers in their homes. In calendar year 2013, HRA provided rent arrears to 47,000 households at a cost of $127 million. In calendar year 2016, HRA provided rent arrears to 58,100 households at a cost of $214 million. The increase in spending resulted from increased monthly rents families and individuals have to pay, additional households being found eligible due to the increasing gap between rents and income, and enhanced targeting of these services to prevent homelessness through partnerships with community-based organizations.

From January 2014 through December 2016, about 161,000 households received emergency rental assistance to help them stay in their homes, averaging about $3,400 per case, which is much less than the $41,000 a year for a family in a shelter.

This "prevention-first" strategy streamlines and focuses already successful initiatives recognizing the many benefits of keeping New Yorkers stably housed and in their communities. These proven models represent a comprehensive set of tools aimed at achieving better outcomes for those who are most at risk of eviction and homelessness.

Thank you for the opportunity to testify today, and I look forward to your questions.

August 23, 2017

East Harlem Rezoning/Neighborhood Study: ACS ECE testimony in support of plan

My name is Alyson Grant, and I am the Chief of Staff of the NYC Administration of Children's Services Division of Early Care & Education.

I am here today to testify on behalf of the Administration for Children's Services in favor of the East Harlem Rezoning Proposal. ACS is pleased to be here today and to have been an ongoing partner in the East Harlem Neighborhood Study.

Our participation in the East Harlem Neighborhood Study has focused on several objectives identified by the Steering Committee – in short, related to our work in providing subsided child care to this community. ACS presented to the Steering Committee in February, sharing an overview of our work and answering their questions.

ACS oversees one of the largest subsidized child care systems in the country, serving approx. 100,000 children from the ages of 6 weeks to 13 each year. We do so via our contracted system, named EarlyLearn and the provision of child care vouchers.

EarlyLearn NYC offers subsidized, high quality care to families who earn up to 200% of the federal poverty level in either centers or home-based care. Programs operate 8-10 hours per day, year round, and offer comprehensive services including developmental screenings, family support, health and mental health services. Funding is provided via NYS by the Child Care Developmental Block Grant and the Federal Government via Head Start. All children ages 4-5 in EarlyLearn are part of NYC's Pre-K for All. Further, as of this fall, our 3 year olds are will be a part of 3K-for-all, an exciting and new joint initiative of DOE and ACS.

In regards to East Harlem specifically, there are 28 EarlyLearn center-based programs serving children from 2-5 years old and 2 family child care networks in which children are served in home-based settings. We're excited to share that as of July 1st, in response to community need, ACS has converted 2 classrooms at those 28 locations in order to serve more toddlers in the East Harlem community. This effort was a part of our conversion of several hundred EarlyLearn Head Start to EarlyLearn Early Head Start seats in programs throughout Manhattan, Brooklyn and Queens.

We look forward to continuing to partner with our programs and families served in this community to best meet their needs. Further, ACS is pleased to partner with DCP and other city agencies to achieve the City's goal of a comprehensive neighborhood plan

Thank you for your time, and I am happy to answer any questions you may have.

Testimony of Jessica Katz, Associate Commissioner for New Construction of the Department of Housing Preservation and Development

City Planning Commission
August 23, 2017

Good afternoon Chair Lago, members of the City Planning Commission, and members of the public here with us today. I am Jessica Katz, Associate Commissioner for New Construction at the Department of Housing Preservation and Development, and I am here to testify in support of the proposed East Harlem rezoning. Existing residents of East Harlem are finding it increasingly difficult to afford to remain in their homes. While some have expressed concerns that the proposed rezoning may exacerbate the threat of displacement, HPD believes that in fact the City's East Harlem Initiative can help to reduce market pressures by enabling an increase in the overall amount of new affordable housing produced in East Harlem.

The continued growth of East Harlem has led to a problem of supply and demand in the neighborhood. Due to increased demand for housing over the past decade, rents in East Harlem have risen faster than the city-wide average. Too many East Harlem residents are rent burdened, spending more than a third of their incomes to remain in their homes. Unless we can substantially increase the neighborhood's supply of housing overall, these trends will persist unabated.

Through *Housing New York*, HPD has begun to increase the supply of affordable housing in East Harlem and throughout New York City's neighborhoods. Since 2014, the agency has financed or incentivized the construction of over 25,000 new affordable homes city-wide; a historic high. 844 of these new affordable homes are located in East Harlem.

To expand upon this progress, we need to utilize the scarcest resource available – land – in the most effective ways possible. This is why we are prioritizing the use of City-owned sites for the development of new affordable housing. As part of the draft East Harlem Housing Plan, we have already committed to more than 2,400 new affordable homes on East Harlem's public sites, many of which are already underway. Based on feedback from the local community, we continue to explore affordable housing development on additional public sites throughout the neighborhood.

As you've already heard, we are also announcing new reforms to our RFP policies which will make it easier for community groups to compete. Recently, the City dedicated an additional $1.9 billion to *Housing New York* so that a greater portion of these homes are affordable to tenants with lower

incomes. HPD recently revised our new construction term sheets to better serve those at the lowest income bands, as well as formerly homeless households. We also continue to develop senior housing and supportive housing for those with special needs.

Despite this progress, HPD cannot adequately respond to the neighborhood's immense need for affordable housing using public land alone. The City must also approve measures that require developers to utilize privately-owned land for additional affordable housing production, instead of for unregulated, market rate housing, which private land owners can currently construct as-of-right. This is why we are also proposing to implement the new Mandatory Inclusionary Housing program along the avenues within the rezoning areas, so that at least 20-30% of any new residential development on private land in these districts will include homes that are permanently affordable at levels much deeper than current asking rents. For example, a new construction two-bedroom apartment listing on the market today in East Harlem can cost about $3,200 per month[2]. MIH Option 1, on the other hand, would require developers to rent a comparable two-bedroom apartment at an average of about $1,200 per month, with some units set aside at even lower rents: 10% of all new homes under MIH would rent for about $740 per month for a two-bedroom unit.

Wherever possible, we will continue to offer financing to develop affordable housing that exceeds minimum MIH requirements.

Lastly, we are committed to leveraging our investments in affordable housing to promote economic opportunity and serve neighborhood needs by promoting active ground floor uses, local hiring incentives, and MWBE procurement requirements.

If approved, the City's East Harlem Initiative will help provide the neighborhood with new affordable homes in the near term and will implement mechanisms for the ongoing creation of affordable housing as the neighborhood continues to grow. For these reasons, I submit my support for both the rezoning and Sendero Verde proposals. Thank you.

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[2]Based on average asking rents from Streeteasy listings on November 29, 2016, and assuming households spend no more than a third of their income on rent.

NYC Parks

TESTIMONY BY

NICK MOLINARI,

CHIEF OF PLANNING & NEIGHBORHOOD DEVELOPMENT,

NEW YORK CITY

DEPARTMENT OF PARKS AND RECREATION,

BEFORE THE

CITY PLANNING COMMISSION

WEDNESDAY, AUGUST 23, 2017

NYC Parks

Hearing before the City Planning Commission
East Harlem Rezoning
August 23, 2017

Good Morning Chair Lago and members of the City Planning Commission. My name is Nick Molinari, and I am Chief of Planning and Neighborhood Development at the New York City Department of Parks and Recreation. I am here to speak on the proposed rezoning of East Harlem.

NYC Parks recognizes the importance of our parks and open spaces in improving the quality of life for residents in East Harlem, and in supporting the goals for mixed income and affordable housing advanced by Mayor de Blasio's housing plan.

NYC Parks has been working with our partner City agencies and with local stakeholders to better understand this community's open space priorities and opportunities. We participated in City Council Speaker Mark-Viverito's community engagement process, through the open space subcommittee, which led to the production of the East Harlem Neighborhood Plan in February 2016. The Neighborhood Plan recognizes the significant park assets in this neighborhood, but also acknowledges a need for improved connections to Harlem River Park and Randall's Island; the unmet potential of the waterfront to become a world class destination for local residents and the city at large; and the vulnerability of East Harlem to climate change and extreme weather events.

Acknowledging the great opportunity of East Harlem's waterfront, NYC Parks has begun work on a conceptual design of the unbuilt 11-acre portion of Harlem River Park between E.125th and E.132nd streets. We held our first public meeting to hear the community's priorities for this important waterfront opportunity site on July 12th. We are now working with our consultants to develop design alternatives for this site. We will be meeting with the public again at our second community meeting on September 19th, and will produce a final plan at the end of the year. Recognizing the issues of coastal flooding and drainage facing this community, we are also working closely with the Mayor's Office of Recovery and Resiliency to carry out a coastal and social resiliency study of East Harlem. Work will begin in winter of this year.

We will continue to work closely with our City agency partners, local residents, and park advocates to identify opportunities to mitigate open space impacts and improve upon existing open spaces in the community.

I thank you for the opportunity to speak before you today.

City's East Harlem Initiative

Testimony of Vito Mustaciuolo, Deputy Commissioner of the
Department of Housing Preservation and Development
City Planning Commission
August 23, 2017

Good afternoon, Chair Lago and members of the City Planning Commission. My name is AnnMarie Santiago, Assistant Deputy Commissioner of the Office of Enforcement and Neighborhood Services at the Department of Housing Preservation and Development. I am reading testimony on behalf of Vito Mustaciuolo, Deputy Commissioner of HPD's Office of Enforcement and Neighborhood Services, who could not be here today.

The Office of Enforcement and Neighborhood Services enforces the New York City Housing Maintenance Code and New York State Multiple Dwelling Law with the goal of ensuring that all housing remains safe and habitable. I am testifying about my Office's role in support of the proposed East Harlem Community Plan.

The work our divisions do every day throughout the City is critical to prevent landlords from using poor maintenance and the denial of essential services to drive tenants out of housing for which the landlord could command higher rents. Because questions have been raised about whether the proposed rezoning of East Harlem could result in increased harassment, I would like to describe the very active role we take in East Harlem both with our everyday work and specifically in response to concerns about the re-zoning plan.

HPD's everyday work in East Harlem includes both re-active activities (in response to complaints) and proactive activities. In FY17, HPD conducted almost 16,000 inspections, citing 10,772 violations and conducting emergency repairs as necessary to ensure that tenants can remain safely in their homes. Currently, HPD has comprehensive litigation seeking the correction of conditions and civil penalties in progress against 14

properties. The Alternative Enforcement Program, one of our most successful enhanced enforcement programs, is active at 11 properties. AEP targets the most distressed buildings citywide, and the AEP statute authorizes HPD to issue Orders, impose fees and conduct enhanced repairs.

Our proactive activity in East Harlem includes the Proactive Preservation Initiative (PPI), Block Sweeps, and the Tenant Harassment Protection Task Force. Since 2011, HPD's Division of Neighborhood Preservation has conducted an in-depth survey and assessment of one hundred and thirty eight buildings through the PPI. Ninety of those are related to the Block Sweep initiative which HPD conducted this past year, and which I will talk more about in a moment. Through the PPI initiative, HPD works closely with elected officials and community groups to identify buildings which appear to be struggling with maintenance issues. Once HPD receives a referral, a building visit is conducted. The building visit may result in a referral for a full building inspection by Code Enforcement, a referral for litigation to our Housing Litigation Division or a referral to a property owner for a loan with HPD, among other outcomes. Through PPI, HPD has successful intervened with hundreds of buildings citywide to restore buildings to a code compliant path.

Through our Block Sweeps initiative, which was created in response to concerns that the community raised through conversations and meetings with HPD, our Division of Neighborhood Preservation conducted building visits to more than 400 occupied residential buildings in concentrated areas ("blocks") in East Harlem between August 2016 and July 2017. During the building visit, a preliminary physical assessment of the building was completed. Our staff spoke with the property owners and offered multilingual information about the types of loans and initiatives that HPD has available, including small home repair loans and anti-foreclosure programs. Staff also talked with tenants about their concerns, provided assistance with and referrals to information on tenant rights, the code enforcement and 311 process, rental assistance, and legal services. Ninety of those properties required more in-depth surveys and we are still in the process of conducting those surveys through the PPI. Of the surveys we have completed, six buildings will receive full building inspections from Code Enforcement , five resulted in comprehensive cases in Housing Court,

and four will continue to be monitored by our Division of Neighborhood Preservation. We will continue to accept building referrals from East Harlem community groups and will survey buildings on an as-needed basis.

Through the Tenant Harassment Protection Task Force, a joint initiative of City and State agencies, including the New York State Attorney General's office, HPD conducts inspections at properties where owners may be creating conditions to harass tenants into leaving their homes . Each enforcement agency issues appropriate violations for physical conditions or conducts appropriate investigations into allegations of harassment. In East Harlem, the THPT has attempted to inspect eight properties and found illegal construction work at three. Referrals to the Task Force by community groups and elected officials have been instrumental in identifying some of the most egregious cases of harassment throughout the city, and HPD continues to encourage referrals. In general, Task Force inspections have led to the issuance of violations and orders, one arrest, and several ongoing investigations which may lead to prosecution of property owners who use these tactics. We have not, at this time, seen any indication that harassment is widespread in East Harlem but will continue to be vigilant regarding any uptick in reports.

The HPD team is committed to robust code enforcement and continued coordination with community groups to ensure that East Harlem tenants are protected from harassment and deterioration of the existing housing stock. Meanwhile, we will also continue our work in improving tenant education on housing quality rights and resources, and improving the customer service experience with our Code Enforcement team. As Commissioner Torres-Springer stressed, HPD believes that the City's East Harlem Initiative before you will help to reduce the pressures on rents and prevent displacement by increasing the supply of housing, and ensuring that all new housing developments in the upzoned corridors will provide permanently affordable apartments. We encourage you to approve the proposed plan. I would be happy to take any questions. Thank you for the opportunity to testify today.

NYC Office of Workforce Development

City Planning Commission

August 23, 2017

Thank you City Planning Commission for the opportunity to speak about our work. By means of introduction, my name is Ashley Putnam; I am the Economic Development Advisor for the Mayor's Office of Workforce Development.

The Office of Workforce development has been engaged in the planning process for East Harlem as part of our continued commitment to creating pathways to opportunity for all New Yorkers. In 2014, we released the report *Career Pathways: One City Working Together*, which committed to connecting economic development activities to jobseekers. We are proud to work with our colleagues in City Planning and other agencies to fulfill these promises in East Harlem.

In understanding the needs of job seekers in East Harlem, our office met with community organizations currently providing workforce services to the neighborhood. One such organization is The East Harlem Talent Network, which provides job placement services to East Harlem residents through partnership with the Upper Manhattan Empowerment Zone and CB11. Networks like these have been mentioned as a best practice for connecting workforce and economic development, as they can reach out to local businesses.

In addition to this resource, the City of New York provides workforce services to East Harlem through programs like Cornerstone, Young Adult Sectoral Employment Project, NYCHA REES, Summer Youth Employment Program and others.

Knowing these resources exist, our approach to discussing neighborhood strategy for local hiring takes into account two questions: How do we connect residents to jobs right now? And how do we connect residents to jobs that will be made available in the future?

For many East Harlem residents, the need for living wage employment cannot wait for the opportunities that will be created by this rezoning. Thus, we reached out to anchor institutions that have been long-time members of the community and are committed to hiring local residents. Several months ago, our office met with the Mt. Sinai, the East Harlem Talent Network, the Speaker's

Office, and the New York Alliance for Careers in Healthcare to discuss employment needs. Mt. Sinai has a strong commitment to recruiting East Harlem residents, hiring over 700 residents last year. By building on the partnership between Mt. Sinai and the East Harlem Talent Network, we hope to connect residents to higher-skilled, living wage careers in the healthcare industry.

Thinking ahead to opportunities that will come into the neighborhood, the Mayor's Office is committed to connecting jobseekers to jobs created by development projects. In 2015 our office launched HireNYC, a program which requires that any developer or vendor receiving city subsidy engage with the workforce system in connecting with local talent. We are excited to partner with our colleagues at Workforce1 to ensure that development projects built in this neighborhood provide job opportunities to low-income New Yorkers.

Like many neighborhoods in New York, East Harlem residents need access to job opportunities both now and in the future. Our office supports the East Harlem rezoning plan as it creates economic opportunities, and provides a pathway for local talent. We look forward to continuing to connect East Harlem residents to employment opportunities.

Department of Education
Carmen Fariña, Chancellor

Testimony of the New York City Department of Education
Before the City Planning Commission
On the East Harlem Neighborhood Rezoning

August 23, 2017

Good Afternoon. My name is Sydney Renwick, and I am the Manhattan and Bronx Director at the New York City Department of Education's (DOE) Office of Intergovernmental Affairs.

I am pleased to be here today to testify on behalf of the DOE regarding the East Harlem Rezoning Proposal and our work as a partner on the East Harlem Neighborhood Plan (EHNP).

East Harlem, a diverse community which encompasses Community School District 4, is home to a variety of DOE schools, programs, and partnerships that serve students from the age of four at our Pre-K for All sites to adults taking courses at Coop Tech.

The New York City Department of City Planning (DCP) has engaged all City agencies to ensure the best possible outcome for the residents of East Harlem. As such, the DOE continues to work as a partner with the EHNP committee and its stakeholders to continue to provide a high-quality education for District 4 students and to align, as best as possible, with the objectives and recommendations set forth in their Plan. A priority of the EHNP was the expansion of Community Schools and better access to existing resources in East Harlem, and we are pleased that three new Community Schools will open in District 4 in the 2017-2018 school year.

As you are aware, Community Schools are neighborhood hubs where students not only receive high-quality academic instruction, but also where families can access social services, and communities can congregate to share resources and address common challenges. DOE's Office of Community Schools supports schools as they work with CBO partners to become places where students have the opportunity to learn, gain skills, and have experiences that ignite their curiosity. Currently, the DOE has 227 Community Schools across 32 Community School Districts, which support more than 100 additional partner schools which also work with CBOs to provide additional learning opportunities.

District 4 will have eight Community Schools, including the three new schools —P.S. 83 Luis Muñoz Rivera, P.S. 108, and M.S. 372 Esperanza Preparatory Academy School— added in direct response to the needs of the community and the EHNP. All eight Community Schools are funded through the DOE and leverage diverse federal, State and City funding streams to ensure sustainability. The CBOs are, respectively, City Year, The Leadership Program and Union Settlement.

The five existing Community Schools are P.S. 50, P.S. 96, Renaissance School of the Arts, Coalition for Social Change, and The Heritage School. Their partner CBOs are The Children's Aid Society, Global Kids, Partnership with Children, and Columbia University's Teachers College. In addition to

the Community School strategy, a number of District 4 schools receive resources through other City agencies, such as the Beacon and COMPASS/ SONYC after school programs managed by the Department of Youth and Community Development. These partnerships help to strengthen our schools by helping increase student attendance and improve academic performance.

Over the course of more than a year, the DOE has engaged with community residents and the EHNP subcommittee, and participated in several meetings, including a formal presentation in December and smaller subcommittee meetings in March and May. We are committed to the success of the EHNP and will continue to work with the District 4 school community and the residents of East Harlem to provide a high quality education to the children of El Barrio.

Thank you for your time, and I am happy to answer any questions.

NEW YORK CITY DEPARTMENT OF TRANSPORTATION
TESTIMONY BEFORE THE NEW YORK CITY PLANNING COMMISSION
REGARDING EAST HARLEM REZONING
AUGUST 23, 2017

Good morning Commissioners, my name is Luis Sanchez. I serve as the Manhattan Borough Commissioner for the Department of Transportation.

DOT supports this proposed action – because East Harlem possesses a foundation for growth. It has been a site for investment, and will see further growth and benefits as a result of the current effort.

DOT's mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in the City of New York. We maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our residents. East Harlem is a portion of the Manhattan street system that possesses all the positive qualities that make New York City great.

East Harlem's spot in the original 1811 Manhattan grid gives it wide avenues and largely uninterrupted cross streets. Defined at its core by four major avenues, and the shopping districts of 125th and 116th; DOT sees East Harlem's geography as an asset. Although it might be overlooked by some, right-angle 90 degree intersections are a great element of safe street design. Square blocks make for safer corners and intersections that provide maximum visibility to walkers, bikers, and drivers alike.

The neighborhood is also well connected to the rest of the borough and the rest of the city by the subway system and the three bridges that (two belong to DOT) carry cars, bikes and pedestrians. Together, this means East Harlem is easily accessible as a good place to live, work, learn, and visit.

All work DOT does is driven by our citywide Design Guidelines, which aim to make the city's streets safe, smart, green and accessible to all users. In recent projects, we have improved lighting under the stone arches of the Park Avenue viaduct. We have also made safety improvements for pedestrians. By creating refuge areas of concrete for people walking under the Metro-North rail line, drivers have more opportunity to see those trying to cross, traffic movements are calmed and made more predictable by the expanded curb lines.

In recent years, we have partnered with the MTA to implement Select Bus Service on two corridors in East Harlem: 125th Street and 1st/2nd Avenues. These projects brought amenities to the neighborhood, such as bus shelters and wayfinding signage, and improvements to striping and signals to ease congestion and improve safety.

DOT also recognizes the role that freight plays in a thriving community. We are currently conducting a citywide freight study that evaluates how freight moves through the city. This work will inform our understanding and future improvements in the East Harlem project area.

In addition to our regular community coordination, and communication with the Speaker, the Borough President and all of the representatives of this area, my office has been working with the Steering Committee and several working groups for more than a year in an effort to make this rezoning a success. Given the area's strengths in the realm of transportation, the investments we've already made and will be making, we will be working closely with the Department of City Planning to develop a broad, comprehensive plan for the neighborhood that builds on the strengths of the plans that have emerged from this community led effort. I believe the East Harlem Rezoning will be a success, and again, DOT supports it.

Thank you.

Testimony of Margaret Sheffer Brown, Assistant Commissioner of the Department of Housing Preservation and Development Division of Policy and Operations
City Planning Commission Hearing on East Harlem
August 23, 2017

Good afternoon, Chair Lago and Members of the City Planning Commission. I am Margaret Sheffer Brown, Assistant Commissioner of Policy and Operations at the Department of Housing Preservation and Development. One of my division's functions is to oversee the Marketing, application process, lottery, and lease-up or sales processes for HPD-assisted affordable housing. I am here in support of the City's East Harlem Initiative, and to share information about some of the work we are doing to improve access to affordable housing, which builds on the East Harlem Neighborhood Plan recommendations and discussions with the community.

In the last several years, HPD has worked with community partners, housing applicants, and design professionals to improve the affordable housing lottery application process as well as the information and guidance available to applicants. The Housing Ambassadors program, for example, is a network of community-based organizations who provide free assistance to New Yorkers applying for affordable housing; they partner with HPD, primarily on a volunteer basis, to receive training, distribute informational materials, and relay feedback about the application and lottery process from their work with applicants. In total, we currently have 29 Ambassadors, and the network is growing continually.

The current Housing Ambassadors in East Harlem are the 116th Street Block Association, Wheeling Forward (serving people with disabilities), East Harlem Council for Community Improvement (EHCCI), and Hope Community. The 116th Street Block Association has been a valuable community resource in particular for people recently applying to the 51 affordable senior apartments at Draper Hall, and will continue to provide support in the next phase of lottery selection and eligibility reviews. They are also featured in a new short video about the Ambassadors program, which you can on HPD's website.

In addition, EHCCI is closely involved as a development affiliate and community partner for the upcoming Acacia Gardens development, which is currently under construction. And Hope Community, a longtime HPD partner, has recently come aboard as an Ambassador; they are a partner in the recent preservation of 506 affordable apartments in East Harlem. Wheeling Forward is one of the first Housing Ambassadors for people with disabilities, an exciting recent expansion of the program. We are continually growing the Ambassadors program, and encourage you to connect organizations you think may be interested with us by emailing ambassadors@hpd.nyc.gov.

This fall, HPD and the Housing Ambassadors will kick off the second year of "Ready to Rent," a financial empowerment program for NYC renters, funded by the City Council Speaker's Office. This partnership with the Department of Consumer Affairs' Office of Financial Empowerment connects housing-seekers to free financial counseling with a housing focus, integrated with Housing Ambassadors and their services.

Increasing transparency and access to information about the lottery process is a priority for HPD. Our online application system, Housing Connect, and the alternative paper option are available in seven languages, and we have gone beyond that to ensure that we're communicating with as many New Yorkers as possible: Our numerous materials about applying for affordable housing—videos, booklets, and information guides—are available in 17 different languages and in formats accessible to people with disabilities. All are posted on HPD's website, and we continue to add to the collection.

Earlier this year, we released the first informational video in a series for applicants, an overview of the affordable housing lottery application process. Also accessible on YouTube, it currently has nearly 50,000 views. The next videos in the series are under development now: a behind-the-scenes look at the lottery, answers to frequently asked questions and common myths, and a guide to the process for people with disabilities. These additions will be coming out over the course of this fall and winter.

HPD is also working to remove barriers to qualifying for affordable housing through the policies and procedures of the marketing, lottery, and lease-up or sales process. These are published in the HPD/HDC Marketing Handbook, which we updated last fall, taking into account feedback from community partners, applicants, and agency partners. I will share a few of the key changes we have made.

To improve access to people with disabilities or language access needs, HPD now requires that developers must make specific efforts to reach people with disabilities in advertising and demonstrate that standards for accessibility, privacy, and data security will be upheld in the applicant qualification process. As part of their marketing plans, developers/marketing agents must submit a form including the measures they will take to provide translation and interpretation services throughout marketing and lease-up, and they are required to use translated templates for communication at an applicant's request.

Our partners in East Harlem drew our attention to the fact that more multi-language information is needed on construction site signs during the lottery application period, and so we are in the process of redesigning the site signs to include full advertisements in multiple languages.

The updated Handbook also restricts the credit and background criteria developers may use to evaluate applicants, ensuring that the New Yorkers who need affordable housing most are able to access it. Changes include limited look-back periods and more inclusive criteria related to debt. For example, Applicants may not be rejected based on credit score alone, but only if the complete picture of their credit history fails certain thresholds. Applicants may not be rejected simply for having a Housing Court history, nor because they were taken to Housing Court by a landlord for a case that did not result in a judgment of possession against the tenant.

When it comes to reviewing justice-related information on background reports, HPD confirms, prior to advertising or qualifying applicants, that developers' criteria are in line with HUD's 2016 guidance on use of criminal records by housing providers. This states that landlords may not count prior arrests that do not result in convictions, and when reviewing conviction records, they must consider the nature of the offense (that is, whether it has any relation to protecting resident safety or property), as well as its severity and recency.

Community engagement is a cornerstone of HPD's work. We are able to both communicate and improve our policies and procedures and applicant resources through community presentations and partnerships. On average, our Marketing staff conducts three community presentations per week in response to requests from various groups and stakeholders. Recent examples in East Harlem include a winter 2017 preparedness workshop at the housing forum organized by Council Speaker Mark-Viverito, and the 116th Street Block Association's "Ready to Rent" Housing Ambassador event in May. We are open to participating in future tenant resource fairs in the community in the future, continuing our engagement with East Harlem partners, and we look forward to supporting the Housing Ambassadors in doing the same.

We urge you to approve the proposed plan. I would be happy to take questions. Thank you for the opportunity to testify.

Testimony of Maria Torres Springer, Commissioner of the Department of Housing Preservation and Development, on the East Harlem Rezoning

City Planning Commission

August 23, 2017

Good morning Chair Lago and members of the City Planning Commission. I am Maria Torres-Springer, Commissioner of the Department of Housing Preservation and Development. I am here today in support of the City's proposed East Harlem initiative.

As many of you know, the city's population continues to grow rapidly. One of East Harlem's greatest assets is that about three quarters of its housing stock is regulated affordable housing.[1] But as East Harlem families grow, and more people from neighboring boroughs and across the nation and the globe look for relatively affordable, diverse, and transit-rich places to call home, the demand for housing continues to place enormous pressure on the area's housing stock. Between 2002 and 2014, the median rent in East Harlem increased by approximately 40%, compared to only 24% across New York City as a whole.[2] New market-rate development is occurring in East Harlem without any requirements for affordable housing, while more than half of all households are rent-burdened.

The rezoning proposal before you today is crucial to help address this high demand for housing by enabling growth on appropriate corridors in the neighborhood, while requiring *permanently* affordable apartments in all new developments in up-zoned areas. Accompanying this rezoning is HPD's Draft East Harlem Housing Plan, which memorializes a set of strategies and commitments to address the neighborhood's unique housing needs as identified by the community.

This Housing Plan for East Harlem would not have been possible without the extraordinary level of engagement and commitment demonstrated by the community in the creation of the East Harlem Neighborhood Plan (EHNP). The recommendations that came out of that process, which were vetted and discussed in dozens of meetings between HPD, the EHNP Steering Committee, and local organizations, formed the foundation for the strategies in the draft plan before you today, and which we continue to refine. This plan includes new approaches by our agency and represents by far the most robust set of

[1] About 60% of units are government-assisted or owned and operated by NYCHA, and an additional 15% are rent-stabilized.
[2] HVS 2002-2014.

neighborhood housing strategies that this city has seen in recent years. Here are some examples of those new initiatives:

1. From sending mailers, making calls, and organizing events, we are conducting **more proactive and strategic outreach** to property owners than ever before. Over the past year, we've reached out to more than 2,600 individual properties.
    - To help build on that initial contact with property owners , this summer, we launched a **Landlord Ambassadors** pilot program to provide technical assistance for small property owners who are interested in, but unfamiliar with, the process of securing a loan from HPD to fix up their buildings and preserve affordability.
2. Last summer, we began conducting "Block Sweeps" in East Harlem, where we proactively **survey distressed properties** using data and community referrals, and at the same time walk the entire block to ensure proper upkeep. To date, we have proactively surveyed 426 buildings in East Harlem, and 19 have been referred for additional action. We are currently involved in 82 Housing Court cases on litigation in East Harlem to both compel a landlord to repair all open violations on the building and to seek civil penalties where appropriate.
3. To support tenants, HRA **extended free legal services** and universal access to counsel for those facing housing court or eviction, including $4.6 million in funding committed annually through FY 2021 for East Harlem alone. And the **Tenant Support Unit** is going door-to-door advising tenants of their rights, reporting instances of harassment and poor building quality, and connecting tenants to free legal help where needed.
4. This January, we began convening an East Harlem **Preservation Stakeholders** group—bringing together tenant organizers, legal services, and local developers to better share information and more closely coordinate on preservation efforts in the neighborhood.
5. We have also **committed to expediting the construction of 2,400 new affordable homes on public sites,** including committing to 20% of units to be affordable for those earning less than $25,770 for a family of 3 (30% of AMI) at three sites. Meanwhile, we **are rigorously exploring the feasibility** of additional public sites that neighborhood stakeholders have identified as appropriate for housing.
6. Last fall, we issued **new marketing guidelines** and began training local service providers to serve as **Housing Ambassadors** to support those looking for affordable housing.
7. We also have the **new M/WBE Build Up Program,** which requires developers to spend at least a quarter of all HPD-supported costs on certified MWBEs.
8. To support East Harlem's retail corridors, we are also encouraging developers to use our **retail design guidelines** to enable flexible commercial spaces, refer to the **Commercial District Needs**

Assessment to better meet local retail service gaps, and **connect with the Neighborhood 360 grantee**, Union Settlement Association, to help identify potential tenants for new commercial spaces. You'll hear further details on these initiatives from my colleague Commissioner Bishop.

As I mentioned earlier, this Housing Plan is only a draft, meaning that it is a work in progress, and I welcome any feedback or ideas for improvement. Since we issued the draft plan in May, we have made the following additional commitments:

1. In partnership with Enterprise, we allocated **$500,000 to the East Harlem/El Barrio Community Land Trust** to acquire and rehab properties, including three City-owned properties, for affordable housing.
2. We are exploring the possibility of including East Harlem in a **Certificate of No Harassment pilot program**.
3. We revised the ELLA and Mix and Match **financing programs** and allocated $1.9 billion in additional capital to reach deeper affordability levels and require homes for formerly homeless families.
4. We are instituting **reforms in our RFP process** to ensure future public control of all affordable housing developed on City-owned sites and to make it easier for community-based developers to compete for publicly-owned land.
5. We continue to **host tenant and property owner events** in the neighborhood. Our last East Harlem event in June attracted more than 100 property owners, who received help in dealing with their water bills, tax liens, foreclosure prevention, and other issues.
6. We have also trained **two additional organizations, Hope Community and East Harlem Council for Community Improvement, to serve as Housing Ambassadors** in East Harlem to help residents apply for affordable housing.
7. Lastly, we are working with the Speaker's Office and the Steering Committee to enhance **coordination around preservation efforts in East Harlem**.

Later today, you'll hear details on many of these initiatives from my colleagues. My team continues to listen actively to community feedback, and we look forward to refining the Housing Plan throughout the ULURP process.

While you'll later hear a full presentation from the team, I would also like to say a few words in support for the Sendero Verde project. As an initial step in our commitment to constructing new affordable homes in East Harlem, HPD has designated the East 111th Street RFP site to the Sendero Verde project through

our RFP process, which was heavily informed by community goals and priorities as outlined in the Community Visioning Report, the East Harlem Neighborhood Plan, and our work with the Parks Department profiling the needs of the four gardens to be relocated in the new development. This approximately 650-unit, Passive-House Standard, 100% affordable project, balances a number of the community's stated goals for the site. Twenty percent of the apartments are set aside for households earning up to $25,770 for a family of three (30% of AMI). The project's partners include ACACIA Network, El Barrio Operation Fight Back, DREAM charter school, the YMCA, Mt. Sinai, and Union Settlement, and services will include a grocery store, public open space, and new amenities for the four community gardens currently operating on the site. We look forward to continuing collaborations such as these with neighborhood residents and stakeholders to deliver community-informed development on public land.

I thank you for the opportunity to speak in support of the East Harlem rezoning, as well as Sendero Verde, and welcome any questions you may have.

Diane Collier
Chair

Angel D. Mescain
District Manager

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June 29th, 2017

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

Re: Recommendation on ULURP Application Nos. C 170361 ZMM, C 150363 HAM, C 150364 PQM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM and C 170368 ZSM Sendero Verde 111th Street

Dear Director Lago,

On June 27th, 2017, Community Board 11 (CB11) held a public hearing and voted on the land use applications submitted by development team of NYC Department of Housing Preservation Development (HPD), Jonathan Rose and L&M Development with respect to their proposed mixed-use development project to be built on the majority of Block 1617 which is bound by 111th Street, 112th Street, Park Avenue, and Madison Avenue within our district.

The proposed development, Sendero Verde, would be comprised of three mixed-use buildings, ranging from 10-37 stories, containing a total of approximately 655 affordable residential units and with community partners Dream Charter School, Union Settlement, Harlem YMCA, Mount Sinai, Urban Market occupy 32,194 zoning square feet (zsf) of commercial space, and 142,185 zsf of community facility space. In addition, there will be a garden area to house four existing Green Thumb gardens along Park Avenue and East 111th Street.

The Sendero Verde project team is seeking approval of several actions to facilitate the development of this project, including approval of an Urban Development Action Area Project (UDAAP) area designation and project approval, and the disposition of City-owned parcels Additionally, the project team seeks approval to acquire a portion of the Disposition Area for use as approximately four community gardens and a publically accessible path following disposition. The team also proposes a zoning map amendment and a zoning text amendment for the entirety of Block 1617, which includes the Disposition Area and two privately-owned parcels, Block 1617, Lots 21 and 34 in the East Harlem neighborhood of Manhattan Community District 11. Finally, the team will seek a special permit for the creation of Large Scale General Development to facilitate the urban design requirement of the Proposed Development.

PROJECT DESCRIPTION

In 2014, the City announced that East Harlem was among the first neighborhoods identified for zoning changes as a part of Mayor de Blasio's *Housing New York* plan. In response, Council Speaker Mark-Viverito convened a steering committee to establish a process for community-based planning. The steering committee, composed of community organizations, the Council Speaker's Office, Manhattan Community Board No. 11 and the Manhattan Borough President, undertook the preparation of the East Harlem Neighborhood Plan ("**EHNP**"). Objectives and recommendations contained in the Plan include the following: preservation of important East Harlem buildings and the reinforcement of neighborhood character; increased density in select places to increase affordable housing and space jobs; improvement and creation of more services and amenities for the East Harlem community through any new development on private and public sites.

On October 18, 2016, the Department of City Planning released its East Harlem Neighborhood Study, a draft zoning framework for the East Harlem Neighborhood—proposing various actions, including zoning map and text amendments to key corridors within the East Harlem Neighborhood Plan. The Study builds off the community planning process that resulted in the East Harlem Neighborhood Plan and aims to continue to meeting the housing goals outlined in the Mayor's Housing New York plan. It contemplates the rezoning of East Harlem between roughly East 104th Street and East 132nd Street and Second Avenue and Park Avenue. The proposed zoning changes respond to the recommendations of the East Harlem Neighborhood Plan and are intended to meet the following goals:

- Creating New Housing opportunities, with zoning that will allow construction of new affordable housing and preservation of existing housing;
- Emphasizing job creation and economic development that will benefit residents of the neighborhood;
- Improving streetscapes for pedestrians through enhanced urban design, commercial storefront guidelines, and zoning to maintain and strengthen the neighborhood's rich retail corridors;
- Guiding new development to corridors with rich transit access while ensuring that areas with cohesive low-scale character are respected; and
- Working in concert with other City agencies to identify and prioritize capital investments benefitting existing neighborhood residents.

In addition, the ULURP for the East Harlem rezoning proposes amendments to the Milbank Frawley Circle-East Urban Renewal Plan, to facilitate development on a number of sites along the Park Avenue corridor, including the Development Site.

In February 2016, community workshops were convened by HPD, City Council Speaker Melissa Mark-Viverito, Manhattan Borough President Gale Brewer, and Manhattan Community Board No.11 to gather input on community priorities for the Development Site. Following the workshop, HPD issued a Request for Proposals ("**RFP**") to solicit proposals for a mixed-use development with affordable housing and community amenities that met passive housing standards. The Proposed Development is the result of that RFP process.

Proposed Development

The Proposed Development includes the construction of three predominantly residential missed-use buildings as well as space for community gardens and a public path. In total, the Proposed development contains approximately 718,447 square feet of floor area (9.15 FAR) (approximately 785,398 gross square feet (gsf), of which approximately 544,069 square feet (7.10 FAR) will be residential (approximately 587,740 gsf), 32,194 square feet (0.44 FAR) will be commercial (approximately 30,218 gsf), and 142,185 square feet (1.60 FAR) of community facility (approximately 161,440 gsf). It will occupy all frontages on Block 1617 along East 111th Street, Madison Avenue, East 112th Street, and Park Avenue – not otherwise occupied by the non-City-owned parcels (Lots 21 and 34). The development assumes the creation of a Large Scale General Development that will merge all existing zoning lots into one zoning lot to be memorialized through a Zoning Lot and Development Agreement.

The three predominantly residential buildings will contain approximately 655 affordable dwelling units with a mix of studio, one, two, and three bedroom units. It is anticipated that the units will provide housing for individuals and families at a mix of income between 30% and 130% AMI.

In addition to the residential uses described above, the Proposed Development is anticipated to include a number of community facility uses, including spaces for a non-profit fitness center, a charter school, and a non-profit office. These community facility uses will occupy the majority of the street frontage along East 111th Street and the middle portion of East 112th Street. The Proposed development is anticipated to also include space for medical offices and retail. The proposed retail would occupy the Madison Avenue frontage of the Development Site. There will be no accessory parking as part of the Proposed Development.

Within the Proposed Development, the height of the three buildings ranges from 10 to 37 stories and between 117 and 432 feet to the top of the mechanical bulkhead.

Building A is proposed to be located at the intersection of Madison Avenue and East 112th Street. It is proposed to have a three story base that rises to between 47 feet and up to 85 feet. Above the base, the building would set back the required 10 feet from the street line, and then rise to 37 stories, with a roof height of 418.5 feet and a development envelope height of 458.5 feet. Building A will contain approximately 365 residential units with approximately 308,723 zsf of residential, approximately 10,311 zsf of community facility use, and approximately 32,194 zsf of commercial, which includes a local supermarket.

Building B is proposed to be located along the remainder of the East 112th Street Frontage, and wrap around along Madison Avenue for a depth of approximately 72 feet. It is proposed to have

up to a five story base that rises to approximately 79.5 feet and up to 85.0 feet above the base plane. Above the base, the building would set back the required 10 feet from the street line, then rise to a height of 15 stories, with a roof height of 192.5 feet, and a development envelope height of 218.5 feet. Building B will contain approximately 211 residential units with approximately 163.945 zsf of residential use, approximately 120,934 zsf of community facility use, which includes the DREAM charter school.

Building C is proposed to be located on the mid-block frontage of East 111th Street. It is proposed to have up to a seven story base that rises to approximately 85.0 to 94.34 feet above base plane. Above the base, the building would rise to a height of 10 stories, with a roof height of 131.34 feet above the base plane, and a development envelope height of approximately 151.34 feet. Building C will contain approximately 79 residential units with approximately 71,401 zsf of residential use, and approximately 10,941 zsf of community facility use.

The façade of the buildings recedes and projects, providing articulation and breaking up the bulk of the building profile. Alternating paneling along the building façade, as well as different treatments for the base of the buildings, provides further visual variability to the overall design. Extensive glazing along the ground floor of the buildings will encourage active streets and further enhance the aesthetic variety of the design.

Buildings A, B, and C will be built to Passive House standards. To achieve passive certification, the project will utilize superior building insulation methods. The project will also employ a number of sustainability features, including a storm-water detention tank to provide recycled water to the on-site community gardens, bioswales and street trees on the sidewalks surrounding the site, photovoltaic arrays on each of the bulkheads, and green roofs with featuring solar pergolas with photovoltaic arrays.

The proposed buildings will form an approximately 264.0’ x 63.42’ courtyard within the center of the Proposed Development. The courtyards formed by the proposed buildings will provide passive, landscaped recreation space and proposes to include features such as a medicinal garden, seating, and general green space. Public entrances to the courtyards are proposed along Park Avenue, through a staircase and elevator, as well as along East 111th Street, through an ADA accessible path. The courtyard will also be accessible through rear entrances in the adjoining community facility spaces.

As part of the Proposed Actions, the City will seek to acquire the Garden Area upon or prior to completion of the project. It is anticipated that the Garden Area will be located on Lots 22, 121,122, and 35 and part of Lots 23, 25, 28 and 37. The Garden Area will accommodate approximately four of the existing interim Green Thumb gardens with frontages along Park Avenue, East 111th Street, and Madison Avenue. The remaining two community gardens located on the Development Site have also been offered relocation sites within other nearby existing Department of Parks and Recreation licensed gardens.

Upon acquisition by the City, the Garden Area will ultimately be placed under the jurisdiction of the Department of Parks and Recreation ("DPR"), which will enter into license agreements with the community volunteers/gardens.

Community gardens will be located on the corner of Park Avenue and East 111th Street, on the corner of Madison Avenue and East 111th Street, and on East 111th Street extending in a terraced fashion towards the elevated courtyard described above. A dedicated community room and a bathroom, which will be available to members of all four gardens, are currently proposed within Building A. An additional bathroom is anticipated to be located adjacent to the community garden(s) on Park Avenue. Additionally, a publicly accessible Path will pass through the gardens located along East 111th Street connecting to the interior courtyard. The Path will be included in the Acquisition Area and as with the Garden Area will be under the jurisdiction of the Department of Parks and Recreation. The owner and future owners of the Proposed Development will be responsible in consultation with DPR for construction of the Garden Area and the Path prior to acquisition. Additionally, owner/future owner of the Proposed Development will have all responsibility for the capital upkeep, maintenance, repair, and operations of the Path, including the portion through the Acquisition Area, and ensuring that it is accessible to the public during hours to be determined through negotiation between the City of New York and the developer.

CONCLUSION

Clearly, the Proposed Actions intend to create a substantial increase in affordable housing for the East Harlem community--a priority for the East Harlem community and a matter long advocated for by CB11. Block 1617 has served as a recreation field, small community gardens and gathering place for residents young and mature while waiting for urban planning changes. Our board diligently considered the 111th project over the past few months, participated in the community engagement sessions, hosted several committee presentations and held two public hearings on May 16th and June 20th respectively.

At our June14th meeting with the project team, CB11's Land Use members voiced concerns about the percentage of units proportioned at 130% AMI, the equity of apartment layouts and resident distribution throughout the building and floors-regardless of income and the local hiring goals presented. Access to the public space, signage and ADA compliance throughout the premises, maintenance and management of premises were other areas of interest to the committee. CB11 asked about local East Harlem developer participation in public site development as recommended by EHNP. After deliberation on responses presented, Community Board 11's Land Use, Landmarks and Planning committee recommended approval with **conditions** that are imperative to the project and consistent with the affordability, economic and open space goals of CB11 and the EHNP for the district.

We look forward to continual dialogue with the development team to ensure our conditions and their commitments to the East Harlem community are honored as the project proceeds in the ULURP and construction process.

COMMUNITY BOARD RECOMMENDATION

Community Board 11 (CB11) recommends approval with conditions of ULURP Application Nos. C 170361 ZMM, C 150363 HAM, C 150364 PQM, C 170365 ZSM, C 170366 ZSM, C 170367 ZSM and C 170368 ZSM provided that Sendero Verde 111th Street commits to the following:

- The development shall be 100% permanently affordable
- Local hiring commitment shall include a guaranteed minimum of 10%, with a CB11 target of 35% pre-construction, 35% during construction and 100% post-construction, with all community partners shall be subject to same hiring requirements
- 25% income band at 130% AMI shall be reduced to 20% and apportioned among the buildings, and the remaining 5% shall be a reduced to under 60% AMI
- Codify that there is accessibility to the open space in perpetuity
- A management plan for the premise shall be in place prior to the vote of the MBP and Speaker
- The hours and availability of amenities shall be set forth clearly, and there shall be signage on the premise clearly conveying to the public that the public space may be used by the public
- CB11 shall have final approval on the selection of any community partners selected for the premises and such partners shall be from the East Harlem Community
- There shall be compliance with ADA requirements throughout the entire project
- There shall be additional safety training beyond OSHA training and an on-site security monitor during construction and pre-apprenticeship and apprenticeship training
- The development team and anchor tenants come before the community board quarterly as the project progresses and after the project, as well as coming before the Manhattan Borough President, NYC Council, NYC Planning.

Full Board Vote: 29 in favor, 5 opposed, 3 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

cc: Hon. Melissa Mark-Viverito, Speaker, New York City Council (via email)
Hon. Brian Benjamin, New York State Senate (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)
Candy Vives-Vasquez, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)

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Diane Collier
Chair

Angel D. Mescain
District Manager

June 26, 2017

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

Re: Recommendation on ULURP Application Nos. C 170358 ZMM and C 170360 HUM East Harlem Neighborhood Rezoning

Dear Director Lago,

Community Board 11 (CB11) held two, separate public hearings on the East Harlem Neighborhood Rezoning, one on May 16th, 2017 and another on June 20th, 2017. On June 20th, 2017 Community Board 11 voted on the rezoning proposal for East Harlem. Over the past few years, Community Board 11 has invested a considerable amount of time and resources into engaging the community and planning for the future. Through our initial engagement and planning along Park Avenue in 2013, to the East Harlem Neighborhood Plan Steering Committee, and more recently through our Rezoning Task Force, we've helped create a vision for our community that acknowledges existing growth and change, but emphasizes the protection of existing community residents and neighborhood character.

Through the East Harlem Neighborhood Plan, we developed a simple rezoning framework and that embraced the City's new Mandatory Inclusionary Housing (MIH) program, supporting the minimum up-zoning needed to trigger MIH. This would require affordable housing in every new development in the rezoned areas, but minimize the added density and help to preserve community character and stimulate local small business and economic growth.

We suggested up-zoning all avenues and 116th Street, intentionally deciding to spread a minimum increase in density throughout a large area, rather than a higher density rezoning in a limited area. We determined this would allow for development of affordable housing throughout the district, but not permit new development inconsistent with the existing community context.

The Community Board and the EHNP Steering Committee were disappointed to learn that after two years of developing a community-based rezoning proposal, the Department of City Planning did not embrace all of the goals. While their proposal does rezone the community with the goal of developing affordable housing and economic stimulation, it does not preserve the existing character of the neighborhood. DCP has instead decided to allow the highest density residential districts allowed under state and city law in a limited geography - on Park Avenue and Third

Avenue. Rather than spreading out a minimum up-zoning across the neighborhood, DCP left out the area south of 104th Street, all of First Avenue, as well as the lower stretches of Madison Avenue, all of which was included in the EHNP.

The need to develop affordable housing and job creation is not just an East Harlem goal, it is clearly a citywide goal, but the Department of City Planning must approach this goal without impacting the community excessively and respecting its existing character. DCP instead chose to extend the same density found on the Upper East Side into East Harlem. Community Board 11 feels strongly that the proposal as it is does not conform to our core values, the EHNP and the CB11 Park Avenue Recommendations.

The following is a comprehensive analysis of the proposed rezoning that includes our proposed recommendations, as well as the voting results.

PREAMBLE

East Harlem stakeholders have spent many years engaging in extensive community planning. Community residents, community organizers, Community Board 11, Speaker Mark-Viverito, Manhattan Borough President Gale Brewer, and non-profit organizations dedicated to quality of life issues are some of the entities that have been involved in thinking through the myriad issues facing East Harlem and mapping a course that thoughtfully balances the diverse array of interests represented in our community. This process consisted of, to name a few of the steps along the way, the Park Avenue Corridor recommendations, the 2013 study conducted by Community Board 11 and Civitas, and the recent multiyear process resulting in the East Harlem Neighborhood Plan. Unfortunately, the City's current proposal to rezone a substantial portion of East Harlem utterly misses the mark. The City's professed goals are to create permanent affordable housing by rezoning our community to allow for a significant increase in density and thereby trigger Mandatory Affordable Housing and to create economic opportunities for residents to meet their earning potential and thus meet affordability challenges. However, while the City's plan contains some virtues, as discussed below, overall it thoroughly disregards the recommendations made by East Harlem stakeholders after years of multilateral planning in favor of a top-down approach that ignores East Harlem's concerns. For this reason, the City's plan to rezone East Harlem must not pass without considerable revisions.

INTRODUCTION

PROPOSED ACTIONS

The New York City Department of City Planning ("**DCP**") has proposed a series of land use actions including zoning map amendments, zoning text amendments, and city map changes (collectively, the "**Proposed Actions**") affecting a 95-block area in the East Harlem neighborhood of Manhattan Community District 11 ("**CD11**"). The Proposed Actions are intended to facilitate the development of affordable housing, create new commercial and manufacturing space to support job creation, and preserve existing neighborhood character. According to the Draft Scope of Work for the project Environmental Impact Statement ("**DSOW**"), issued November 10, 2016, the Proposed Actions are expected to result in a net

increase of approximately 3,500 dwelling units, 151,100 square feet of commercial space, 98,000 square feet of community facility space, and 132,400 square feet of manufacturing space. The Proposed Actions are also expected to result in a net decrease of 10,600 square feet of auto-related space, 33,000 square feet of hotel space, and 53,800 square feet of warehouse/storage space.

The Proposed Actions reflect DCP's ongoing engagement with Community Board 11 of Manhattan ("**CB11**") and other community partners. This proposal reflects input generated from the East Harlem Neighborhood Plan ("**EHNP**"), a comprehensive, community-focused study aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable units consistent with Mayor de Blasio's housing plan, Housing New York: A Five-Borough, Ten-Year Plan. Any changes to the zoning map should be evaluated for consistency, accuracy, and—given the land use implications—appropriateness for the growth, improvement, and development of the neighborhood and borough. Our goal in evaluating the text amendment, is to consider whether the Proposed Actions are consistent with the goals of the EHNP (as well as the information gleaned from community engagement sessions) and if they are appropriate and beneficial to the community.

BACKGROUND

East Harlem
In 2003 the City of New York ("**NYC**") rezoned 57 blocks of East Harlem including most of the area between Lexington Avenue, 122nd Street, Pleasant/First Avenue and 99th Street. The rezoning replaced height factor zoning districts with height limited contextual zoning districts that allowed greater density on the avenues. The 2003 rezoning omitted public housing estates from the rezoning, which resulted in a irregular rezoning area. A 2015 study found that development within the 2003 rezoning are tended toward smaller buildings when compared to development that occurred outside the rezoning area, and new development inside the rezoning area had much less rent regulated housing. In 2008, the 125th Street Special District was mapped in an area that spanned 124th Street to 126th Street across most of Manhattan. Together with the 2008 East 125th Street rezoning, this corridor was rezoned to higher density, height limited buildings that provided incentives for affordable housing and visual arts uses.

As of 2016, East Harlem is comprised of approximately 126,307 residents with a median income of $31,422. CD11 is predominately comprised of multi-family residential and mixed residential/commercial properties (low to midrise multi-family walk-up and elevator). CD11 is generally bordered by 96th Street to the south, Fifth Avenue to the west and the FDR / Harlem River Drive to the north and east. Additionally, CD11 also includes Thomas Jefferson Park, Marcus Garvey Park, Harlem River Park, and Randall's and Ward's Islands.

East Harlem Neighborhood Plan
The EHNP is a community-driven comprehensive roadmap for fostering smart growth in East Harlem. The process was led by City Council Speaker Mark-Viverito, CB11, and Community Voices Heard ("**CVH**") in partnership with a 21-member steering committee of local stakeholders. Developing the plan was a year-long process with no less than eight large public meetings, approximately 40 policy discussions, 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 detailed neighborhood plan with over 230 key objectives and recommendations to ensure a stable and inclusive future for the neighborhood with ideas of how we can achieve it.

According to the EHNP's recommendations, all future rezoning plans should be done in conjunction with each other to ensure that 50 percent of the new housing on private rezoned and public sites is affordable to a variety of low- and moderate-income levels. More specifically, the EHNP recommends that 100 percent of units on public sites be permanently affordable, and that 20 percent of affordable units be set aside for those earning no higher than 30 percent of area median income ("**AMI**").

Area Context

The neighborhood surrounding the project area is comprised of strong residential and commercial elements, as well as a variety of building typologies.

Boundaries
The Proposed Actions put forth by DCP affect approximately 95 blocks in an area primarily bordered by East 104th Street to the south, East 132nd Street to the north, Park Avenue to the west and Second Avenue to the east; between East 126th Street and East 132nd Street, the western border approaches Fifth Avenue, as more fully described in the ULURP application for the Proposed Actions (the "**Rezoning Area.**") While much of the area proposed for rezoning has not been rezoned since 1961, the Rezoning Area also includes portions of the 125th Street Special District that was mapped in 2008, and large portions of the 2003 contextual rezoning.

CONSIDERATIONS FOR COMMUNITY BOARD 11

It is the mission of CB11 to reflect the needs and desires of the community in any position CB11 takes with respect to DCP's rezoning proposal. To evaluate and more fully consider the Proposed Actions, CB11 has created the East Harlem Rezoning Task Force, which has interacted extensively with the community (through public meetings, community outreach, electronic and paper surveys and other efforts) to develop a comprehensive response reflecting the community's interests in, and concerns with, the Proposed Actions.

Although the City's proposal to rezone a large portion of East Harlem is the largest such proposal in East Harlem since the 1961 zoning was implemented, it is not the first time that CB11 has engaged community residents and community partners with the objective of developing democratic and bottom-up—rather than top-down—priorities for the development of East Harlem. CB11 has long advocated for increased affordable housing in East Harlem and for the continued preservation of affordable housing. Recently, CB11 was one of several project partners that developed the EHNP, and in that process, worked to make sure that many of the community's priorities became a part of the Plan's recommendations. Prior to the EHNP, CB11 and Civitas developed rezoning recommendations for the Park Avenue corridor in 2013 where the community pioneered a version of Mandatory Inclusionary Housing by asking that such a concept be developed for the Park Avenue corridor. For years CB11 has consistently advocated

for policies that would maximize the number of units available for affordable housing, and specifically housing that is affordable to the East Harlem community. In addition, CB11 has worked to address a number of community priorities, including local workforce development, protection of small businesses, and the adequacy of schools and afterschool programs for our youth.

We are keenly aware that rhetoric and practice often fail to square with each other in any proposed rezoning of a neighborhood. First, we note that DCP's proposal occurs against a backdrop of historical rezonings of low-income communities of color, which have resulted in tremendous displacement. To address this reality, CB11 supports measures that both preserve affordable housing and develop new, permanent affordable housing. To that end, it is imperative that we strengthen and enforce rent-regulation laws. Furthermore, we support the construction of permanent mixed-income housing with a baseline 50/30/20 model, also discussed below. We support the requirement for mandatory inclusionary housing ("**MIH**") in any sweeping rezoning proposal; however, given that the majority of our neighbors live below 30% of the AMI, CB11 firmly advocates for deeper affordability than that currently offered under MIH.

CB11 recognizes that while the City's rezoning proposal is in the spirit of the EHNP rezoning recommendations, there are important and significant differences that remain of concern, especially as they relate the impacts of increased density. While the EHNP recommended that even a larger area rezoned, it generally recommended the minimum increase in density necessary to trigger MIH on wide streets and avenues. The purpose of this recommendation was to ensure that when new development occurred, affordable housing would be required. In large portions of the rezoning area, the Proposed Zoning brings the highest density residential districts allowed by law to both Third Avenue and Park Avenue, much more than necessary to trigger MIH. In these areas, the proposed zoning introduces densities considerably higher than the density recommended by the EHNP, and much higher than the Park Avenue Rezoning recommendations. If Third Avenue is rezoned to R9 (8.5 FAR), the large majority of the additional building bulk allowed will be for affordable housing. This is not true under the Proposed Rezoning, which will double the allowable FAR on Third Avenue, but only about half of that additional bulk will be for affordable housing.

The goal of creating as much affordable housing as possible is laudable, but the increase to 12 FAR from 6 FAR on Third Avenue is just too much for a building that will only have approximately 25% of its units permanently affordable: CB11 recognizes that this amount of density will forever change the character of the community, and unless it was for 100% affordable housing, this is simply too much density for the District. But more than just character, CB11 remains concerned that the Proposed Actions will cause a range of externalities that must be addressed by NYC in order to both minimize the impact of rezoning as well as improve the lives of residents of East Harlem. For example, the Proposed Actions have raised questions concerning the expected increase in pedestrian traffic, the ability of current public transportation options to accommodate the increased population, the sufficiency of the existing education facilities, the availability of social services to meet an increased population, the risk to displacement of local businesses, and the suitability of existing infrastructure.

We note that the gap between the City's plan and the community's plan is due at least in part to findings in the EIS that CB11, along with numerous community stakeholders, consider to be extremely dubious. Thus, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five (5) or more city blocks are proposed for rezoning, NYC Department of City Planning or any other city agency, office or elected official shall ensure that the community board for the affected community shall be provided with funding reasonably sufficient to conduct an environmental impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing.

This document is will discuss these concerns in detail. CB11 believes that some of these concerns may be mitigatable through direct and indirect actions that support the rezoning, some of which are detailed in the EHNP and others of which are detailed in the Statement of District Needs, but mitigation will only go so far. There is no mitigation for the change in the district character that 12 FAR districts will bring to East Harlem, and this and other elements of the Proposed Rezoning will need to change. Nevertheless, CB11 appreciates the City's close attention to the EHNP and earlier community driven efforts in East Harlem. We look forward to working with the Manhattan Borough President and the City Council Speaker to identify capital projects and dedicated funds toward which private developers will contribute should the Proposed Actions be approved in some form, and we will continue to work with the City on changes to the Proposed Actions that will support an affordable, sustainable, East Harlem for all its residents.

LAND USE AND ZONING

CB11 has long advocated for the development of increased affordable housing. Insofar as the Proposed Actions seek to create additional housing opportunities that are affordable to the East Harlem community, CB11 is supportive of such efforts. However, the Proposed Actions raise a number of concerns that require mitigation or further consideration in order to best produce an increase in the number of units available that are affordable to the East Harlem community while also minimizing the harmful effects that increased development may cause.
This section will evaluate the Proposed Actions and how they meet the needs and concerns of the East Harlem community. First, this section will address one of the core elements of the plan: rezoning to spur development that is affordable to the East Harlem community. Second, this section will evaluate the Proposed Actions as a whole and evaluate comprehensive concerns. Third, this section will focus on individual components of the Proposed Actions, including specific boundary issues, the Park Avenue corridor, the Third Avenue corridor and other elements.

Practical Effects of the Proposed Actions

The Proposed Actions intend to create a substantial increase in affordable housing for the East Harlem community--a priority for the East Harlem community and a matter long advocated for by CB11. To achieve this goal, however, the Proposed Actions seek to "upzone" portions of the Rezoning Area fronting avenues. As a result, the likely impact of the Proposed Actions will be: (a) An increase in new construction as developers seek to avail themselves of the higher density allowed; (b) an increase in the height, density and overall size of buildings in the avenue portion

of the Rezoning Area; and, relatedly, (c) an increase in the number of new residential units and commercial space. Additionally, as the Proposed Actions are overlaid with MIH, the residential units created will be "affordable" units at a minimum of the prescribed MIH requirements.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

General Analysis

CB11 has long advocated for increased affordable housing. In this context, CB11 has expressed a number of priorities: (1) more affordable housing needs to be built; (2) existing affordable housing needs to be preserved; and (3) affordable housing--both newly developed and preserved units--needs to be "affordable" to the East Harlem community, and must meet the needs of residents at the AMI bands that are reflective of the East Harlem population.

The Proposed Actions undoubtedly seek to increase the number of affordable units in East Harlem with its main mechanism an upzoning that increases density so that more units can be built. However, the goal of creating more affordable housing is not the only priority for East Harlem. It is also important to seek to preserve the character and culture of East Harlem and to minimize the disruption and difficulty associated with the increased density (both with regards to the increased number and size of buildings, and with the increased population that such development entails). Thus, CB11 strongly believes that greater consideration needs to be made as to whether the Proposed Actions appropriately balance the need for increased affordable housing with the need to preserve a sustainable, livable environment. In this regard, CB11 believes that less significant up-zoning would provide a better balance of the goal for increased affordable housing with the needs and interests of the East Harlem community. The Proposed Actions permit taller, denser buildings and, by doing so, provide for an increase in the number of affordable units. But the greater density does not equate to a 1-for-1 increase in the number of affordable units; rather, it provides an opportunity for luxury-style, high-priced rental housing at the cost of taller, denser buildings that dramatically increase the population of the neighborhood, placing a strain on the services provided to residents.

In addition to the development of increased affordable housing, it is imperative that NYC improve and expand efforts to preserve affordable housing. There are limited vacant development sites in East Harlem and the rezoning is mapped onto many occupied buildings, some of which are small and affordable. These smaller buildings will experience development pressures because of the rezoning, which will put these existing affordable units at risk. Further, new market rate development may cause affordable rents to increase, putting existing affordable, but unregulated units at risk. In short, it is not sufficient to simply build new affordable housing and lose existing affordable housing; instead, NYC must commit to increasing efforts to preserve the existing affordable housing. Specifically, concurrent with the potential approval of the Proposed Actions, NYC must (1) commit additional resources to renovate existing affordable units; and (2) improve and expand tenant protection efforts (including, but not limited to, even further expanding the guarantee of universal access to legal representation for Housing Court to support East Harlem renters that are at or above the $50,000 threshold, enforcement by HPD and

other city agencies to protect against landlord harassment, funding to promote tenant organizing efforts as well as increased tenant rights awareness efforts.

Even the units that are called "affordable" fail to provide housing that is actually affordable to the current residents of East Harlem. As CB11 has previously indicated through its disapproval of MIH during the ULURP process, MIH's requirements for affordable housing are important first steps but fail to address the actual affordability needs of the East Harlem community. As indicated above, the median income of East Harlem is $31,422. Deeper levels of affordability are needed for housing that does not create rent burdens for existing residents.

In particular, MIH's requirements are insufficient for East Harlem. MIH offers one or more of several options for developments applying MIH zoning: a set-aside of 25% of units at 60% of AMI (approximately $47,000 on average for a family of three), including 10% of units at 40% of AMI (approximately $31,000 on average for a family of three); a set-aside of 30% of units at 80% of AMI (approximately $62,000 on average for a family of three); a set-aside of 20% of units at 40% of AMI; or a set-aside of 30% of units at 115% of AMI (approximately $89,000 on average for a family of three), including 5% of units at 70% of AMI (approximately $54,000 on average for a family of three) and 5% of units at 90% of AMI (approximately $70,000 on average for a family of three). Thus, with the exception of the limited number of units potentially set-aside at the 40% of AMI level, the MIH affordability set-asides fail to create affordable housing for those residents of East Harlem at the district's median income, let alone for those residents below the median income. MIH does not provide affordable housing for any residents earning 10% and 20% of AMI. In addition, MIH does not provide any benefit to those residents of East Harlem whose incomes exceed the highest income threshold for affordable unit set-asides (families earning in excess of 115% of AMI) though these families are nonetheless often rent burdened. These concerns are more fully discussed below in the Housing section. Yet it remains important to understand that the land use and zoning changes being proposed through the Proposed Actions permit increased development through upzoning on the basis that affordable units are being developed for East Harlem residents. Despite this upzoning benefit, there remain vast swaths of the East Harlem community that will remain unable to obtain affordable housing, and this need must be addressed concurrently with any Proposed Actions.

Broad Analysis of Proposed Actions

CB11 has a number of overarching concerns with how the Proposed Actions impact land use and zoning:

First, the boundaries of the Proposed Actions differ from those advised by the EHNP. CB11 has supported the principle of a rezoning that would spur affordable housing development in every new development. However, the Proposed Actions omitted the areas east of Second Avenue and south of 104th Street. The exclusion of these two areas shows a disregard for the recommendations of the EHNP, and the exclusion of the area south of 104th Street is particularly disconcerting as CB11 believes there are extensive market pressures here driving up rents, and this area needs affordable housing in every new development. The failure to use the larger rezoning area recommended by the EHNP is a missed opportunity to create more affordable housing in East Harlem. A rezoning that would map MIH areas to the east of Second Avenue, to

the south of 104th Street, and perhaps areas along Madison Avenue as described in the EHNP should be discussed with the Community Board so that affordable housing can be a part of developments in these areas as well.

Second, CB11 and East Harlem residents have expressed extensive concern that the Proposed Actions will create tall and massive buildings. The Proposed Actions call for large portions of East Harlem to be up-zoned to R10 and R10 equivalent districts, which allow buildings up to 12 FAR, Third Avenue and Park Avenue. CB11 believes that R9 or R9 equivalent districts provide a more appropriate balance between supply of units, preservation of community character, and the mitigation of community impacts. R9 is the minimum density increase necessary to trigger MIH on Third Avenue. If Third and Park Avenue were rezoned to allow 12 FAR buildings, many sites would be developed with buildings of approximately 30-35 stories or possibly more. Such building heights far exceed East Harlem's existing buildings and do not provide a sufficient number of increased affordable units to justify the loss of space, the imposition of tall buildings and the change in community character. To the extent new developments fail to provide 100% affordable housing--and affordable housing that is actually affordable to the residents of East Harlem--CB11 believes the maximum floor area ratio should not exceed 8.5 FAR on Third and Park Avenues, outside the 125th Street Special District. The only exception to CB11's position on the 12 FAR districts are the changes proposed to the 125th Street Special District, which considering this area's current and future proximity to transit, the high densities proposed by the City in the rezoning are appropriate.

Third, in addition the massive increase in density proposed by the City, CB11 is also concerned about the new tower form the Proposed Actions introduces. The proposed East Harlem Corridors Special District allows a great deal of flexibility in building form. Flexibility is not, in and of itself, a bad thing, but as currently written, the proposed zoning text would allow thin, very tall towers on a small base, and not require the tower-on-base regulations that are currently described in the Zoning Resolution. Tower-on-base is the required tower form on avenues for most of the Upper East and Upper West sides. Because it has a track record, we understand how this building form performs and the types of buildings it produces. It is a mistake to abandon it in East Harlem to allow a new form that lowers the base height, removes provisions for minimum tower coverage and floor area located less than 150 feet. These changes will effectively allow for much taller buildings, but produce no additional floor area or units. The current tower-on-base regulations provide effective height limits without being prescriptive. Further, very tall, thin towers permitted by the proposed zoning are both completely out of character, and because they are extremely expensive to build, are not appropriate for affordable housing. Consequently, the Proposed Actions should adopt the existing tower-on-base building form, in addition to the quality housing envelope and not include the new tower form described in the East Harlem Corridors Special District; the East Harlem rezoning needs to promote building forms that make sense for affordable housing, not luxury housing.

Fourth, there are elements of the proposed rezoning that were not a part of either the EHNP or the Park Avenue rezoning that are welcome new additions and these improvements should be acknowledged: The Park Avenue rezoning recommendations incented the development of non-residential spaces along Park Avenue, but the proposed zoning text requires it, which is a better solution. Further, the limitation on the development of transient hotels appears to be a well-

considered solution to the concern that higher density districts that allow non-residential uses would not produce affordable housing, job intensive commercial spaces, or services for the local community, but hotels designed to serve tourists. This limitation on transient hotels helps to ensure that the needs of East Harlem are met first.

Fifth, there are also elements that were not a part of either the EHNP or the Park Avenue rezoning recommendations that CB11 categorically rejects. The Special East Harlem Corridors District as proposed will allow public parking garages in the district as-of-right, which in most districts require a CPC special permit. While there has been some support in the community for keeping some amount of accessory residential parking, there has never been any indication from CB11 that the community district needed more commercial parking garages. Large commercial parking garages would be terrible uses in this area: As a job producing non-residential use, they are large but produce very few jobs, taking away non-residential spaces from uses that might produce more jobs, or provide necessary local services. They deaden the streetscape and attract traffic to areas that are already congested. There is also a concern that if congestion pricing ever became law, the demand for parking garages in East Harlem could soar due to its easy proximity to Midtown, and push out higher and better uses that serve the needs of East Harlem residents.

Finally, the proposed Special East Harlem Corridors District includes important provisions designed to keep commercial streets active and functioning as attractive, walkable retail areas, including transparency requirements, parking wrapping, limited residential lobbies and limited curb cuts. It does not, however, add full Enhanced Commercial Corridor protections to any part of the district. The contemplated rezoning is likely to spur increased development and dramatically increase the number of residents. The Proposed Actions do not provide assurances that new commercial establishments will provide the services necessary for these new residents as well as the existing residents. East Harlem has historically lacked access to grocery stores, amongst other challenges, and an Enhanced Commercial District could be designed to encourage these historically underrepresented uses that are critical to the well-being of neighborhood residents, but new and existing. At minimum an Enhanced Commercial District should be designed to help preserve the very fine grained commercial uses along 116th Street. Within the rezoning area, 116th Street is lined with small to tiny storefronts that provide a variety of goods and services that are important to the community and contribute to the street's excellent urban design; large footprint retail uses would disrupt the continuity of the street and diminish the quality of the place. An Enhanced Commercial district should be designed to limit the size of retail frontages in at least this area. With respect to La Marqueta and the Park Avenue Commercial Corridor, the City should advance the East Harlem community's recommendations by supporting (a) the construction of capital improvements to the City-owned lots underneath the Metro North viaduct, (b) the creation of a contiguous corridor that has integrated design and use standards for those lots, and (c) the creation of a local governance structure for overseeing the implementation of the community's recommendations for the development and operations of this local community asset.

Specific Analysis

In addition to the foregoing, the effects of the Proposed Actions must be considered as they impact specific geographic areas.

Third Avenue. The Proposed R10 district along the Third Avenue corridor is too dense housing. Instead, R9 in the southern portion and an R9 equivalent commercial district in the northern portion would more appropriately serve the needs of the community to simultaneously increase the number of affordable units while also minimizing the negative externalities of taller, larger and denser buildings. The density proposed for Third Avenue must be lowered to equal that proposed for Second Avenue.

Park Avenue. As with the Third Avenue corridor, CB11 believes that a R10 district along the Park Avenue corridor is too dense without providing sufficient benefit to the community in the form of increased affordable housing. As with Third Avenue, CB11 believes that this corridor should not exceed R9 densities of 8.5 FAR. Increased height and density along the Park Avenue corridor poses considerable challenges and potential direct impacts on neighboring residents. For example, the highest density district proposed is located directly abutting small (2.0 FAR and less) three family rowhouses built in 2002 on the midblocks between 118th Street, Park Avenue, 120th Street and Madison Avenue. These units were built on property taken during Urban Renewal and their development was facilitated by HPD. While CB11 acknowledges that the existing parking lots on Park Avenue are not a desired use, the urban renewal plan (URP) currently does not allow *any* new residential buildings in a portion of this area to be rezoned R10. To both amend the plan to allow residential uses, and then to allow those uses at the highest possible density, is too large of a change for the residents of this area: R9 zoning will activate the street, provide substantial new housing, and affordable housing, while lowering the impact on neighbors when compared with the City's R10 proposal.

But even at the R9 densities, the City will have to make public safety and infrastructure investments, as further described herein, to mitigate negative impacts and to allow the Park Avenue corridor to realize its potential. Further, the City must engage in efforts to find better uses and designs for the area underneath the Park Avenue railroad tracks as a necessary complement to the Proposed Actions. Any up-zoning of the Park Avenue corridor adjacent to the tracks must convert current parking lots, vacant space and other city uses into opportunities for local business to better serve the needs and interests of the residents of the potential developments as well as the East Harlem community as a whole. It must further make additional investments in La Marqueta so that this important market can better serve the needs of the existing and new community that will be created along Park Avenue.

To be clear, CB11 does agree that R10 equivalent densities are appropriate with the modified 125th Street Special District. Here, the deleterious effect of taller and denser developments will be reduced due to existing and planned transportation infrastructure (Metro North station, the future Second Avenue Subway terminus and the nearby Lexington Avenue station) as well as the existing zoning and nature of the thoroughfare.

116th Street. One of the most significant intersections along the 116th Street corridor is the intersection of 116th Street and Lexington Avenue. This intersection, in the heart of East Harlem, is a central hub: The 116th Street subway stop meets with both crosstown buses and downtown buses bring significant foot traffic to a vibrant commercial street. As a result, the intersection is already significantly populated. The Proposed Actions call for ½ of each block

frontage at this this intersection to be up-zoned to R9. Outside this intersection on 116th Street and Lexington Avenue, the Proposed Actions call for changes to the existing zoning that are the minimum required to trigger MIH, but do not increase density any more than required.

CB11 is supportive of the increased affordable housing this will bring to this intersection and agrees that there is an opportunity to spur new development. However, changes to the zoning must be accompanied by significant investment in development to better address the bustling nature of this corner. First and foremost, the subway stations need to be improved and stairs and elevators should be integrated into new development that occurs on this intersection so that sidewalk widths can be expanded and ease access to the subway station and neighboring bus stops. Additionally, consideration should be given to the former presence of a grocery store at this intersection and efforts should be made to encourage the development of a grocery store in the ground floor of any new development.

The proposed Special East Harlem Corridors District, of which 116th Street is a part, includes important provisions designed to keep commercial streets active and functioning as attractive, walkable retail areas. Because of the fine grained existing nature of 116th Street, an Enhanced Commercial District should be developed to protect this existing character. Within the rezoning area, 116th Street is lined with small storefronts that provide a variety of goods and services that are important to the community and contribute to the street's excellent urban design; large footprint retail uses would disrupt the continuity of the street and diminish the quality of the place. An Enhanced Commercial district should be designed to limit the size of storefronts along 116th Street.

Zoning boundary differences and City Map changes. As indicated above, the Proposed Actions do not mirror the East Harlem Neighborhood Plan and/or the Park Avenue Rezoning recommendations. CB11 believes that these differences are important and the City should reconsider the Proposed Actions to better match those specific recommendations. The following is a list of changes the CB believes should be made to the Proposed Actions:

1. **127th Street between Lexington and Park Avenue should be remapped**. This street was vacated during urban renewal, but with the density that is now being proposed, this one block--one block north of the Metro North station--should be remapped. Remapping 127th Street was a part of the 2013 Park Avenue Rezoning recommendations as a related ULURP action, and at that time it was found that a 60 foot street could be remapped without impacting existing buildings. The Proposed Actions is likely the City's last chance to correct this error and to provide a relief for the congestion this increased density proposed will bring. Further, by breaking up this superblock any future development on this site will be more in-scale with the surrounding neighborhood.

2. **A commercial overlay (C1-4) should be mapped on the west side of Madison Avenue between 127th and 128th Street**. This change was identified in the Park Avenue rezoning recommendations in 2013 and was a comment included on the Draft Scope of Work.

3. **The south side of 124th Street between Park and Lexington should be rezoned as either R7D or C4-4D**. The Proposed Actions omits northern midblock portion of western portion of block 1772 and leaves it as R7-2 with a C2-4 commercial overlay. All adjacent areas were either

rezoned in 2008 or are now proposed to be rezoned. This small section of 124th Street is largely non-residential and the existing R7-2 is a poor fit for current uses and form. The Park Avenue rezoning recommendations called for the MX district on Park Avenue to "turn the corner" to cover this part of 124th Street, but considering Proposed Actions' density for Park Avenue, this would be too dense for this narrow street. Instead, this block should be rezoned to either the R7D proposed on Lexington Avenue, or the C4-4D that is mapped on the north side of 124th Street.

4. **Do not rezone Eugene McCabe playground or the Henry J Carter Specialty Hospital to high densities that produce unwanted development pressures on these sites.** These sites on the west side of Park Avenue between 120th and 122nd Street and should not be rezoned. They were not recommended for rezoning in the EHNP and they should not be rezoned in the Proposed Actions. The Park Avenue rezoning noted the playground as a "Park," reflecting 11-13 of the zoning resolution. The site of the Carter Hospital was recommended for rezoning in the Park Avenue recommendations, but the initial recommendation was made before the hospital was built. The playground should be left as open space and a rezoning to R10 or equivalent will put pressures on the Carter Hospital, which is a new facility and an asset to the community. There is concern that because the Eugene McCabe playground is a Jointly Operated Playground that the City will use it for development rights just as it has attempted to do at the ECF site on East 96th Street. Consequently, it should not be rezoned.

5. **Rezone the Urban Assembly school**, which is the block bounded by Park Avenue, 127th Street, Madison Avenue and 128th Street. The Proposed Actions carves out this site, rezoning all land around it, but leaving this school as R7-2. This site was identified as a potential public development site in the EHNP and contains an outdated school facility that was built without windows. This is a prime location for increased density to support both substantial amounts of affordable housing, as well as for a new, updated school facility that would serve the northern part of the District and beyond.

6. **Rezone the mid-block portion of the blocks bounded by 122nd Street, 124th Street, Lexington Avenue and Third Avenue**. Like the Urban Assembly School, these portions of blocks were inexplicably carved out of the rezoning while everything around them is proposed for rezoning. The R7-2 district here has been in place since 1961 and allows for community facility towers in the mid-block, and height factor buildings that are not considered the future of East Harlem. The midblock portion of the block bounded by 122nd Street, Lexington Avenue, 123rd Street and Third Avenue should be zoned R7B, just as was proposed directly to the south. The mid-block portion of the block bounded by 124th Street, Lexington Avenue, 123rd Street, and Third Avenue was identified as a public site in the EHNP and should be rezoned as described in the EHNP (R8 or R8A) in anticipation for development with 100% affordable housing.

7. **Rezone the east side of Park Avenue from 128th Street to 131st Street.** Like Park Avenue directly to the west and south, CB11 recognizes that this area that can accommodate growth: it is within easy walking distance to the Metro North Station and the future terminus of the Second Avenue subway, as well as just a block from an exit of the Harlem River Drive. This area was identified for rezoning in the 2013 Park Avenue rezoning recommendations and in the EHNP, yet is inexplicably carved out of the Proposed Actions. The current zoning is M1-2, a low density manufacturing district that does not describe the desired future of this area. The current uses on these blocks that front Park Avenue are: the Addicts Rehabilitation Center (ARC), A

Consolidated Edison substation, and the DSNY garage for Community District 10. ARC and the DSNY garage for Community District 10 are not appropriate uses to support the redevelopment of Park Avenue into an active destination street. A rezoning to a higher density district would bring development pressures to this area, which would be a positive development and it would help in the relocation of these uses. The DSNY garage should be in CD10 or in a consolidated garage placed elsewhere. The ARC facility, while providing an important public service, should provide this service on a site that is better suited for its needs, and the needs of the community. Finally, the ConEd substation is part of critical infrastructure, but 1) it is not the kind of use that is appropriate for the vision of Park Avenue of the future; and 2) it was built before Superstorm Sandy on a piece of land that is 14 feet above sea level very close to the Harlem River. This use should be moved to a more appropriate location and a rezoning to a higher density mixed use district will support the redevelopment of this area into more desirable uses.

8. **Commercial overlays should not be mapped onto NYCHA housing estates.** The Proposed Rezoning maps commercial overlays on most of the avenue portions of the NYCHA housing estates in the rezoning area. Mapping commercial overlays on NYCHA property was a draft recommendation of the EHNP that was overwhelmingly rejected by the Steering Committee. Any plan for future development on NYCHA estates needs to be developed directly with residents. To be clear, future development on NYCHA estates is not rejected, but only that any future development on NYCHA be planned in conjunction with NYCHA residents, CB11, and the larger community. Mapping a commercial overlay in these areas without any plan is a distraction that does nothing to further a development plan for these areas and should be abandoned.

9. **Modify the Park Avenue Hub Subdistrict of the 125th Street Special District and the proposed zoning changes to that subdistrict to exclude the New York City landmark at the northwest corner of 125th Street and Park Avenue.** CB11 has concerns that the excess floor area from this Landmarked building will be shifted to the vacant site abutting the landmark to the north, allowing a new building in the proposed 12 FAR district to be too tall for the area.

HOUSING

Practical effects of Proposed Actions on housing

East Harlem is home to a large amount of regulated and subsidized housing. At least 75% of East Harlem residential units are subject to regulation of some sort: specifically, approximately 15% of units are subject to rent stabilization; 30% of units are public housing units administered by the New York City Housing Authority ("NYCHA"); and an additional 30% of units receive some sort of government assistance, such as Section 8 subsidies. As a result, only one-fourth of East Harlem residential units are unregulated.

Furthermore, 38% of CD11 make 30% or below of the area Average Median Income ("AMI"), and a further 17% of CD11 have household incomes between 31% and 50% of AMI. Thus, a majority—55%—of CD11 make 50% of AMI or less. However, there is a wide array of income levels in CD11. Almost one-third of East Harlem makes over 80% of AMI, and nearly one-fifth

of the community's households make over 120% of AMI. While it is imperative that we advocate for households on the lower end of the income spectrum—a position consistently adopted by CB11 throughout its existence—it is important to ensure housing protections for middle-class, or moderate-income, households. All too often, housing safeguards fail to contemplate the large segments of our community that have too much income to qualify for government-assisted housing but not enough income to afford market-rate apartments. Protection of low-income tenants and moderate-income tenants are not mutually exclusive. It is clear that both low-income and moderate-income East Harlem residents would benefit from housing preservation strategies. Even without a planned rezoning, landlords have a financial incentive to deregulate apartments so as to maximize profits, often doing so by harassing existing rent-regulated tenants. This reality is worsened when the City proposes an upzoning of the community—as is the case here with the Proposed Actions—as property owners sell to developers at sharply increased prices. Indeed, CD11 already has many buildings that are being warehoused, i.e., sitting vacant, rather than using their potential and renting out the units, as owners wait for shifts in development trends in order to maximize sale prices.

As the law currently stands, all rent-stabilized apartments—ones that give tenants an array of protections, including a right to a renewal lease and limits on how much the landlord can raise the rent—can be removed from rent-stabilization if the apartment becomes vacant and the monthly rent crosses the threshold of $2,700. Additionally, in buildings with limits on rents that can be charged because of subsidies from the New York City Department of Housing Preservation and Development ("HPD"), limited rents are only offered as long as the regulatory agreement between the landlord and HPD is in place, and some of those agreements last for only 30 years. After the regulatory agreement expires, landlords are no longer bound to offer the affordable rent, which means that the only permanently affordable residential units are the public housing complexes operated by NYCHA. As a result, even if a landlord of a rent-regulated or government-assisted residential unit does not engage in unlawful conduct to charge market rental rates, the fact remains that the unit will eventually become lawfully deregulated and convert to a market apartment, if the landlord chooses not to renew their regulatory agreement with HPD.

While these realities potentially paint a dire picture, make it all the more important that the City engage in serious preservation efforts.

The requirement of the Proposed Actions that any new development taking advantage of the upzoning comply with MIH obligations with respect to affordable housing is an important idea and a step in the right direction. That being said, there are ways that the City can improve upon the affordable housing requirement included in MIH. First, CB11 firmly advocates for deeper affordability, which is possible through, for example, financial incentives. CB11 has consistently maintained that MIH in new residential development should be set at 50/30/20, with 50% market units, 30% moderate-income units, and 20% low-income units. Second, CB11 maintains that the City is capable of incentivizing and encouraging the development of affordable housing by local non-profit developers; specifically, the City must give preference to local non-profit developers for any request for proposals ("RFP") for development on public land, as well as provide other financial incentives and relief for non-profit developers and their investors, in light of the fact that non-profit developers are more likely to maintain permanent affordability than their for-profit counterparts.

In sum, it is imperative that, in order to ensure East Harlem's long-term housing vitality and accessibility to our low- and moderate-income, the Proposed Actions include both robust strategies to enforce and expand existing legal protections for tenants aimed at preserving existing affordable housing and provisions for the construction of additional permanent affordable housing in any new development.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Preservation/Protection

CB11's priority is the preservation and protection of affordable housing. As noted above, at least 75% of East Harlem housing is regulated in some fashion. Even after adjusting for the approximately 30% consisting of NYCHA public housing, nearly half of East Harlem residences are rent-regulated (subject to rent control or rent stabilization) and/or government-assisted housing. For these privately-owned, government-subsidized residential units, HPD can play a role in extending financial incentives to maintain these units as affordable units with regulated rent limits. To that end, HPD should expand the financial resources available to East Harlem building owners and developers to preserve affordable units by creating a neighborhood-wide HPD funding set-aside. HPD should work to identify privately-owned buildings that could most benefit from an injection of city funds, such as those in need of major repairs, and also those that have rent limits due to regulatory agreements in place between the landlord and the City, which are buildings whose owners may be amenable to the refinancing of their mortgages in exchange for an extension of the regulatory agreement.

Moreover, the City should identify those unregulated buildings containing between one and five residential units that may be suitable for entry into an affordable housing preservation program.

Additionally, the City must continue to fund the current expansion of free legal representation for those families making under 200% of the federal poverty line. In February 2017, Mayor Bill de Blasio and City Council Speaker Melissa Mark-Viverito announced an increase in funding of $93 million toward legal services for low-income tenants. This unprecedented allocation in funding for civil legal services in New York City Housing Court is a very positive step in the right direction. However, this recent increase in funding should be implemented in a way that serves to build upon the City's strides toward equal justice. The City should ensure that it robustly funds not only individual eviction defense, but also group representation of legal services providers. Group representation enables tenants, among other things, to adequately and efficiently address building-wide conditions, rectify power imbalances, and embolden renters to vindicate their rights. While there is overlap between the group and individual contexts, there exist important differences between those contexts with respect to leverage, strategy, and legal issues, to name a few. Tenants, tenant organizers, and tenant attorneys know this reality well, and the City must take heed if it wishes to ensure that this historic allocation of funds is deployed in a manner that actually effectively addresses the displacement forces the City declares it seeks to combat. To this end, the City must continue to vigorously fund the Tenant Rights Coalition ("TRC")--a project established by Legal Services NYC and The Legal Aid Society through City

funds--which has a mission specifically targeted to combating displacement forces of gentrification in the largely low- and moderate-income communities of color that are slated for up-zoning. The City must extend the TRC contract on terms that enable legal services providers to meet realistic benchmarks. CB11 is particularly interested in the renegotiation and extension of the TRC contract given the City's designation of zip codes that encompass East Harlem neighborhoods.

Furthermore, in light of the realities presented by rezoning, access to information, and disparate access to the courts depending on economic status, the City should provide funding to allow legal services providers to maintain East Harlem storefront offices and/or satellite offices in area community-based organizations for a period of no less than five years from the date of approval of the Proposed Actions, if ultimately approved. Such funding would allow legal services providers to have a visible presence in East Harlem, further increasing access to civil legal services for many individuals who may not receive judicial referrals or who do not otherwise have access to information regarding their legal rights and/or how to attain counsel in Housing Court proceedings.

In addition to the City's injection of needed funds to increase the level of tenant representation in Housing Court, the City itself must aggressively identify and penalize incidents of tenant harassment. The need for a proactive stance by the City in this realm is reflected in the EHNP as well as in the positions adopted by community organizations.

Additionally, the City must create a citywide Certification of No Harassment ("CoNH"). Under this program, landlords would have to attain a CoNH prior to alteration or demolition of a building that contained any rent-regulated unit within the last ten years. In order to attain a CoNH, landlords seeking to demolish a building containing formerly rent-regulated units would have the burden of proving that they have no history of tenant harassment. At a minimum, in the interim the City must expand the applicability of the current CoNH program to include CD11. The City must include the entirety of CD11 to account for the potential effects of the Proposed Actions on the areas outside of the study area.

Furthermore, the City must exercise its power to institute an anti-warehousing tax and/or additional tax on the transfer of warehoused residential properties. Such a tax would disincentivize the practice of allowing residential spaces to remain vacant for long periods of time. Implementation of an anti-warehousing tax will lead to productive use of property and increase the housing stock for the community. CB11

New Development

Although CB11's primary focus has been and continues to be the preservation and protection of affordable housing in our community, the Proposed Actions present an opportunity to ensure the development of permanently affordable housing stock. Under current zoning regulations in East Harlem, there is no requirement that affordable housing be built in new residential construction. As gentrification and its attendant displacement forces continues in East Harlem, residents risk replacement of the current housing stock with almost exclusively unregulated market units by way of new construction and deregulation of currently regulated apartments.

The City justifies the Proposed Actions as a tool to ensure that East Harlem preserves affordable housing and that any new residential development offsets displacement of low- and moderate-income residents through MIH, part of Mayor de Blasio's Housing New York plan. However, while MIH is a serious step in the right direction, it falls well short of addressing the housing affordability needs of the East Harlem community. The majority of East Harlem residents earn less than 30% of AMI, yet the deepest level of affordability under MIH is a set-aside of 25% of any new residential development averaging to 60% of AMI. Of this 25%, 10% will be required at 40% of AMI.

Though MIH is a step in the right direction in that it makes affordable housing mandatory in any new residential development, its current options are wholly insufficient to meet the needs of East Harlem. Not only is the affordable set-aside under MIH actually unaffordable for most East Harlem residents, but it also neglects the substantial percentage of East Harlemites who make over 80% of AMI. These East Harlem families would not qualify for the new affordable units, yet they have insufficient income to afford the unregulated market units or to afford them without being severely rent-burdened. Therefore, CB11 supports a 50/30/20 model wherein 50% of new units are market units and the remaining 50% are affordable units (30% of the units are available to moderate-income families and 20% of the units are accessible to low- and very low-income families, based on a percentage of AMI reflective of East Harlem). CB11 calls on the City to incentivize and subsidize the 50/30/20 model, so that 20% of new residential units will be available to residents earning less than 30% of AMI and 30% of new residential units will be set aside for residents earning between 30% and 120% of AMI. CB11 further calls on City and State subsidies that are directed toward deeper MIH affordability to be insulated against federal budget cuts. Particular in today's federal political climate, it is imperative that the City build a financial bulwark against the whims of the federal government.

Furthermore, it is important that developers meet MIH requirements within each building. That is, developers cannot be permitted to offset failure to meet the affordable housing targets by making up for the shortfall offsite. Permitting developers to transfer the shortfall to offsite projects serves to reinforce socioeconomic segregation, which reinforces notions of second-class status and defeats the purpose of mixed-income housing.

For any development on public land, including NYCHA in-fill proposals, CB11 demands that such development offer 100% affordable housing, with bands targeting a spectrum from 10% of AMI to 120% of AMI. Moreover, in the current climate of budget cuts of programs focused on assisting the most vulnerable families, CB11 requests that the City and State ensure that the incentives and subsidies toward housing preservation and deeper affordability in new development are insulated against federal budget cuts, so that the programs can run in perpetuity regardless of federal allocation decisions.

Finally, CB11 notes that although NYCHA public housing will not be directly affected by the rezoning, there will be myriad indirect effects created by the Proposed Actions. First, as stated above, any process that could yield development of NYCHA land must include the affected NYCHA residents and development should not occur without those NYCHA residents' approval. Second, the effects on economic opportunities, open spaces, and affordability of local goods and

services springing from the Proposed Actions, to name but a few areas, will have a direct impact on the day-to-day lives of East Harlem's NYCHA residents. CB11 steadfastly maintains that East Harlem, home to the second highest concentration of public housing projects in the nation, should not be up-zoned and developed in a manner that isolates NYCHA residents. NYCHA residents must be continuously respected as an important part of the fabric of our community. The City must improve the conditions and quality of life of CD11 NYHCA residents through sufficient funding, and it must actively consider the effect of any development on local NYCHA residents.

LOCAL ECONOMY

Practical effects of Proposed Actions on the local economy

East Harlem contains a significant number of businesses and non-profit organizations that collectively employ over 40,000 individuals. The City's Proposed Actions will have a tremendous impact on the businesses and organizations located in East Harlem. As the City's proposal stands, small businesses and non-profit agencies will likely face substantial challenges, such as steep increases in rent and non-renewal of lease agreements. Those small businesses and organizations that remain may experience further collateral consequences, such as the inability to retain employees due to the sharp increases in rent. Moreover, the failure of the Proposed Actions to limit the width of certain commercial spaces leaves small businesses vulnerable to displacement by chain stores, banks, or other large businesses.

Furthermore, East Harlem has a higher rate of unemployment than that of New York City and the country as a whole. The increase in development due to the City's Proposed Actions presents employment opportunities. Without requirements (and enforcement of those requirements) that developers hire local residents for their projects, East Harlem residents may experience a massive transformation of their community that largely leaves them on the economic sidelines, confirming a feeling of marginalization and exploitation.

Historically, East Harlem contained many local and family owned businesses, which provided vital products and services catering to the core residents. Often serving as a vital lifeline for integrating the community, local family based locales such as La Marqueta continue to this day. However, during the many years of accumulation of investment properties by non-East Harlem investors in the hopes of profiteering during heightened speculation has directly led to the aforementioned warehousing and devolution of the community, thus stifling economic opportunity.

Along First, Second and Third Avenues, many of these buildings do not achieve their commercial potential due to neglected, if not blighted conditions. The remaining businesses, which survive this process, are surrounded by storefronts that continually change due to increased unaffordable rent assessments. With current tax laws in effect, the owners of these properties possess no incentive to engage in fair negotiations with the existing tenants/businesses and in many cases the owners gain more by continuing the practice of rotating the commercial space for additional tax write-offs. Such practices result in abandoned storefronts. Coupled with the vacant apartments above the commercial spaces carry a stigma for investment and

revitalization, thus negatively impacting the surrounding environment and the community at large.

The incoming extension of the Second Avenue Subway will offer new advantages for many of these shareholders and the community. With this planned public works project, the potential for many of these investors to maximize their investment without community input may be realized. The Community Board has initiated outreach to advocate for the community with the aforementioned investors in the past and in most instances, the owners neither care to engage or at best are ambivalent to the community's overall needs. Beyond the general workforce development for this project and other future construction developments, responsibility for creating favorable terms for CD11 should be of the highest priority.

The City can dictate the terms to offset the negative impact of rezoning such as the potential displacement vacuum. The City possesses the singular opportunity to direct mandates through the combined efforts of the rezoning process and the City's legislative powers that would foster local economic growth through issuing incentives to property holders. Working in tandem with the City and State through issuance of financial mechanisms incorporating financial floors, ceilings, sunset clauses, etc. for CD11 specific rezoning would engender community-based engagement. Such implementation would foster retention of many of these treasured businesses that have survived and create an environment for more businesses to invest in our community. Adopting a community-based preference mechanism in conjunction with the above methodology would allow for a more engaged and comprehensive approach.

Beyond standard economic practices, engagement with neighborhood based MWBEs would engender a more widespread approach to the memorialized positions of CB11. Those small businesses and organizations catering to the needs of the community would create opportunities for both local hiring and commodities acquisition. Locally-owned businesses become the economic web for the community. As well as the cultural elements, many of these businesses cater to various economic bands within the community. By incorporating more locally-owned MWBEs from the community, the City will maintain a necessary component to maintaining the community fabric during the rezoning process. All the while, these businesses attract those outside of the community with a more robust disposable income. Additionally, these businesses trend towards hiring locally, which only engenders more economic opportunity for the community.

Further to the provisions above, the City should fully incorporate those enshrined positions and requests that align with the District Needs Statements, EHNP, and any and all positions memorialized by CB11. An approach of this nature would foster a renaissance of the community while mitigating the potential impacts associated from a rezoning process.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Developers wishing to build in East Harlem should the Proposed Actions be approved must adhere to the following guidelines, which are specifically geared toward the inclusion of the East Harlem community, (located in zip codes 10029, 10035, 10037, 10128) and to serve as the basis

of economic development goals when executing land use actions for the building of local infrastructure, commercial, and residential projects:

1) Requirement for the utilization of community-based organizations ("CBOs"), located in East Harlem as a first source for workforce training, development, and placement on projects in East Harlem.

2) Implement funding to establish pipeline capacity for required training qualifications acquisition, trainee opportunities, or any prerequisite requirement assistance through local CBOs to ensure East Harlem residents have the ability to qualify for such placements. Include in funding initiatives, support for business development for women- and/or minority-owned business enterprises (" M/WBEs").

3) Ensure local community participation in all phases of development, not only during construction, but also in the pre- and post-construction phases. At a minimum, developers must hire East Harlem residents to be a minimum representation of 35% of their workforce.

4) Utilize local businesses and M/WBEs or disadvantaged business enterprises ("DBE"). Minimum participation level should account for 33% of projects stemming from the Proposed Actions.

5) Provide reports to CB11 throughout the project in order to track progress on the above items.

Of particular importance to CB11 is the way that lower income communities of color, which includes East Harlem, are subjected to a level of policing and prosecution that is not found in other communities. Once individuals have a criminal record, they experience a multitude of collateral consequences, including housing discrimination, inability to qualify for student loans, and employment discrimination, to name but a few. These consequences make it nearly impossible for those who have paid their debt to society to return to society as productive members. Consequently, it is critical that the City provide additional funds for non-profit organizations engaged in reentry work so that they can train East Harlem residents reentering the community after their sentence to attain the requisite skills for employment opportunities stemming from the Proposed Actions.

INFRASTRUCTURE

Practical effects of Proposed Actions on East Harlem's existing infrastructure

East Harlem has a population of nearly 125,000. While there are good transportation links between East Harlem and the rest of New York City, as well as the greater metropolitan area, the existing transportation is insufficient to optimally support the existing population, and the City's Proposed Actions will serve to exacerbate the existing infrastructure challenges facing East Harlem. Specifically, the 4, 5, and 6 trains are often overcrowded and are the MTA subway lines with the lowest rates of on-time departures and arrivals. The Q train recently opened three new stations, with the most northern station of 96th Street serving the southernmost point of CD11.

Further relief will occur when the MTA eventually opens the Q train Phase 2 stations of 106th Street, 116th Street, and 125th Street; however, by that point, East Harlem will have experienced considerable growth due to not only the Proposed Actions, but also due to large projects on Second Avenue that contain significant residential construction and are currently in the pipeline, such as the Avalon Bay project at Second Avenue and East 96th Street and the African Burial Ground at Second Avenue and East 125th Street. Additionally, crosstown travel is difficult and congested. Unless the crosstown links are improved and expanded, East Harlem will continue to face crosstown backlogs on a consistent basis. Finally, the increased density permitted under the Proposed Actions will see important but narrow corridors, i.e., Lexington Avenue and Park Avenue, facing increasing challenges with respect to pedestrian congestion and safety.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

Transportation

According to the Draft Environmental Impact Statement for the Proposed Actions (including the proposed Sendero Verde site), East Harlem can expect an influx of 15,962 residents and 3,803 workers by 2027. However, the Proposed Actions provide no means for addressing this substantial increase in population for the community. A massive influx of new residents, as well as workers, requires a significant investment in transportation to appropriately mitigate the impact that this new development will cause. In conjunction with the Proposed Actions, NYC must dedicate additional resources to improve methods of transportation in East Harlem. All of these considerations must consider not only the effect of the Proposed Actions but all other developments that are outside the scope of the Proposed Actions but nonetheless contributing to an increase in residents and a substantial change to the overall transportation needs of East Harlem.

In particular, NYC must improve existing transportation infrastructure and expand transportation opportunities in the following ways. First, NYC must ensure that funding is secured for the long-proposed Phase 2 expansion of the Second Avenue Subway. This expansion will provide additional means of transportation for East Harlem residents and will mitigate the overcrowded conditions of the only other subway in the East Harlem neighborhood. Until such time as Phase 2 of the Second Avenue Subway is actually constructed, it is important to require that the MTA and the NYC Department of Transportation actually mitigate the effect of increased ridership in the East Harlem community through alternative means. As of now, the Draft Environmental Impact Statement disregards the expected ridership in anticipation of the finalization of the Phase 2 project. Unfortunately, after years of being disregarded, CB11 remains skeptical that East Harlem will have an opportunity to benefit from the development of the Second Avenue Subway. Second, NYC must improve bus service in East Harlem. Both the north-south bus lines as well as the crosstown bus lines are regularly overcrowded and increased bus service will provide an invaluable service to East Harlem residents, particularly as a significant increase in neighborhood population is anticipated. Third, alternative public transportation must be encouraged. For instance, the proposed expansion of Citi Bike to East Harlem must be expedited and further expansion to ensure that Citi Bike is a viable method of transportation for East

Harlem residents. More importantly, Citi Bike membership costs must be reevaluated and potentially subsidized to make it a viable alternative for East Harlem residents.

Finally, vehicular traffic and congestion requires further consideration. In connection with the development spurred by the Proposed Actions, an increase in construction vehicles and other traffic is likely to increase. In addition, street closures and related detours seem likely as construction vehicles consume East Harlem's roadways. For instance, along the Park Avenue corridor where a R10 upzoning is proposed, the effect of construction vehicles along one lane streets in each direction seems likely to cause significant challenges to vehicular traffic in East Harlem. Mitigation must be considered and approval of street closures must take a comprehensive view of all developments in East Harlem and not just site-specific approvals or rejections.

Public Safety

As the population of East Harlem is expected to increase in connection with the Proposed Actions, CB11 believes additional resources are necessary to preserve the safety of the East Harlem community.

Police resources need to be expanded to reflect the anticipated increase in the population. Yet such increased resources need to also reflect a need for effective community policing. Overpolicing and overcriminalization must be avoided at all costs. As the population increases, CB11 expects that the police will continue to be a presence in the community but policing must avoid targeting specific populations. In addition, policing must be conducted in a manner that avoids creating the appearance of an actively policed neighborhood. Police must improve efforts at community engagement and community relations. Financial resources should be dedicated to promoting these efforts.

In addition to police, other public safety issues must be addressed. The Fire Department and EMS must also be sufficiently staffed and provided with the necessary resources to address an increased population. Other than emergency services, the anticipated increase in the population is likely to increase vehicular traffic and pedestrian traffic. The NYC Department of Transportation and other relevant agencies must consider how best to address this, how to promote pedestrian safety, how to avoid overcrowding on local streets and, otherwise, how to preserve a safe neighborhood.

Sanitation

The asthma hospitalization rate in East Harlem is among the highest of all neighborhoods in New York City. Among the top contributors to poor air quality in the community are its proximity to the FDR and the presence of two sanitation garages. As such, CB 11 believes that additional resources are necessary to address inadequate sanitation infrastructure and to mitigate poor air quality.

The expected population growth connected to the Proposed Actions will undoubtedly increase strain on outdated sanitation infrastructure, which, in its current state, exacerbates asthma related

illness and vermin. According to the EIS, development resulting from the Proposed Actions would generate approximately 133.3 additional tons per week of solid waste, of which approximately 55 percent (73.1 tons) would be handled by the New York City Department of Sanitation ("DSNY"). The increase in solid waste generated by the Proposed Actions translates to over 17 additional truckloads per week of solid waste. Air pollution from sanitation garages and trucks in the community should be mitigated by permanently relocating the M- 10 Sanitation Garage located on 131st Street and Park Avenue, which is in direct violation of the City's Fair Share Mandate. CB 11 believes the M-10 garage should be relocated to Central Harlem, the neighborhood it serves, in order to avoid further environmental and health damage to the East Harlem community.

Furthermore, the M-11 Sanitation Garage, which is currently adjacent to Metro East 99th Street, an affordable housing complex for seniors, continues to cause high rates of airborne particulate matter. While DSNY has proposed moving the M-11 Sanitation Garage to the Potamkin site on 127th Street and Second Avenue, their current proposal would do nothing to mitigate air pollution or vermin infestation by either upgrading the existing fleets with zero emissions buses and sanitation trucks or developing a fully enclosed, green facility with advanced indoor air filtration systems. It is CB11's position that the City should dedicate resources necessary to fund the construction of a consolidated sanitation garage for the CB11 catchment area, using best practices in environmental controls including a fully enclosed sanitation garage in addition to upgrading the entire sanitation fleet.

Finally, more trash receptacles are needed, and existing receptacles should be collected more frequently to prevent overflowing or littering, which can also have adverse impacts on stormwater drainage during heavy rainfall.

HEALTH

Practical effects of Proposed Actions on the health of East Harlem's residents

East Harlem has some of the poorest air quality in New York City, which has led to an asthma hospitalization rate among children ages 5 to 14 that is more than double the rate for New York City overall. The roads traversing CD11 as well as FDR Drive are frequently and regularly congested, which contributes significantly to the area's poor air quality. Additionally, and alarmingly, East Harlem has an infant mortality rate and a premature mortality rate that is nearly double the average for Manhattan in each category. East Harlem also has an elevated level of individuals living with hypertension, which is exacerbated by stressors like living in apartments with consistently substandard conditions or in households that are rent-burdened. The real estate realities in our community also heighten the risk of creation and/or aggravation of mental health conditions.

Regrettably, the primary and secondary health impacts of government action on the affected communities are often overlooked or given short shrift. The increase in population resulting from the Proposed Actions will further burden the transportation networks in the area. As noted above, the existing subway lines and bus options are overcrowded and already insufficient to

fully meet the existing public transportation needs of East Harlem. The increased demand will have both direct health impacts, e.g., worsening asthma rates, and indirect health impacts, e.g., increased stress. Additionally, the increase in property values and corresponding increase in rent levels due to an up-zoning of the area will contribute to further worry surrounding housing stability. As noted in the New York Academy of Medicine's East Harlem Neighborhood Plan Health Impact Assessment ("HIA"), there is a direct correlation between higher rent burdens and increased health problems and likelihood of postponing medical treatment for financial reasons. Its HIA also highlights direct correlations between housing unaffordability and poor mental health in low- and moderate-income groups, as well as acceptance of substandard housing conditions.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

CB11 firmly believes that the City's DEIS severely underestimates the number of people whose health will be adversely affected by the Proposed Actions, a position supported by the New York Academy of Medicine ("NYAM"), one of the community partners engaged in the EHNP process. NYAM's HIA highlights the East Harlem health realities, which entail a community already combating hypertension, obesity, child and adult asthma, diabetes, and mental health issues--and avoidable hospitalizations due to these conditions--at a rate well above Manhattan and New York City averages.

Without implementation of the recommendations herein regarding housing preservation and deeper affordability in new development, the City's Proposed Actions will certainly lead to deterioration in the health of current East Harlem residents, particularly those who are low- and moderate-income, which encapsulates the vast majority of CD11 residents. In order to mitigate the health impacts that any up-zoning of the area would undoubtedly bring about--in addition to the implementation of the recommendations with respect to density, transportation, infrastructure, as well as housing recommendations concerning housing preservation, housing maintenance, and deeper affordability--the City must encourage development design and construction specifications that mitigate noise pollution, particularly near the Park Avenue viaduct, and incorporate green design. Moreover, all new development must incorporate dust mitigation techniques to reduce the impact on the health of existing residents. Furthermore, the City must allocate a substantial increase in funding for community treatment programs specializing in asthma or mental health, as well as facilities offering basic, low-cost preventative care.

Finally, CB11 notes that the City's process for assessing the health impact on the residents of any community slated to be rezoned is fundamentally flawed and leads to counterfactual determinations that there will be little to no impact on the health of current residents if new development occurs. Consequently, CB11 calls for future health impact assessments performed not only by the City, but, as detailed above in the Introduction, to the extent that any neighborhood-wide rezoning (or any rezoning of any NYC neighborhood whereby five (5) or more city blocks are proposed for rezoning, NYC Department of City Planning or any other city agency, office or elected official shall ensure that the community board for the affected community shall be provided with funding reasonably sufficient to conduct an environmental

impact statement, in addition to any required environmental impact statement any city agency may itself conduct, through a vendor or contractor of its own choosing.

SCHOOLS/EDUCATION

East Harlem faces unique challenges with respect to the educational needs of our children, as youths (up to 24 years old) consist of one-third of the area's population. CB11 has long advocated for increased investment in our school's capital needs, as well as an expansion of programming for pre-K, daycare and afterschool programs in our community. The Proposed Actions seek to create both affordable and market-rate housing opportunities in the East Harlem community, which CB11 is supportive of such efforts. However, the analysis regarding the direct and indirect effects of the Proposed Actions on Community Facilities raise several concerns that require mitigation or further consideration. The Proposed Actions are estimated to increase the community's residents and workers by approximately 9.5%, from the original estimate of 4.5%, which will undoubtedly increase the number of youths and cause further strain on the current limited spaces in the schools.

This section will evaluate the Proposed Actions and how they meet the needs and concerns of the East Harlem community about Schools and Education. First, this section will address a known calculation error with using CEQR Technical manual to determine generation rates for youths. This error significantly skews the reality and may cause the Proposed Actions to have a significantly adverse impact to East Harlem. Second, this section will discuss the concerns regarding the methodology used to demonstrate the Proposed Actions will not have a significantly adverse impact to the neighborhood. Third, this section will provide data from the NYC Department of Education that contradicts the analysis provided by the Proposed Actions.

Practical effects of Proposed Actions on East Harlem schools and educational needs of East Harlem's students

There are concerns regarding the rezoning-neighborhood plan and how youth and school seats are counted under the current DOE use, which does not accurately account for the numbers in our community. Over the years, CB11 has drawn attention to the fact that the composition of youths in this district has consistently been different than the rest of the borough. East Harlem School District 4 has approximately 24.2% students with disabilities, as compared to 18.7% for New York City overall, and only 18% of East Harlem students graduated from high school ready for college, as compared with 70% of students graduating on the Upper East Side. The Proposed Actions uses the school children Generation Rates in the CEQR Technical Manual in its analysis, which is a known error as it regards data gathered from the entire borough of Manhattan. The Final Scope of Work needs to explicitly address this error, otherwise it is intentionally undercounting the number of school children generated by the action.

According to the 2014 CEQR Technical Manual, a significant adverse impact may result, warranting consideration of mitigation, if the proposed project would result in both of the following:

- A collective utilization rate of the schools in the study area that is greater than 100 percent in the With-Action Scenario; and

• An increase of five percent or more in the collective utilization rate of the schools in the study area between the No-Action and With-Action Scenarios.

This methodology indicates that even if the collective utilization rate is greater than 100%, so long as the difference is not greater than five percent, the Proposed Actions is not considered a significantly adverse impact. However, a utilization rate greater than 100% suggests that there is overcrowding in schools, thus adding even one percent is exacerbating the existing condition. Using this methodology does not adequately justify that there isn't significant adverse impact to the study area.

The analysis also does not provide percentages for the current utilization rates of Community District 4 schools. Furthermore, there is no data provided that addresses the current infrastructure of the district's schools. Without these necessary data points, it is impossible to verify or adequately evaluate the Proposed Actions' impact. Based on 2015-2016 School Year Enrollment Capacity and Utilization Report produced by the NYC Department of Education, Elementary and High School target utilization rates in Community School District 4 have both exceeded 100%. Thus, any additional load of students will aggravate the current condition. This is precisely why the current methodology fails to justify the Proposed Actions will not have a significantly adverse impact to the neighborhood.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

School Children Generation Rates in the CEQR Technical Manual

There is a known error with the student generation rates found in the CEQR Technical Manual. The rates found in the Manual are as follows:

Student generation rates for all unit types from the CEQR Technical Manual

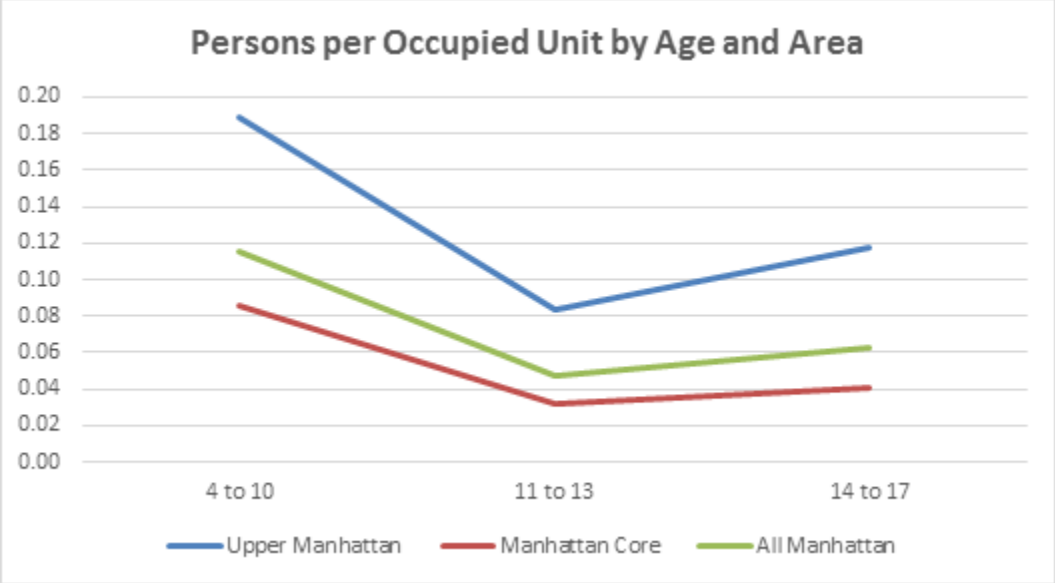
Borough	Elementary	Middle school	High school
	(Age 4-10)	(Age 11-13)	(Age 14-17)
BRONX	0.39	0.16	0.19
BROOKLYN	0.29	0.12	0.14
MANHATTAN	**0.12**	**0.04**	**0.06**
QUEENS	0.28	0.12	0.14
STATEN ISLAND	0.21	0.09	0.14

The New York City Zoning Resolution makes a distinction between the Manhattan Core and upper Manhattan in a host of land use policies. Zoning has shaped these two areas of Manhattan and created places with important physical, cultural and socio-economical differences. Therefore, it is reasonable to assume that the children are not produced at the same rate.

Student generation rates for all unit types from 2010-2014 ACS PUMS

	Elementary	Middle school	High school
	(Age 4-10)	(Age 11-13)	(Age 14-17)
CEQR Data	0.116	0.047	0.063
Upper	**0.189**	**0.083**	**0.117**
Core	0.085	0.032	0.041

Furthermore, data queried from the American Community Survey (ACS) Public Use Microdata (PUMS) file confirms this, as Upper Manhattan produces more than twice as many school-aged children per unit as the Manhattan Core. By averaging upper Manhattan and the Manhattan Core together, CEQR uses a generation rate that is wrong for both regions: under-estimating the number of school-aged children in upper Manhattan and over-estimating the number of school-aged children in the Manhattan Core. The above table is shown graphically below:



The ACS PUMS is a US Census Bureau product that is widely considered to be the timeliest and reliable source of data for such detailed queries. Since the best data available for this kind of analysis tells us that the Manhattan Core and upper Manhattan function differently when it comes to child production, the environmental review for the East Harlem rezoning cannot use the student generation rates found in the Technical Manual because they are demonstrably incorrect. The DGEIS should evaluate the Proposed Action impacts using student generation rates represent the different area rates of Manhattan Core and Upper Manhattan.

All this being said, no sophisticated jurisdiction outside New York City generates estimates of school-aged children absent of assumptions of the type of units being built by number of bedrooms. Simply, 100 studio apartments will produce far fewer school children than 100 two bedroom apartments and student projections should be taking this into account. But with few exceptions, CEQR requires that all units are treated the same, which is illogical if the goal is to produce reliable estimates.

Therefore, CB11 requests that the East Harlem Rezoning EIS perform its analysis again using the ACS generation rates for Upper Manhattan only, and the Draft Scope of Work should be

amended to instruct the use of these rates, and accompanied by a discussion of why the rates in the CEQR Technical Manual are not being used. Alternatively, the East Harlem Rezoning EIS could develop estimates based on Reasonable Worst Case unit mixes for the project. In the future, New York City should develop generation rates with at least as much sophistication as other jurisdictions in the United States, and recognize that unit mixes, unit types, tenure, affordability, and even the age of the building matters in school children generation.

PARKS/OPEN SPACES

Practical effects of Proposed Actions on parks and open spaces

East Harlem currently faces a shortage of communal open spaces. Thomas Jefferson Park and Marcus Garvey Park are the largest parks bordering the areas affected by the Proposed Actions. A large section of the East River Esplanade represents the eastern border of our neighborhood. Additionally, the southwestern portion of CD11 borders the northeast corner of Central Park. Although these parks and open spaces provide a good foundation for East Harlem, there is much that can be done to improve the availability and quality of open areas for the residents of Community District 11 (CD11). Furthermore, these spaces including community gardens, playgrounds, and parks, will undoubtedly be further strained as the population grows. The City sets a benchmark of 1.5 acres of open space per 1,000 residents, while New Yorkers for Parks sets a goal of 2.5 acres per 1,000 residents; regardless of which measure one uses, East Harlem falls below that threshold. The City's Proposed Actions permit a drastic increase in residential density, which will greatly increase the use of what open spaces currently exist and will also incentivize the use of land for maximum profit, which in turn will require the vigilant safeguarding of East Harlem's parks and open spaces. Indeed, this is a time for the City to engage in active planning to improve and expand CD11's open spaces.

According to the CEQR Technical Manual, a proposed action may result in a significant adverse direct impact on any specific open space resources if there would be direct displacement/alteration of existing open space. Eugene McCabe Field is a jointly operated playground adjacent to P.S. 79 within the areas that is subject to rezoning by the Proposed Actions. Although there are no specific development plans for Eugene McCabe Field, the proposed high density rezoning will bring development pressures that may change the playground's use in the future.

Alternatives and/or mitigation strategies for addressing the negative impacts of the Proposed Actions

The development of Sendero Verde and the Proposed Actions are expected to increase the population of East Harlem by over 12,000 residents and workers in the next 10 years. Although, the study indicates that the increased demand would not result in significant adverse impacts to open spaces, it will increase the original population growth by over 50%. In addition, the Final Scope of Work analysis details the necessary negative externalities of shadows that the Proposed Actions will cause to existing open spaces. It is then reasonable to recommend that additional funds are allocated towards existing open spaces like the East River Esplanade, and other parks and playgrounds to offset these externalities. In 2016, the New York City Department of Parks

and Recreation (NYCDPR), its Community Parks Initiative (CPI), and the Randall's Island Park Alliance (RIPA), inaugurated the East Harlem Esplanade Project, which aims to completely rebuild the 107th Street Pier while expanding its programming in the process. This all includes a strategy pertaining to reconstruction advocacy, stewardship, and programming best practices for an improved Esplanade along East Harlem, covering East 96th to East 125th streets. In order to maintain and/or improve the quality of life for residents of East Harlem, it is crucial to expand and improve on these efforts.

Currently, Eugene McCabe playground is within the R7-2 zoning, but is within the area planned to be rezoned to R10. In order to preserve and protect Eugene McCabe playground from being developed/redeveloped, CB11 recommends that this space is carved out of the rezoning Proposed Actions.

CONCLUSION

For all of the reasons detailed above, the Proposed Actions must be considerably modified before CB11 can support the City's plan. In its current form, the City's proposal to rezone East Harlem utterly fails to account for the community's needs. The City must match its rhetoric with action. The impact of the Proposed Actions in their current form would be far-reaching and destructive for the overwhelming majority of East Harlem's current residents and would upend our community's vibrant culture and character. The City's plan to rezone our neighborhood is part of its plan to ensure housing stability and affordability throughout New York City; however, the years-long process that has yielded CB11's recommendations makes clear that a more nuanced and local approach is required. It is not enough for the City to say that it cares about low- and moderate-income New Yorkers; it must demonstrate that dedication through proposals that address the needs of the community as laid out by the community itself.

Community Board 11 (CB11) does not recommend approval of ULURP Application Nos. C 170358 ZMM and C 170360 HUM unless such proposed actions are considerably modified to reflect the interest and desires of the residents of East Harlem. Modifications are as follows:

1. Maximum R9 and R9-equivalent up-zoning, exception being R10 equivalent district along modified 125th Street Special District
2. Require special permit application process for commercial parking garages
3. Enhanced commercial district on 116th Street, limiting size of storefronts
4. Carve out Eugene McCabe playground and Henry J. Carter Specialty Hospital
5. Include 127th Street between Park Avenue and Lexington Avenue
6. Include current carved out portions of north Park Ave
7. If 116th Street is rezoned, public transportation must be folded into building envelope
8. Utilize local community-based organizations for workforce development, training, and placement on East Harlem projects
9. Establishment of adequately funded workforce development program, which offers certifications and apprenticeships necessary to
10. 35% of workforce must be from East Harlem

11. Funding for community partnerships with existing local reentry programs to facilitate productive transitions for those returning to society after criminal convictions
12. Preference for MWBE/DBE
13. Creation of tax incentive program to incentivize contracts with local MWBE/DBE in development
14. Creation of tax incentive program for commercial property owners to ensure growth of small businesses
15. Community engaged before, during, and after construction, with regular reports to CB11 to track progress on goals
16. Renewal of anti-displacement legal services contracts, i.e., Tenant Rights Coalition, with realistic benchmarks determined by current housing law practitioners that enable thoughtful and effective group representation in order to harmonize rhetoric with reality in combating and/or mitigating the effects of gentrification
17. Increase the number of HPD inspectors as well as convenience of inspection times, and ensure adequate follow-up on whether violations were cured, efficiently issuing fines where the violations go uncorrected beyond the time allowed by law; importantly, HPD must increase its response to complaints regarding emergency conditions (e.g., no heat or hot water), as well as promptly fine and correct failures to correct emergency violations, with the agency billing the emergency repairs to the landlord
18. Greatly increase HPD outreach on HPD's role in addressing housing maintenance issues and create and publicize HPD website with consolidated user-friendly information regarding housing maintenance issues
19. Increased, proactive outreach by City to identify landlords who could benefit from subsidies to being unregulated buildings into rent-regulation schemes
20. Establishment of citywide Certification of No Harassment, or at least expansion of current program to all of CD11
21. 50/30/20 MIH made possible through subsidies
22. Prohibition against offsetting affordable housing offsite
23. Public land reserved for 100% affordable residential housing, which includes any NYCHA in-fill (affected NYCHA residents must be included in decision-making)
24. Priority given to local non-profit developers in all RFPs for development on public land
25. Ensure that City and State subsidies directed toward housing preservation, deeper affordability in new development, and open spaces continue in perpetuity, regardless of federal budget allocations
26. Increase programs and subsidies for homeownership opportunities for low-income and moderate-income families
27. M11 sanitation garage must be in fully enclosed facility with updated technology
28. City must relocate M10 sanitation garage to central Harlem to comport with Fair Share Mandate
29. Funding for asthma and mental health treatment centers, as well as facilities offering preventative medical care
30. Health impact assessment must be done not only by City, but also by community-based organization and/or local community board

Full Board Vote: 32 in favor, 9 opposed, 1 abstained and 1 no vote

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

cc: Hon. Melissa Mark-Viverito, Speaker, New York City Council (via email)
Hon. Brian Benjamin, New York State Senate (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)
Candy Vives-Vasquez, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)

CIVITAS

WORKING FOR QUALITY
IN URBAN LIFE

August 23, 2017

City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning (DCP)

Dear City Planning Commission,

CIVITAS is a non-profit organization dedicated to improving the quality of life in East Harlem and the Upper East Side since its founder August Heckscher established the organization in 1981. CIVITAS advocates for smart growth, cultural preservation, and enhancing the built environment through projects in zoning, waterfront redevelopment, public transportation, water quality, air quality and open space. We have been working on this rezoning process representing many families in the City who support our work over the past 38 years and helped us not only give them a voice, but we have funded planning studies and partnered with the city. CIVITAS is a founding partner over the past two years participating in the East Harlem Neighborhood Plan's (EHNP) Steering Committee to shape Zoning and Land Use recommendations tailored to the community's residents. The EHNP was supported by Speaker Melissa Mark-Viverito (whom we honored last year for her efforts spearheading this plan), supported by Borough President Gale Brewer, supported by Community Planning Board 11, and the steering committee neighborhood partners.

This proposal has been considered by stakeholders researching an East Harlem Rezoning for over two years. Listed below are several meetings and the results of those public forums.

- Community Board 11 met on June 20th, there was overwhelming response by the public and board members against the current proposal.
- At the public meeting held by Borough Commissioner Gale Brewer on July 13, 2017, there was an overwhelming response against this proposal with no public speakers in favor of the current rezoning.
- Borough Commissioner Gale Brewer issued a report on August 2, 2017, rejecting the current proposal and outlining items that should be considered in order to align with the City Commission approved East Harlem Master Plan.
- CIVITAS on behalf of residents, businesses, and our board has been a partner in this process and recommends that the following items be re-evaluated before a final vote is taken by this board and before this process moves forward.

Large Scale Planning- Zoning based on current and proposed infrastructure:

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Transit Oriented Development (TOD) is a zoning style that prioritizes density and intensity closer to the users of the transit system. The reasoning behind lifting parking requirements in downtowns, Central Business Districts, and urban cores is based on their being alternative transportation options readily available. This concept is identified in DCPs analysis. Therefore zoning FAR bonuses should allow additional development rights within ¼ mile pedestrian walking shed of transit station entrances. **The City's zoning analysis should show clear ¼ mile circles around all current and proposed transit stations to show a planning nexus to the decision to reduce parking requirements.**

Pedestrian walking sheds- pedestrian walking sheds have been proven over the last 30+ years of planning study to be an accurate distance to influence the behaviors of humans. People will walk approximately ¼ mile on a high quality street with few interferences, few negative inhospitable, or feeling of dangerous streets. Many items can influence how far someone will actually walk including shade, rain protection, frequent doors and windows, architecture, lighting, and quality of walking surface to name a few. Variable zoning categories should be reflective of TOD principles and the pedestrian sheds concept. **Heights and FAR should be limited the farther away from a transit location and incentivized closer to the transit stations.**

Large Scale Planning-Zoning analysis should be based on future needs assessment of adding additional population to the area. The City should show quantitative analysis of how population and required city services will be impacted by the proposed zoning changes including the impact for additional schools, parks or park crowding, fire and police to name some primary examples. An increase to double much of the allowable FAR will have an impact. **An incentive to add new schools, police, and fire facilities within or adjacent to new buildings should be considered as part of the overall Bonus incentives.**

Neighborhood Contextual Zoning Considerations:
Street wall ratios have been shown to influence human's perception of a public space. Today the term pedestrian oriented or human scaled is used in many contemporary planning text and codes. Any proposed street wall setback and sky exposure plane angle should be determined by a nexus to the physical environment vs arbitrary heights. Street wall setbacks precedent examples across New York can be used to help visual consistency. **The first street wall setback of 20' on the wider street and 15' on the narrow streets (as established by NYC zoning precedent) should begin at a height no more than equal to the width of the public right of way (property line to property line, irrespective of pavement width or building setbacks)** This creates a 1:1 ratio at the building's edge.

Sky Exposure Plane- the sky exposure plane is established to allow light and air to sufficiently contact the street and not deny any property owner access to basic public expectations. **The sky exposure plane as established by NYC zoning precedent should be limited to a maximum 2:1 angle (two feet vertical allowance for every one foot horizontal setback) as established in other zoning across the city.**

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Depth of lots can greatly influence the overall size of a building and potential bonuses that could be allowed. As such and consistent with allowing greater density on large intersections and near transit, **we recommend that the depth of lots and lot aggregation be limited within the new zoning limits to 100' from the Avenue right of way line unless on a transit station corner or a wide cross street (96, 125). A minimum 10' rear setback should apply to all new buildings built along the avenues and adjacent to lower scale residential buildings on the cross streets.** This was accomplished most recently in a similar situation where the Park and Madison Avenue zoning categories were modified to take into consideration the neighborhood's character.

Process:

Predictability- Base building rights vs bonus rights

A clear system should be established that provides a maximum building envelope that neighbors can expect as a "contract" between the existing residents and businesses vs new. This also will reduce speculation of land values and allow developers a clear understanding of what is possible on a piece of land prior to buying. Bonuses should be limited as a percentage of square footage above the base buildable FAR underlying to the zoning category. This should still follow the example of a greater percentage closer to transit and other good planning principles discussed in this document.

Bonuses are used by municipalities to incentivize a particular vision for development that might not otherwise be cost-effective to build or to incentivize a community needs that the government may not be able to build due to land constraints, budget, and other factors. However, these bonuses have become unpredictable and led to inconsistent development across the city. **We are suggesting a 2 step approach similar to what is in effect today with some changes to the bonus categories and maximum bonus amount. We suggest focused bonuses that will improve the quality of life for the current and future residents, businesses, and tourists.**

1. **Affordable Housing-** We recognize the importance of a place to live providing the foundation for families to take root and grow. Planning best practices and past examples show that a mixed income neighborhood produces better results than to isolate class strata into enclaves of low-income housing which then affects the available businesses, grocery stores, pharmacies and other basic essentials for everyday life.
2. **Transit-** If individuals cannot get to work and have reliable transportation alternatives then residents do not have access to upward mobility and a relaxation of parking would be ill advised. Transit incentives are envisioned for upgrades and improvements to stations and not the State controlled MTA rails, vehicles, and scheduling Improvements to lighting, ADA entrances, entry canopy covers, better signage inside and outside, cameras, and cleaning directly affect neighbors and neighborhoods appearance as a safe friendly place to live and do business.
3. **Police and Fire services** will need to be expanded due to greater population of the area due to this zoning enactment. Innovative methods of partnering with developers to place parking next to existing police and fire stations under a new

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building, adding a substation into the ground floor, or building a new station or improving an existing station will help mitigate the needed additional services.

4. **Schools-** Just like Police and Fire, additional schools will be needed to house the additional population and existing schools will need to be upgraded to a state of good repair. These services can be provided onsite, adjacent, or enhanced through a thoughtful development bonus structure.
5. **Parks-** A portion of this study area is adjacent to the East River and CIVITAS has been working to build the East River Promenade. We would like to see a requirement that any development adjacent to the East River shall be required to build, maintain, and insure its portion of the promenade. Other sites adjacent to city parks should contribute to parks upgrades, enhancements, or add to existing parks by expanding into new developments' site.

Upgrades to the neighborhood over time:
All developers of new sites or significant renovations should be required to replace all adjacent sidewalks along their street/avenue frontages, install a standard approved street lighting, landscaping, and replace ADA ramps at street/avenue corners to current standards.

We believe that all people should have the opportunity to live in quality buildings and we all must be more conscientious of our environmental footprint. **All new development sites shall be LEED certified buildings and retain all stormwater on site. Stormwater will not be allowed to enter the combined sewer system or direct stormwater discharges to water bodies.**

Specifically CIVITAS has the following suggestions to enhance the existing proposal and supports aspects of the community's outreach, portions of Community Board 11, and the Bureau president's letter to the City. It is clear there is no consensus on the existing document and changes must be made.

1) DCP has proposed a maximum floor area R10 zoning district on the majority of Park and Third Avenue. **CIVITAS does not support R10 zoning on the Avenues within the study area**. The only area that we support larger than R9 is the 125th St Metro North station commercial overlay. As stated in the Bureau President's report, "**Since the release of DCP's proposal in the fall of 2016, there has been no support for the City's proposed R10 districts**". This upzoning will allow much taller buildings than have historically been built in East Harlem which will be far out of scale with the vast majority of the existing built environment. On Park and Third Avenue, guidelines for tower on a base have become more lenient and will produce taller towers and larger shadows. **We suggest that a base plane and sky exposure plane approach is far superior and more consistent with not only the study area, but to the history of New York City high rises and other zoning parts of the city.** R10 will encourage overdevelopment and luxury super tall housing typology. As affirmed in the Bureau President's report, "Proposed Actions, … allow floor plate more appropriate for luxury and not affordable housing." CIVITAS recommends that

CIVITAS

WORKING FOR QUALITY
IN URBAN LIFE

DCP does not surpass an R9 district with a sky exposure plane to twice the height of the base tower. This will reduce out-of-context development and maximize pedestrians and neighbors continued access to light and air.

2) Third Avenue is currently zoned as a R8A and C4-4D and Second Avenue is currently zoned R8A, which are contextual districts. DCP has proposed rezoning it into a non-contextual district, which is likely to lead to out of scale development. CIVITAS recommends that Third Avenue, specifically the side streets, remain contextual to preserve East Harlem's existing urban character. Contextual Districts allow a community to preserve its landmarks, culture, built identity, and integrity.
3) The majority of the CD11 district that is adjacent to NYCHA properties is zoned as a contextual district, R7A or R8A. DCP has proposed to rezone these parcels as R9 or R10 districts, replacing an 80- 120-foot height limit with an unlimited height. CIVITAS wants to reaffirm our opposition to any R10 district and believes that sky exposure plane regulations provide for light and air to permeate the blocks. CIVITAS believes that it is important to provide specific commercial incentives for grocery stores, pharmacies and everyday necessities that should be coordinated with NYCHA to benefit its residents. Further partnerships with NYCHA will need to be established regarding the introduction of commercial and retail spaces on NYCHA properties.
4) CIVITAS believes in supporting transit-oriented development, as well as high-density commercial overlays, on sites adjacent to the Metro-North Station at 125th Street.
5) CIVITAS recommends additional commercial FAR around the 125th St Subway station to facilitate Transit Oriented Development and retail mixed-use redevelopment. Specifically the intersections of Lexington and 3rd Avenues could include additional commercial FAR.
6) DCP's study area exempts the avenues east of Second Avenue and all areas between 96st Street and 104th Street. These omissions seems arbitrary from a neighborhood planning perspective and we are concerned that this could be an attempt to bring in higher out of context zoning at a later date. CIVITAS asks DCP to expand their study area to include these areas in the current zoning study. The current scope of DCP's work will not create a unified neighborhood. CIVITAS advocates for the rezoning of 96th Street – 104th Street to effectuate a seamless transition between C1-8X on 95th Street and East Harlem's upzoning.
7) Infrastructure upgrades should be accounted for on new development sites and adjacent public surfaces to reduce storm water runoff and CSO discharges.
8) CIVITAS advocates for preserving East Harlem's local businesses. In East Harlem, there are 37,500 total employees*, in which 2,700 are local residents*. CIVITAS recognizes the importance of stimulating East Harlem's local economy, supported by its local businesses and local employees. (* East Harlem District Commercial Needs Assessment, May 2016.)

Sincerely,

1457 Lexington Avenue New York, NY 10128 Tel: 212.996.0745 Fax: 212.289.4291 www.civitasnyc.org info@civitasnyc.org

CIVITAS NEWS

Working For Quality In Urban Life

Summer 2017

CIVITAS Zoning Recommendations

For 36 years, CIVITAS advocated for reasonable, commonsense zoning regulations on the Upper East Side and East Harlem. As part of this ongoing effort, CIVITAS sought to enhance, improve and preserve quality of life in both neighborhoods. As many of our readers are aware, the height of developments within our communities seems to be steadily increasing in the past years. In light of this trend, CIVITAS set out to analyze height in the Upper East Side during the late summer and early fall of 2016.

At that time, BFJ Planning and CIVITAS teamed up to study the current built context of the Upper East Side's avenues. The results of this study would enable BFJ and CIVITAS to come up with recommendations to limit the height for the neighborhood, all while still allowing significant developments with much-needed affordable housing to proceed. While BFJ found that many of the neighborhood's current structures built on the avenues fall below 250 feet, they also noted that a significant number, 133 buildings are between 250 feet and just over 400 feet tall. Any potential zoning remedy would certainly need to account for these structures in an effort to buildings exceed 400 feet, indicating a current ceiling height of a little more than 400 feet in the neighborhood.

As a result of this study, CIVITAS now firmly believes that a height limit of 400 feet along the Upper East Side's non-historically designated avenues is appropriate in this dense, but mostly residential neighborhood. The limit would help to preserve the residential character of the community, while also limiting the loss of valuable light and air. This proposed height limit would also continue to allow for significant new developments, and would not serve as a large impediment for the development community.

How would such a change be implemented? The vast majority of the Upper East Side's avenues from Lexington Avenue to the east are currently zoned as C1-9. This zoning designation allows for development of unlimited height through the use of development rights transfers and by combining zoning lots.

Continued on page 6

C1-9X Zoning Analysis by CIVITAS and BFJ Planning

Composting Made Easy!

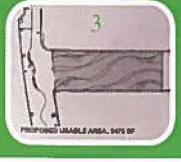
Isabelle Silverman

Composting, Source: Geograph Project Limited

Composting has various environmental benefits, from waste to greenhouse gas reduction. Mayor de Blasio has set an ambitious goal of zero waste to landfill by 2030. That goal can only be achieved if New Yorkers not only recycle materials , but also start composting food scraps, food-soiled papers and yard waste. Compostable organics account for 31% of New York City's waste stream. We recommend buying a counter-top compost bin that you line with a compostable bag. Ideally, remove the fruit stickers before composting. There are several easy ways to drop off compost in New York City:

1. Sign up for compost pick-ups at your building or non-profit organization (e.g., private schools) with the Department of Sanitation at www.nyc.gov/organics

Continued on page 7



CIVITAS
WORKING FOR QUALITY IN URBAN LIFE

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P: 212.996.0745 / F: 212.289.4291

CIVITAS is a non-profit organization concerned with the quality of life on the Upper East Side and in East Harlem. Since 1981 CIVITAS has worked to improve the urban environment, advocating for better land use, zoning and urban transportation, clean air and water, and public access to the waterfront.

Letter from the President

Mark Alexander

In 2017, CIVITAS is at a crossroads. For many years, an enthusiastic and supportive group of neighborhood residents and activists have lead the organization with passion and purpose. A transition has begun encouraging new leaders to take the reins. Three years ago, I was asked to join the executive committee of the board. Two years ago I was asked to serve as a vice-president. Finally, last June, I was elected as President. Genie Rice and Felipe Ventigeat, two long-time leaders, have assumed roles as co-chairs of the organization. Several newer, and somewhat more youthful members than I, were selected to co-chair board committees and to assume other leadership roles for CIVITAS. This transition will proceed over the coming months, while several of our current initiatives pick up steam.

From advocating for building height limits, to redeveloping the waterfront, CIVITAS is promoting a healthy, attractive, and livable community. Over the past year, we have met with and called upon our elected representatives to support a massive infrastructure commitment – one that will eventually re-invent our waterfront. We are calling for a completely new vision of what our waterfront should be, should look like, and should offer the surrounding community.

Throughout its history, CIVITAS has embodied citizen engagement in its purest form. Our members have been our most tireless workers, our most generous funders. Fellow citizens and residents of East Harlem, Yorkville and the Upper East Side are our heart and our soul. The work of CIVITAS is truly the product of each resident's sweat and their generosity. We thank you deeply.

The most important thing that you can do right now as a member of CIVITAS, is hand this newsletter to a friend or neighbor who is unfamiliar with CIVITAS. The second most important thing you can do is voice your interest, and hopefully full-throated support, for one or more of our initiatives (send us an email or note of encouragement). And finally, the third most important thing you can do right now as a valued member, is to commit to support us in the coming months with generous financial support, or personal involvement. With that support, I promise that CIVITAS will deliver.

CIVITAS Honoree Ben Kallos

Sharon Pope

New York City Council Member Ben Kallos grew up on the Upper East Side and went on to attend Bronx High School of Science, SUNY Albany, and SUNY Buffalo Law School. In the City Council, Ben chairs the Committee on Governmental Operations, promoting transparent policies that ensure every dollar is contributed to affordable housing, senior services, education and overall improvements in quality of life. Ben Kallos has been the Executive Director of a leading good government group, lawyer, and entrepreneur. He has spent the past year fighting alongside Manhattan Borough President Gale Brewer and Community Boards 6, 8 and 11 to better Mandatory Inclusionary Housing & Zoning for Quality and Affordability (MIHZQA) so that it benefited more New Yorkers while protecting light and air by limiting building heights. With preservation and community groups, he strongly opposed bills that weakened New York City's Landmarks Law. He represents Manhattan's Fifth District and strives to be a sincere, available and accountable politician. Council Member Kallos has been a great friend to the preservation community supporting, campaigning and funding initiatives both citywide and closer to home.

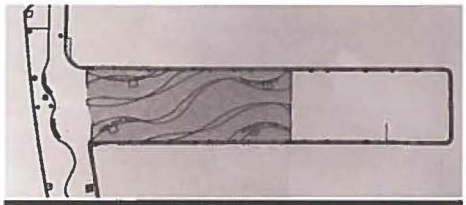
A strong supporter of CIVITAS, Council Member Kallos presented the organization with a proclamation to commemorate 35 years of service to the community. Specific developments along the East River Esplanade have been made possible by the Council Member as Co-Chair of the East River Esplanade Task Force with Congress Member Carolyn Maloney. He believes in CIVITAS' mission and their immense dedication to urban planning, sustainable development and zoning for quality and affordability. As part of his work with CIVITAS Council Member Kallos funded the John Finley Walk visioning between 81st street and 84th street. He has also worked alongside CIVITAS during 2016 to revitalize the entire East River Esplanade. He continues to work tirelessly for his native Upper East Side.

CIVITAS in action

Pier 107

Currently, Pier 107 has a life span of five to ten years due to deteriorating piles and rotting timber caused by marine borers. The existing steel structure and railing is decaying and eroding, pavement is detaching, and the pier is altogether unsafe for use by the public. Starting this spring, the Department of Parks (DPR) will demolish the crumbling pavilion in order to temporarily reopen the pier to the public. Once this step has been completed, they will partition the current pier, closing off unsafe areas to the public. The outermost 45 percent of the pier will be fenced off and inaccessible, while the landward 55 percent will be redeveloped and opened. DPR expects to repave, repaint, and beautify the inner section with benches, planters and reusable umbrellas. CIVITAS has been meeting with elected officials and stakeholders to advocate for its redevelopment and for increased community input.

Following a spirited advocacy campaign by CIVITAS in 2015, Speaker Melissa Mark-Viverito and Manhattan Borough President Gale Brewer have allocated funding for the pier's reconstruction, which will cost $500,000. DPR expects this project to be completed by February 2018. Both Assembly Member Robert Rodriguez and State Senator Jose Serrano have allocated funding for a complete rebuilding of the pier, which will happen in the years to come.



Pier 107 Temporary Reopening

Harbor School Summer Interns

Starting in July, three distinguished students from the Harbor School will begin an internship at CIVITAS. Students will collect data at key sites along the Esplanade. They will document the Esplanade's existing conditions, applying a variety of data collection methods to develop an inventory for CIVITAS.

96th St Boathouse

CIVITAS has been working in collaboration with East River CREW to generate a persuasive argument to combat previous permitting restraints mandated by the DOT in regards to the redevelopment of the 96th Street underpass. CIVITAS is advocating for a safe and flood-resistant intersection that houses a mixed-use storage facility for boating, science, and community-oriented activities for the local residents.

By Mathews Nielsen LA in CIVITAS Vision Plan

Recycling At CPE 2

This coming fall, CIVITAS is excited to partner with CPE 2 Elementary School to generate an effective recycling program. CIVITAS will engage in a hands-on education program aimed at teaching students best practices and instilling good recycling and composting habits into their daily routine. CIVITAS also hopes to organize a "green team" that will lead the recycling initiative at CPE 2 once CIVITAS departs.

East Harlem Rezoning Certified

On April 24th, the Department of City Planning (DCP) certified the East Harlem rezoning plan led by the Department of City Planning. This is an important stepping-stone in the Uniform Land Use Review Procedure (ULURP). Since 2015, CIVITAS has played an active and integral role in the East Harlem Neighborhood Plan, which, while quite different from DCP's plan, also advocates for a rezoning within East Harlem. Now that the DCP plan has entered into the ULURP process, CIVITAS and fellow steering committee members of the East Harlem Neighborhood Plan will work to make sure that the rezoning hews closely to the recommendations released in February 2016. As a part of this process, steering committee members are now reviewing the Draft Environmental Impact Statement, which discusses predicted outcomes of a rezoning, to determine next steps.

Following DCP certification, the rezoning proposal is reviewed by Community Board 11, the Manhattan Borough President, and the City Planning Commission. These parties will hold hearings and submit their own recommendations for changes to DCP's proposal. Unless the City Planning Commission rejects the DCP plan, it will then be sent to the City Council for a vote and, if passed, to the Mayor. It is expected that this process would be completed prior to the end of 2017.

Breaking News: 90th St Wall Collapse

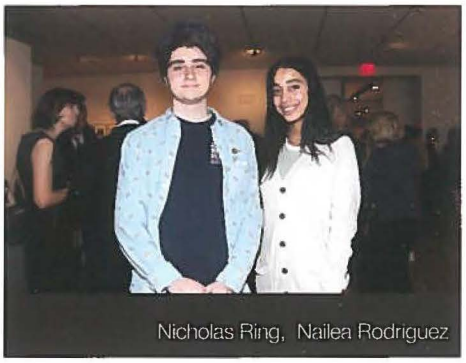
On Friday, May 5th, a torrential downpour inundated the East River Esplanade. The Esplanade was submerged in several inches of water, causing the seawall, the walkway, and fencing to crumble into the East River at East 89th Street. On Sunday May 7th, CIVITAS and Friends of the East River Esplanade organized an event for the City Parks Foundation's "It's My Park" Program but the event was suspended due to the walls collapse. The Department of Parks and Recreation is still working on a timeline for its reconstruction. Stay tuned for more updates.

90th St Wall Collapse . Daniella Davi

To learn more about our current work, visit our website: www.civitasnyc.org

Genie Rice, Jameson Mitchell, Mark Alexander, Melissa Mark- Viverito, Felipe Ventegeat

Eryn & Tommy Seitz, Margit Bluestein



Nicholas Ring, Nailea Rodriguez

Marjorie Hart, Jim Tripp

Natasha Brown, Neil Botwinoff

Josh & Philip Ruth

Gui Feng & Richard Leder , Donald Rice

Jane Swanson, Sharon Pope

Melissa Mark- Viverito, Betty Cooper Wallerstein

Signe Nielsen, Will Hart

Genie Egerton-Warburton, Genie Rice, Barbara McLaughlin

Mary Gallatin, Joanna Delson, Isabelle Silverman

Catherine Crane, Anne Griffin

George & Robin Rivera

Roger Herz, Charles Devigne

Jeffrey Bluestein, Nick & Georgia Burger

Alice Goldman, Mary Young

Marcia & Bruce Fowle

Nathalie & Marshall Cox, Barbara Coffey

Elaine Walsh, Anthony Morenzi, Cindy Fields

Stuart & Peige Katz

Joanna Delson, Mark Alexander

Sandra & Felipe Ventegeat, Janice Reilly, Guillermo Caesar

Ursula Lowerre, Mary Gallatin, Dodie Whelan

CIVITAS 2017 Annual Benefit

On April 4th, CIVITAS celebrated 36 years, of advocating for quality of life on the Upper East Side and in East Harlem. This year our gala benefit took place at Sotheby's, an international auction house devoted to fine art. The event took place in a room with a photography exhibit. The room was simple white, sophisticated and modern. Saint Ambroeus served hors d'oeuvre, and board member and Benefit Co- Chair Charles Devigne donated drinks.

This year CIVITAS honored City Council Speaker Melissa Mark-Viverito with The August Heckscher Award for Community Service. The Speaker was awarded for her dedication to the community of East Harlem, the Upper East Side and throughout New York City.

CIVITAS' board members worked tirelessly to organize this event and to create excitement about our benefit. Thank you to Development Committee Co-Chairs Margit S. Bluestein and Mary Gallatin. Thank you to Greg McCarthy for a new event venue. Thank you to Genie Rice and for your dedication to CIVITAS. Lastly, thank you to the attendees and the contributors; your support keeps CIVITAS alive.

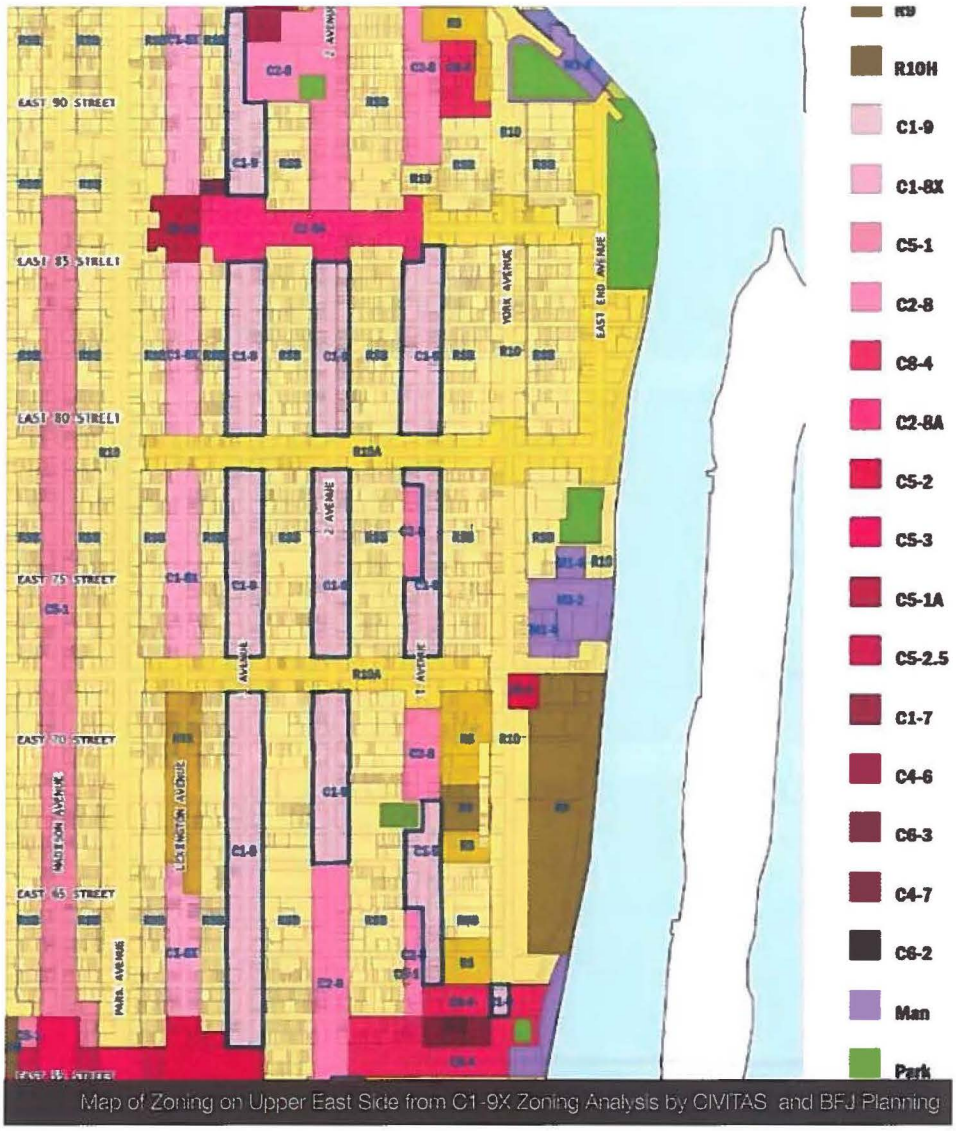
Photos by Anton Brooks

Zoning article continued from cover

By rezoning these avenues as C1-9X, the neighborhood becomes a contextual district and a height limit is implemented.

At the same time, requiring building setbacks - the point at which a building steps back slightly from the street before continuing upward - to match older neighborhood developments will preserve a human-scale streetscape that so many residents find attractive. The 400-foot limit, together with the setback amendment, would help the Upper East Side remain one of New York City's most pleasant, attractive and consistent residential neighborhoods.

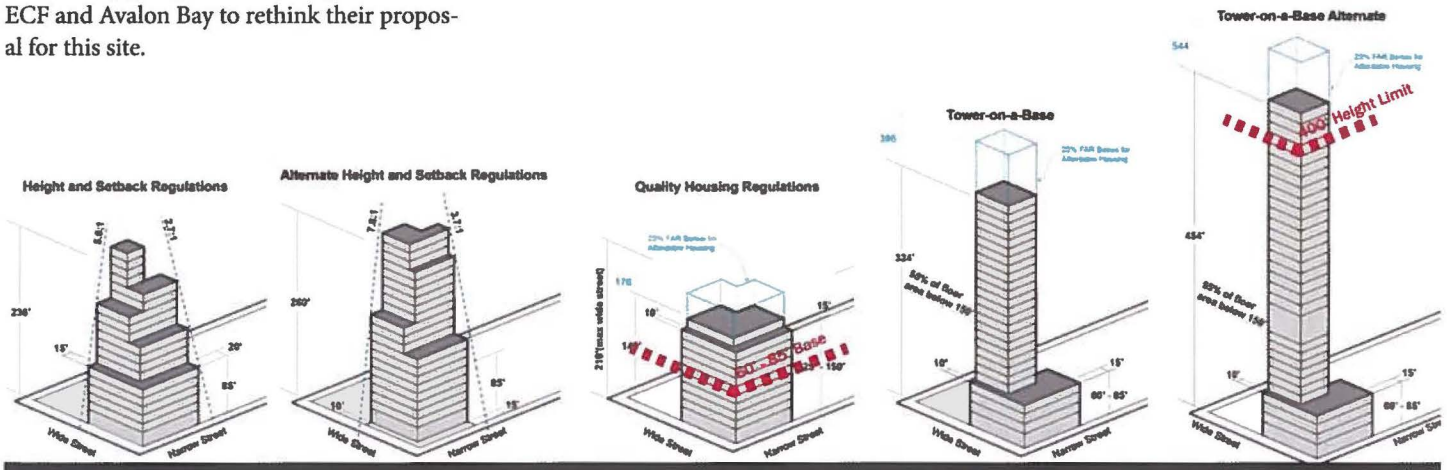
Of course, this recommendation is not only applicable to the Upper East Side. As many area residents have recently learned, an enormous tower of over 700 feet has been proposed for 321 East 96th Street. This site, proposed by the Educational Construction Fund and Avalon Bay Communities, provides significant public parkland, open space and three rebuilt schools to the Upper East Side. While CIVITAS recognizes and supports the creation of modern schools, the proposed development is simply too tall and vastly out of scale with the surrounding community. As previously discussed, 400 feet is the maximum height of all but a handful of building south of 96th Street, while heights in East Harlem are generally much lower. The proposed 96th Street development is a prime example of the importance of CIVITAS's C1-9X height limit recommendation. Rather than build to such great heights, we believe the developer should cap their proposal at 400 feet and explore alternative designs for their project in order to complement, rather than contrast with, the surrounding neighborhood CIVITAS supports the efforts of other community groups that seek to persuade the ECF and Avalon Bay to rethink their proposal for this site.



Map of Zoning on Upper East Side from C1-9X Zoning Analysis by CIVITAS and BFJ Planning

We also encourage our friends, neighbors, fellow nonprofits, and supporters to stand with CIVITAS as we advocate for a context-sensitive height recommendation for the Upper East Side and in East Harlem.

It is our firm belief that dense, primarily residential neighborhoods should implement height limits in order to preserve and enhance their residential character and quality of life.



C1-9X Zoning Analysis by CIVITAS and BFJ Planning

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www.civitasnyc.org

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$75

$100

$250

$500

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ADDRESS

CITY STATE ZIP

EMAIL PHONE

CONTRIBUTIONS $

Contributions are tax deductible and will be acknowledged.

Composting article continued from cover

2. Bring it to one of the greenmarkets and drop off places listed in the box on the left. Some people store the compost in the freezer in-between compost drop offs. See also www.GrowNYC.org and www.greenmarket.org and www.nyc.gov/compostproject

3. Bring it to the Whole Foods compost bin in the Whole Foods restaurant. No plastic!

The Department of Sanitation provides buildings with vermin-proof, secure bins where the compost can be kept in between the bi-weekly pick-ups.

And don't forget to bring re-usable shopping bags to the store; and, re-use produce bags as much as possible. Even better, avoid using plastic produce bags altogether. Before you throw out plastic bags, use them as dog waste bags.

Compost Drop off Locations

East Harlem

Mount Sinai: Madison Avenue & 99th Street
Tuesdays year-round
3:30 to 6:30PM

116th Street & Park Avenue
Wednesdays year-round
7:30 to 10:30AM

110th Street between St. Nicholas & Lenox Avenue
Wednesdays year-round
7:00 to 10:15AM

Uptown Grand Central: 125th Street & Park Avenue
Wednesdays year-round
3PM to 7PM

More information is available at the Greenmarket.org and NYC.gov

Compost Drop off Locations

Upper East Side

St. Stephen's: East 82nd Street & First Avenue
Saturdays year-round
9AM to 1PM

First Avenue between 92nd & 93rd Street
Sundays, June 25 to November 19
9AM to 1 PM

96th Street & Lexington Avenue
Wednesdays year-round
7:15 to 10:30AM

Lenox Hill Neighborhood House: First Avenue, between 70th & 71st Street
Tuesdays year-round
3:30PM to 7:30PM

More information is available at the Greenmarket.org and NYC.gov

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Upcoming Events

Community Board 8 Waterfront Committee Meeting
June 28, 6:30pm - 8:30pm at Lenox Hill Hospital 130 East 77th Street between Lexington and Park in the Michael Bruno Presentation Room

Community Board 11 Housing Forum NYCHA
Learn whats happening to NYCHA homes
June 24th, 10:00am - 2:00pm at Silberman School of Social Work at Hunter College 2180 3rd Avenue at 119th Street

City of Water Day with CIVITAS and The Harbor School
Join us as we learn about the East River Esplanade and The Harbor School's data collection
July 15th, 10:00am - 4:00pm specific location on Upper East Side TBD

Aug. 23, 2017

City Planning Commission

Hi. My name is Ilene Brettler. I'm a resident of Washington Houses in East Harlem and I'm a proud parent of DREAM Charter School. I'm also a member of DFAC, the school's Family Action Council, where parent voices are heard. My daughter has been in DREAM since Kindergarten. I also have two godchildren that attend DREAM. I'm here to tell you that DREAM Charter School is the best thing to come to East Harlem.

The staff at DREAM is very family oriented. The principals greet us and our children every morning with a handshake and a smile.

I understand that DREAM is trying to open a high school in East Harlem and as a parent of DREAM and an East Harlem community member I think that's a beautiful idea.

The school building we have for grades K-8 is beautiful and a sight to see. My own daughter excelled in DREAM Charter School and graduated this summer with high honors – and was accepted into a highly competitive private high school named Spence.

I truly love the way that DREAM is with their scholars and I believe that DREAM should have a high school built in East Harlem to be able to help more scholars believe in themselves and have the best education they can have. East Harlem needs a great high school – and I say DREAM is it.

Sincerely,

Ilene Brettler
DFAC Treasurer
1905 2nd Ave. #1G
Ny, Ny 10029
917-767-2901
ileneandjolita@aim.com

COMMUNITY DEVELOPMENT

September 5, 2017

Chairperson Marisa Lago
New York City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Implementation of the East Harlem Neighborhood Plan and Proposed East Harlem Rezoning

Dear Chairperson Lago:

I am writing to you on behalf of the Northern Manhattan Collaborative (NMC). The NMC is a group of non-profit affordable housing providers that currently includes five members: Lott Community Development Corporation, 116th Street Block Association[1], El Barrio's Operation Fightback, Hope Community, and Youth Action Programs & Homes. The NMC member organizations collectively own/manage forty-two (42) projects and 158 buildings, encompassing 2,754 affordable apartments in Northern Manhattan. The five member organizations all have their headquarters in East Harlem.

We are writing to share with you our recommendations regarding the implementation of the East Harlem Neighborhood Plan (EHNP) and our concerns about the Department of City Planning's (DCP's) proposed East Harlem Rezoning.

NEIGHBORHOOD PLANNING & REZONING PRIORITIES:

Housing Development

- Mandatory Inclusionary Housing (MIH) – We support options 1 and 3 under the MIH program and recommend that the city and Speaker Melissa Mark-Viverito support those options for the MIH implemented in the East Harlem rezoning area.
- City Financial Commitment – We strongly urge the Department of Housing Preservation & Development (HPD) to make a specific, multi-year financial commitment to affordable housing development in CB11. Without dedicated

[1] Please note that although 116th Street Block Association is a member of the NMC, it is not a signatory to this statement. Its Executive Director, Candy Vives-Vasquez, is also a member of Community Board 11. Ms. Vives-Vasquez has recused herself from all discussions of the proposed East Harlem rezoning among the NMC members and this statement does not reflect her views on the subject.

421 East 116th Street, New York, NY 10029 TEL: 212.410.3153 FAX: 212.369.9721 E-MAIL: info@lottcdc.org **www.lottcdc.org**

resources, it is unclear how the city will ensure that adequate affordable housing is created in East Harlem.

- Affordability Levels – We support the EHNP recommendations for deep levels of affordability and permanent affordability strategies for all publicly assisted housing developed in East Harlem.
- Public Sites – We support the development of the public sites identified in the EHNP, and encourage the city to commit to making them available for development as quickly as possible. We also support:
  - Maximum and deep affordability;
  - Permanent affordability strategies;
  - Community-defined program and design requirements, including those for open space and community facilities, and housing for the homeless;
  - Substantive involvement of locally-based non-profit developers/owners in all public site development teams; and
  - Exploring the conveyance of vacant and underutilized City-owned land to the East Harlem/El Barrio Community Land Trust.
- Types of Housing – We support the development of additional senior and supportive housing. We also believe that HPD needs to work with CB11 and locally based non-profit developers to find ways to increase homeownership opportunities in the neighborhood.
- Regulatory Agreements/Monitoring of Commitments – We support the EHNP recommendation calling for the city to make available all regulatory agreements for publicly assisted housing so that the community can monitor the commitments made. The NMC members are prepared to offer their assistance to monitor these commitments.

Housing Preservation

- Preservation Plan – We encourage HPD to commit to working with the community and locally based non-profit affordable housing providers to create a comprehensive preservation plan for <u>all</u> publicly assisted affordable housing in East Harlem. A similar commitment was made in the East New York rezoning and there is no less urgency to this request in East Harlem.
- City Financial Commitment – We strongly urge HPD to make a specific, multi-year financial commitment to affordable housing preservation in CB11.
- Role for Non-Profits – We <u>strongly</u> support the EHNP recommendation to expand resources for local non-profit, mission-driven housing providers to preserve, rehab, acquire, develop, and continue to provide housing for extremely low-income households on both private and public sites. Any projects on public sites in East Harlem <u>must</u> include a provision for long-term local ownership. This can take the form of substantial ownership/control by a

locally based non-profit or CDC and/or the ownership of the underlying land by a locally based CLT.

Public Housing

- NYCHA Infill – We believe there is significant potential for new residential and non-residential development on certain NYCHA sites. Development should only take place if there is a robust and inclusive process for engaging NYCHA residents and the broader community about what to build and where. NYCHA must link any new infill development to a firm commitment to rehabilitate and preserve existing public housing. We stand ready to work with NYCHA, HPD, and local stakeholders to assess the opportunities and challenges to implementing infill development in East Harlem.
- NYCHA Financial Commitment – We agree with the EHNP NYCHA subgroup's recommendation that the city should make a minimum commitment of $200 million for rehab at NYCHA developments in East Harlem.

Employment & Training Opportunities

- Youth Employment & Training – We need to link out-of-work youth in the community with the range of possible employment opportunities connected to the rezoning. Youth Action is working with such a population; the organization would be excited to establish formal linkages to developers as well as to contractors working on infrastructure and public works projects.

Department of City Planning (DCP) Rezoning Proposal

- Rezoning Area Boundary – We are disappointed that DCP chose to exclude large sections of East Harlem from its rezoning proposal. We urge you to commit to start a follow-up rezoning study immediately, to protect the areas of East Harlem not covered by the current rezoning proposal.
- Density/Zoning District Designations – We support the proposed densities and zoning district designations outlined in the EHNP, which the Steering Committee selected as the minimum required upzonings to trigger MIH. We are adamantly opposed to the proposed R10 zoning designations along Park and Third Avenues.
- Parking – We strongly urge you to eliminate DCP's proposal to allow public parking garages as-of-right in the rezoning area. This is not something that was called for in the EHNP. In fact, the EHNP called for DCP to remove all minimum parking requirements throughout East Harlem. We believe DCP should eliminate the as-of-right parking garage proposal and all minimum parking requirements. Unnecessary and out-of-date parking requirements

COMMUNITY DEVELOPMENT

only drive up construction costs, which is counter to the city's stated goals of encouraging more residential construction.

Two NMC members (Lott & EBOF) have taken leading roles as members of the EHNP Steering Committee. All five members have been active participants in the overall neighborhood planning process, as well as the review of DCP's rezoning proposal and HPD's draft East Harlem Housing Plan. We are committed to seeing the community's plan for East Harlem implemented. We call on DCP, HPD, and the Administration to heed the community's loud and unified call to revise the rezoning proposal and the draft East Harlem Housing Plan to reflect the community's vision.

We are ready to work with DCP and HPD to implement the East Harlem Neighborhood Plan and a rezoning that respects the community's clearly articulated goals and preferences.

Sincerely,

Christopher Cirillo
Executive Director/President, Lott CDC
Coordinator, Northern Manhattan Collaborative

c: Honorable Melissa Mark-Viverito, Speaker of the City Council
Honorable Gale Brewer, Manhattan Borough President
Diane Collier, Chairperson, Manhattan Community Board 11
Maria Torres-Springer, Commissioner, Department of Housing Preservation & Development
Walter Roberts, Hope Community
Gustavo Rosado, El Barrio's Operation Fightback
Robert Taylor, Youth Action Programs & Homes

EAST HARLEM Neighborhood PLAN

Testimony to the City Planning Commission regarding the East Harlem Neighborhood Rezoning - August 23, 2017

On behalf of the East Harlem Neighborhood Plan Steering Committee:

East Harlem is a community in the midst of change. The dichotomy of that change is stark – while we continue to cope with many of the social and economic impacts of poverty, it is also a community of luxury housing within a short commute to midtown Manhattan. Our neighborhood has a median household income of $30,000 and a poverty rate of 37%, but also has the fourth highest rate of housing price appreciation in the City, with the median sale price of condominiums at $723,000.

Our community required a neighborhood plan, not only to address the anticipated growth in population, but to ensure that growth, coupled with strategic public investments, could support the needs of the existing lower-income community. Our Steering Committee worked for almost a year to develop the East Harlem Neighborhood Plan, which we believe achieved that balance – proposing a modest growth strategy that included much needed affordable housing and community investments, without adversely impacting neighborhood character.

Our plan included a modest upzoning, spread across the entire community, which would trigger the City's Mandatory Inclusionary Housing program. We believed spreading the impacts more broadly through a moderate increase in building scale, in exchange for affordable housing, could benefit the community, while also preserving the character of East Harlem and minimizing displacement.

We were disappointed with the rezoning proposal that the Department of City Planning introduced in response to our rezoning framework. City Planning proposed the highest residential density allowable for Third and Park Avenues, and ignored the Steering Committee's proposal to upzone the entire length of First Avenue, the area between 96th and 104th Street, and the lower stretches of Madison Avenue. These were two very different strategies – the community's approach, which spreads a modest rezoning over a larger area to minimize impacts, and the City Planning approach that crams a maximum amount of density in a much smaller area, which will result in building scales that are completely out of context with rest of the community.

We believe this was a missed opportunity – while neighborhood rezonings must create new opportunities for affordable housing, they must also preserve the integrity of existing communities.

Our Steering Committee continues to advocate for our neighborhood plan, which includes a rezoning, but also includes key investments that are important to the future of our community. Neighborhoods are more than just zoning and planning isn't just about real estate. We have prioritized 46 recommendations from our original neighborhood plan, which includes a comprehensive strategy to proactively preserve existing affordable housing, along with our cultural heritage, build new affordable housing on publicly owned sites, invests in the human capital pipeline from daycare to employment, and considers the open space, health and environmental needs required to improve our quality of life.

Our Steering Committee does not support this ULURP application in its current state. We encourage the City Planning Commission to reduce the density of the rezoning proposal on Park and Third Avenues, to be more consistent with our neighborhood plan, and request that the Administration direct its City agencies to respond more meaningfully to our prioritized recommendations, making the necessary commitments to advance a comprehensive neighborhood plan. We believe a balanced approach that plans for the current needs of our existing low-income households, as well as the future impacts of growth in a strengthening real estate market, is still possible. We hope the City Planning Commission and Administration will partner with us in an effort to achieve these shared goals.

To: New York City Planning Commission (CPC)

From: East Harlem Neighborhood Plan (EHNP) Steering Committee

Date: September 5, 2017

Re: ULURP Application Nos. C 170358 ZMM, N 170359 ZRM, and C 170360 HAM - East Harlem Rezoning by The New York City Department of City Planning (DCP)

We, the East Harlem Neighborhood Plan (EHNP) Steering Committee (SC) have worked over two years to incorporate community ideas and concerns into a set of 236 comprehensive recommendations. Of these, 46 were highlighted as the most important priorities for commitment asks during the Uniform Land Use Review Procedure (ULURP) and are detailed in this document. The SC is working to ensure that these recommendations are implemented along with any neighborhood rezoning so that the needs of existing East Harlem residents are put first while preparing for anticipated development and growth. As we have been raising these recommendations to various government agencies and elected representatives, the SC comes together to reiterate the importance of their implementation in this document.

East Harlem has been an underserved community and has needed investments even before this proposed rezoning – something the Draft Environmental Impact Statement (DEIS) does not capture. The baseline status quo for that study is East Harlem's existing conditions: rising rents, residential and commercial displacement, tenant harassment, lack of public open space, higher incomes coming to the neighborhood, schools that are over capacity, poor conditions of school facilities, multiple public health issues, high asthma rates, over-crowded subway stations, dangerous intersections, multiple sanitation facilities, and overall disinvestment in this community for decades. We fear that the mitigation of the significant adverse impacts of the rezoning, as defined by the DEIS, will only respond to this status quo and exacerbate the problems that already exist today.

Additionally, broader health impacts are not considered by the DEIS. According to the Health Impact Assessment (HIA) done by the New York Academy of Medicine, "life expectancy of East Harlem residents is 76 years, compared to 85 years in Murray Hill, a short train ride south of East Harlem in Manhattan." It also shows that East Harlem is among the top five neighborhoods in New York City for the "highest rates of adult obesity, highest alcohol-related and drug-related hospitalizations, premature mortality rate, avoidable asthma hospitalizations, and has the highest rate of psychiatric hospitalizations." It continues that "failure to promote the development of more affordable housing will continue to lead to evictions, displacement and decreased affordability, potentially leading to poor health outcomes for East Harlem residents."

Therefore, the SC maintains its position for the Department of City Planning (DCP) to incorporate EHNP recommendations for zoning districts into its proposal. The SC will not consider greater density absent other commitments and a clear preservation strategy, as well as additional resources to be made available for more and deeper levels affordability on East Harlem's publicly owned sites. In addition to a preservation strategy, a detailed study of residential relocation opportunities for any direct displacement from new development should be conducted within the study area.

The intent of this document is to express the current stance of the East Harlem Neighborhood Plan Steering Committee, in regards to the Proposed Actions and the Draft Environmental Impact Statement (DEIS) of the East Harlem Rezoning submitted by DCP. These comments are organized into twelve topics, each one representing a subgroup of the EHNP. The priorities articulated by each subgroup have

evolved since the beginning of the EHNP process, which started in May 2015, and have been created collaboratively with feedback from community stakeholder groups, city-wide organizations, City agencies, and neighborhood residents over the past two years. We hope the City Planning Commission (CPC) recognizes the sincere and ample efforts that went into creating the EHNP, as well as the continued work by Steering Committee members to engage with elected officials and City agencies since the release of the plan, to ensure the recommendations have traction and are taken seriously.

Zoning and Land Use

The Department of City Planning (DCP) and its Draft Environmental Impact Statement (DEIS) is proposing a rezoning that neglects to mitigate several conditions concerning increases in density, commercial development, landmarking, accessibility to open space, transit-oriented development, educational facilities, and the preservation of cultural integrity. The Zoning and Land Use subgroup of the East Harlem Neighborhood Plan (EHNP) and led by CIVITAS identified 3 priorities they would like the CPC to focus on.

1. **The proposed density on Third and Park Ave is too high.**

   The EHNP Steering Committee (SC) maintains its position that any upzoning throughout the neighborhood should only allow the minimum density increase to trigger Mandatory Inclusionary Housing (MIH). This will help preserve East Harlem's vibrant neighborhood character and guarantee permanent affordability in new MIH units. We believe this can be achieved through the following:

   - THIRD AVENUE - DCP's proposed density on Third Avenue is too high. The SC stands by its recommendation of an R9 zoning district.
   - PARK AVENUE - DCP's proposed density on portions of Park Avenue is too high. The SC believes that the EHNP recommendation of an M1-6/R8 should be applied.
   - 116th STREET AND LEXINGTON AVENUE – Considering its proximity to transit and the width of 116th Street, we are supportive of DCP's proposed R9 zoning district, provided that subway improvements are required. This will move subway entrances into the building envelope and increase the width of an already crowded intersection.

   The DEIS does not consider how the Proposed Actions will create a contextually out of scale neighborhood. DCP is proposing the most dense residential district in the City's Zoning Resolution for the majority of Park and Third Avenues, specifically, Park Avenue from East 115th Street to East 132nd Street and Third Avenue from East 104th Street to East 122nd Street. DCP is proposing that these avenues should be rezoned as R10 to allow 12 FAR, which would yield buildings in the range of 23-27 stories. However, because there is no height limit in R10 districts, those buildings could be in the range of 40 or more stories if developers choose smaller floor plates for towers.

   On the Park Avenue corridor, DCP mandates that seventy percent of a street wall has to be located eight feet within the street line to promote contiguous design but this regulation paired with the very dense R10 district will likely result in a cramped corridor burdened by shadow. This will create a very different pedestrian experience and drastically change the quality of this area to something beyond recognition. The DEIS does not call for mitigation that would ensure appropriate air, light, and shadows along these corridors.

   On Third Avenue, DCP is proposing to rezone East Harlem's contextual districts from C4-4D and R8A (rezoned in 2003, the same time and density of the Park Slope rezoning of 4th Avenue) to C4-6 and R10/C2-5. If this rezoning goes is adopted, the contextual requirement will be lifted yielding towers along Third Avenue that the Steering Committee believes will be drastically out of scale. Many of the properties along Third Avenue are owned by a family that has blighted the

neighborhood by hoarding what were once hundreds of rent stabilized units, and are now empty boarded up windows, which have loomed over the active commercial corridor for decades. Meanwhile, other property owners along Third Avenue are redeveloping their properties as a result of the 2003 rezoning. DCP has failed to communicate a convincing planning rationale for their proposed rezoning of Third Avenue to R10 (the most dense residential zoning district in the City), other than this zoning district will incentivize the development of the warehoused properties along this corridor. We don't think the City should reward these bad actors with such a generous increase in FAR.

Without mandatory contextual districts and quality housing, there will be increased demolitions within the neighborhood, a lack of affordable housing preservation, and therefore displacement. This was brought up as a concern throughout the EHNP process and clearly articulated to DCP during the scoping period in the Fall of 2016, but DCP did not revisit the idea of upzoning Third Avenue as a contextual district to preserve East Harlem's landmarks and culture along this avenue.

2. **The DEIS failed to accurately project impacts.**

School seat projections are based on an inappropriate multiplier - The Steering Committee demands that that the projected number of school seats as a result of the Proposed Actions accurately responds to the local needs of East Harlem. The DEIS uses a borough-wide multiplier that underestimates the amount of school seats necessary for upper Manhattan. Furthermore, East Harlem's Community District, CD 11, has higher birth rates that in other areas in the borough. To address this, the Steering Committee and EHNP stakeholders calculated a more appropriate multiplier and presented it to DCP to use in their study. Instead, the standard multiplier was applied to East Harlem and the Steering Committee worries that the Proposed Actions will lead to the overpopulation of educational facilities, many of which are already over-burdened.

Lack of response to current and future infrastructure needs - DCP's DEIS did identify significant adverse impacts related to transportation, but none related to water and sewer infrastructure, solid waste and sanitation services, nor energy. The Steering Committee urges the Administration to commit to investments in East Harlem infrastructure – including power, telephone, sewer, and water – be upgraded to improve the basic functioning and connectivity of the existing community and for any future population increase. Most of East Harlem is in the 100 and 500 year floodplain. Currently, there is minimal infrastructure that captures storm water runoff and CSO's. Insufficient infrastructure, water salinity and toxicity erodes CD11's built environment and leads to poor health. The DEIS found that the rezoning would have no impact on water and sewer infrastructure. The reason for this is that DCP is not accounting for current conditions. There are major improvements to be made and low-cost options available that can begin to improve the environment, such as bioswales or rain gardens. The DEIS found no impact on sanitation and solid waste services as well. Currently, there is a waste transfer station in need of redevelopment, causing health issues, which was not mitigated. The upzoning will produce more trash within the neighborhood. Thus, DCP should consider the EHNP proposal to add new wastebaskets and more frequent sanitation pickups.

Projected and Potential Development Sites are likely underestimated - There are several projected soft sites that were included in the EHNP, but were not identified by DCP in the Reasonable Worst Case Development Scenario (RWCDS) released with the Draft Scope of Work. Additionally, during the Scoping Period in the Fall of 2016, the Steering Committee submitted a list of likely development sites that were not initially identified by DCP in the Draft Scope of

Work. While the Department added some soft sites we suggested, they removed others from their initial proposal, keeping the RWCDS essentially the same. An accurate prediction of the RWCDS is crucial to understanding the impacts of the rezoning, so that significant adverse impacts can be accurately measured and mitigated. The Steering Committee believes that the thoroughness of this assessment was compromised due to time constraints, which is unacceptable.

Lack of detailed analysis of commercial overlays on NYCHA superblocks – The Steering Committee urged DCP to conduct a fine grain analysis of what is currently built within the proposed commercial overlays on NYCHA sites, with an eye toward proposing more specific boundaries that eliminate the possibility of displacing residents. DCP, however, did not change the commercial overlays on NYCHA between Draft Scope of Work and DEIS release. Additionally, the EHNP and Steering Committee recommended that commercial development on NYCHA land needs be initiated by its residents. While the DEIS states that DCP is proactively working with NYCHA to increase the supply of retail and commercial services, there are no specifics on how NYCHA residents will be engaged.

Failure to require a special permit for parking garages - DCP should remove the provision for as-of-right parking garages within the proposed special district. As in other city neighborhoods, public parking garages should only be allowed with a special permit. The Steering Committee was happy to see that there will be no parking requirement for developments tied to a residential use, but disappointed to see that public parking garages of up to 100 or 150 spaces will be permitted as of right.

3. **Conduct a follow up study of areas not included within rezoning**

Since release of the EHNP, the Steering Committee consistently communicated that DCP expand the study area boundaries to include all of Community District 11 to develop a substantial amount of affordable units throughout - without compromising neighborhood character by inappropriately increasing density. The Steering Committee believes it is a missed opportunity to exclude higher market areas of the neighborhood south of 104th Street. Neglecting to include this area in the Proposed Actions will likely result in several separate private land use applications (spot rezoning) in the future. As environmental impact assessments that accompany these spot rezonings only consider its own development's effects, their collective adverse impacts on the community's physical and social infrastructure may not be accounted for.

Recognizing that expanding the boundaries may not be possible, DCP should commit to a follow-up study and rezoning of the areas south of 104th Street and east of Second Avenue, to respond to the goals and vision outlined in the EHNP, as well as consider how the East Harlem waterfront needs are studied and addressed. We also support preservation zoning wherever possible, as many of those districts recommended in the EHNP were left out in DCP's current proposal.

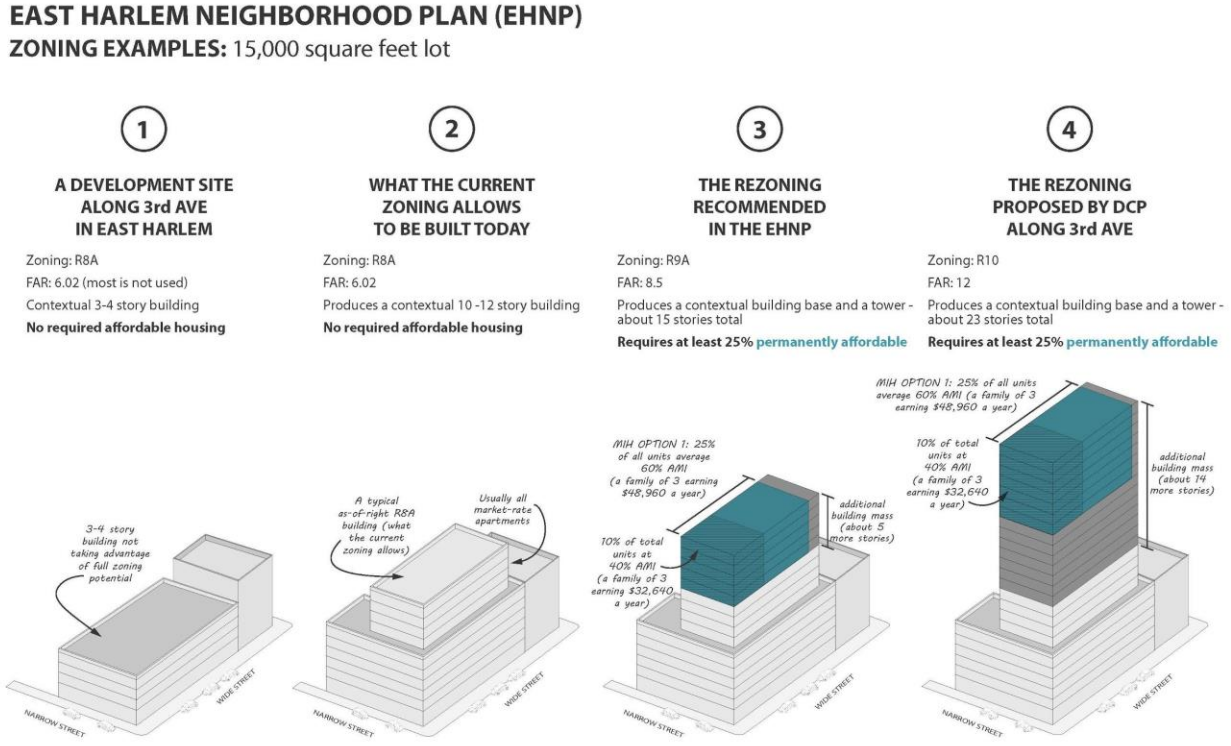
Affordable Housing Development Priorities:

The impetus for the East Harlem rezoning, and what prompted the community-led development of the East Harlem Neighborhood Plan, is the Housing New York plan. The goal of the plan is to develop and preserve 200,000 units of affordable housing over a ten-year period. So far, however, it is not yet clear from DCP's Proposed Actions for the Rezoning nor the draft Housing Plan for East Harlem released by the Department of Housing Preservation and Development (HPD) that the City is maximizing the development and preservation of affordable housing in the neighborhood. The Affordable Housing Development subgroup of the East Harlem Neighborhood Plan (EHNP) and led by Lott CDC, identified 4 priorities they would like the CPC to focus on.

1. **MIH options on privately owned sites - Option 1 paired with Option 3**
   We recommend giving private developers two MIH options, each of which would mandate the creation of income-restricted housing at different affordability levels:
   - OPTION 1: 25% of total units at 60% average AMI, with 10% of total units at 40% AMI
   - OPTION 3: 20 % of total units 40% average AMI (this option cannot be used with subsidy unless more affordable housing is provided)

2. **Maximize deep and permanent affordability on all Publicly Owned Sites**
   - 100% income-restricted with at least 20% of units at or below 30% AMI - We want to make sure public sites are developed to maximize deep levels of affordability, and target income bands that relate to the neighborhood medians, and do not exceed 130% AMI. Public Sites that are in the development pipeline:
     - East 111th Street (Sendero Verde - SustaiNYC)
     - Harlem African Burial Ground (126th street Bus Depot)

     Additional Public Sites not in Pipeline:
     - HRA multiservice Center
     - 99TH St former Sanitation Garage
     - 123RD St DSNY Site
     - Park Ave NYPD Parking Lot
     - Urban Assembly School
   - Requirements for development on Public Land:
     - Maximum and deep affordability
     - Permanent affordability strategies
     - Community Defined program and design requirements
     - Involvement of locally based nonprofit developers
     - Explore conveyance of vacant or underutilized city owned land to CLT
   - Increase the amount of city subsidy available to reach deep levels of affordability - ask HPD for a monetary commitment of resources they will use on identified public sites



3. **Enforcement and transparency of regulatory agreements**
   Ensure the enforcement of regulatory agreements that outline affordability requirements. Empower tenants and CBOs to be involved in such enforcement. Work with HPD to make regulatory agreements more accessible to the public, and provide annual reports to Community Board 11, City Council and the Manhattan Borough President's Office.

4. **Discourage speculation and encourage community centric development with an anti-warehousing policy (Council Bill intros 1034, 1036, and 1039 and Investor/Purchaser transfer tax)**

The DEIS acknowledges that the Proposed Actions will change the income make-up of the neighborhood in an upward direction, but suggest that since this is already an observable trend within the No Action scenario that it does not merit study. The DEIS also assumes that the creation of MIH units will inhibit the impacts on indirect residential displacement. While the application of MIH to private development sites will bring some much-needed income-restricted housing, the MIH options are not a great fit for this community, as they do not provide enough housing at very-low income brackets. This is why the Steering Committee urges the City to commit to maximizing deep levels of affordability on public sites, to mitigate the indirect displacement of residents that is already occurring in the No-Action scenario.

The Sendero Verde development at East 111th Street will provide 20% of the project's units to households earning 30% of AMI, which is the baseline proposed by the Steering Committee for public sites. However, it is worrisome that less than half of the units will be permanently affordable, especially in a neighborhood that has historically been affordable to working class families since its inception. Additionally, the developers of the project are not locally-based non-profit developers and no

permanent affordability strategy is currently in place for the project, so there is reason to be concerned that the regulatory agreements will not be renewed when they expire. The neighborhood is already facing a crisis of expiring affordability; the city should not be adding to that problem by selling off scarce city-owned land to developers who are not committed to permanent affordability.

The warehousing (holding of vacant residential units) concentrated along Third Avenue, and primarily by one owner, has been a blight on the community for decades and it is concerning that the DEIS did not address this housing stock in the context of socioeconomic impacts nor of urban design impacts. This strengthens the argument that these properties should only be given the minimum amount of additional FAR to trigger MIH on these properties. Alternatively, the corridor could be carved out of the rezoning action entirely, as was done with the Arlington Village site in East New York. The City can and should explore options for acquisition and rehabilitation of these properties, including eminent domain and/or negotiated sale where possible. Additionally, the administration should consider legislative measures to address the warehousing of vacant residential property through the passage of the Housing not Warehousing Act (Intros 1034, 1036, 1039) which are awaiting a vote in the City Council.

HPD must develop an Affordability Fact Sheet tailored to East Harlem (similar to East New York): http://www1.nyc.gov/assets/hpd/downloads/pdf/community/east-ny-affordability-factsheet.pdf

HPD must design and implement a system for tracking and enforcing regulatory agreements, which should be incorporated into the final version of the Housing Plan for East Harlem.

Housing Preservation Priorities:

The substantial amount of rent stabilized and government assisted housing in the neighborhood has helped to stabilize this neighborhood and keep low-income residents in their homes in spite of increasing displacement pressures, and the preservation of those units is crucial to maintaining the character of the neighborhood. Preservation strategies on behalf of the City should include: building the capacity of tenant education and legal aid organizations; HPD coordinating with local elected and organizations to identify building owners who are good candidates for HPD's preservation programs; ongoing partnership and investment in mission-driven affordable housing providers, applying the Certificate of No Harassment program to all of East Harlem, and; support and build capacity of a Community Land Trust in East Harlem, ahead of the rezoning.

On the topic of residential displacement, the DEIS suggests that the Proposed Actions (rezoning) would not cause significant adverse impacts as compared to the No Action condition; however, this is because the DEIS acknowledges that residential displacement is already taking place throughout the neighborhood. Thus, with or without the rezoning, it is clear that East Harlem needs significant investments to preserve a housing stock that is already affordable to a majority of current residents. Since the preservation of affordable units is the main strategy of the Administration's 10-year housing plan, *Housing New York,* a neighborhood like East Harlem should be a key focus for the Administration's preservation efforts. The Housing Preservation subgroup of the East Harlem Neighborhood Plan (EHNP) and led by El Barrio Operation Fightback, identified 4 priorities they would like the CPC to focus on.

1. **Create a coordinated East Harlem neighborhood-wide preservation strategy - with the goal of developing a strategy for each building. Secure funding for a coordinator to help develop and coordinate the neighborhood strategy and maintain all existing anti-harassment and tenant protection legal services funding.**
    - Fund a coordinated proactive preservation system in East Harlem, at $850,000 dollars annually, which includes funding for senior and junior staff, tenant organizers, OTPS and resources for participating organizations
        -
        - This allocation should be in place for a minimum of 5 years to ensure an ongoing, coordinated preservation strategy for East Harlem tenants who are at-risk of displacement.
    - Maintain and/or expand existing dedicated funding for Anti-Harassment and Tenant Protection legal services in zip codes 10029 and 10035, which are currently funded at $4,594,330 annually. This allocation should be in place for a minimum of 5 years to ensure that vulnerable tenants have access to legal representation, but also to deter unscrupulous landlords from engaging in predatory and unlawful displacement tactics.
    - Support organizers, legal services providers, and other preservation stakeholders with access to information/data about housing conditions in East Harlem, including violations, liens, eligibility for preservation programs, rent histories, etc where available.

2. **Expand resources for nonprofit/mission driven housing providers to acquire, preserve, develop, rehabilitate and continue to provide housing for extremely low-income households on both private and public sites.**
    - HPD should work closely with non-profit/mission-driven housing providers in East Harlem and the East Harlem/El Barrio Community Land Trust (EHEBCLT) to develop and

implement the neighborhood-wide preservation strategy called for above. Locally-based non-profits and the CLT should be given right of first refusal to acquire any distressed properties in CD11 available through the Third Party Transfer Program or tax liens on properties in CD11 held by the City. In addition, funds should be set aside through the New York City Acquisition Fund so that locally-based non-profits and the CLT can purchase tax liens on distressed properties as a means of preserving affordable housing.

- HPD should reform its RFP process to place greater value on the benefits provided by non-profit developers. EDC should also implement similar changes to its RFPs for East Harlem sites, when they involve residential development.

3. **Proactively protect East Harlem tenants from harassment and displacement through a Certificate of No Harassment program.**
    - Pass, fund and implement effective Certificate of No Harassment Legislation to discourage landlords from harassing rent-stabilized tenants from their homes.
    - Effective legislation must include:
        - Full coverage for East Harlem under the new program
        - A mechanism for organizers and others working locally with tenants to flag buildings where harassment is likely but which are not necessarily picked up by the available data on building sales and HPD violations
        - A cure provision strong enough to actually act as an effective deterrent to landlords who might otherwise see tenant harassment as a means to increase future profits – specifically, requiring that in any building where a Certificate of No Harassment is applied for and denied due to a finding of harassment, 30% of units must be set aside as permanently affordable housing at rents affordable to families at an average of 40% AMI (ranging from 20%AMI to 60% AMI).

4. **Support the growth of the Community Land Trust in East Harlem**
    - Provide adequate capital investments to existing rehabilitation projects and future projects on CLT land to enable units on CLT land to be affordable for 99 years and longer to local residents based on the neighborhood median income (~31,000/year). This must also be sufficient to ensure that the projects contain a significant number of units affordable to 1/3 of East Harlem residents earning between $0-$20,000/year (the majority of whom are earning less than $10,000 a year) and who are currently excluded from the majority of affordable units built or preserved through Housing New York and MIH.
    - Commit to transfer all existing public property in CB11 (city owned lots and land under city-owned buildings) to the EHEBCLT or a locally-based mission driven non-profit owner, to facilitate the preservation/development of these sites as deeply and permanently affordable housing in partnership with mission-driven and qualified developers.
    - Engage in regular dialogue with the EHEBCLT regarding upcoming disposition and preservation opportunities in CB11 (including buildings in the tax lien sale, HDFCs in distress, and buildings in HPD enforcement programs), as well as preservation programs that may support existing housing on the CLT.

Many of our subgroup participants do not agree with the DCP's findings in the DEIS, and our own research on the issues indicates that the indirect and direct displacement caused by the rezoning could affect thousands of East Harlem households. In particular, we are frustrated by the DEIS's failure to

recognize the housing needs of households below 30% AMI, detailed below, who will not be served by the existing MIH framework and who are imminently at risk of displacement and homelessness.

The DEIS implies that MIH would be a substantive mitigation for households who are already at risk of displacement, however it fails to acknowledge that many households in East Harlem are not eligible for MIH and in precarious housing situations.

- The most recent 5-year American Communities Survey estimates that 7,080 households in East Harlem earning under $20,000/year (below 30% AMI) are paying 50% or more of their household earnings towards rent.
- These households are neither benefiting from subsidized affordable housing or public housing (where rents are typically capped at 30-35% of income), and who may be imminently at-risk of losing rent regulated housing.
- If we expand this universe to include households earning under $35,000/year, or households at or below approximately 40% AMI, that number increases to 9,273 households.

The DEIS fails to account for the risk of displacement posed to these households by a major upzoning and upward shift in market conditions in East Harlem. While a No-Action condition does not necessarily address the conditions of these at-risk renters, an upzoning could add additional pressures on already precarious housing conditions in the district.

While we recognize that it is difficult to evaluate the projected impact of a rezoning on the displacement of existing residents, particularly residents of low income, against the existing gentrification and displacement rates, it is obvious that there is an immediate need for investment in anti-displacement and preservation efforts, with or without a rezoning. In both a No-Action condition or with the proposed or altered upzoning it is clear that additional mitigation investments are urgently needed in East Harlem to prevent displacement of existing residents, particularly residents of extremely low incomes.

Arts and Culture Priorities:

As we described in our final plan, East Harlem is a neighborhood that can be described as a naturally occurring cultural district - it is home to generations of artists, cultural workers, cultural institutions, and public artwork. Also, many of the cultural sector workers that call East Harlem home are underrepresented in the cultural sector. East Harlem is also a culturally-significant destination for a range of immigrant communities in Manhattan and throughout the City, groups whose arrival spans the entirety of our city's history. Over the neighborhood's long history, East Harlem has made important contributions to New York's diverse fabric of music, art, and dance. The streetscapes are rich with architecturally and culturally significant structures that reflect the pride residents have for their neighborhood. Despite these advantages, cultural assets in East Harlem are facing incredible pressure from the changing dynamics of the neighborhood, lack of affordable space, a history of funding inequity, and other rising operational costs. In East Harlem, preserving the arts and culture sector of the community is an essential means to preserving its neighborhood character.

To alleviate that pressure, a considerable amount of time was spent by the Arts and Culture subgroup of the East Harlem Neighborhood Plan (EHNP), led by El Museo del Barrio, to devise a strategy for stabilizing the local creative sector as it grows and changes. Out of the larger list of recommendations included in the plan, the subgroup identified 3 priorities they would like the CPC to focus on.

1. **Support and build the collective capacity of local artists and arts and culture organizations (Building Cultural Capacity Program).**
    - Department of Cultural Affairs (DCLA) has a new initiative for neighborhoods in transition, the Building Cultural Capacity program. East Harlem lost out in its first iteration; DCLA committed to dedicating resources to see a second round come to fruition. The subgroup is working to identify a local lead organization that would be a good fit for the program and the arts community in East Harlem.
    - Increase the exposure of local visual and performing art events through East Harlem. We will be following-up with NYC & Company to get more ideas for concrete asks.

2. **Preserve significant sites and buildings unique to the cultural identity and history of East Harlem**
    - From the beginning of this process, local residents and steering committee members insisted that a preservation plan for East Harlem's cultural and architectural features was critical to supporting any plan for new growth. Subsequent discussions with the Landmark Preservation Commission (LPC) and Administration officials have not yet yielded any concrete results despite our elevating this objective as a priority with the release of the plan and in subsequent meetings with the City. While we are grateful that the LPC has begun to survey East Harlem sites recommended by the Neighborhood Plan, it is clear our goal of tying preservation to new density is now made more difficult due to the delay in action. The absence of any potential designations will feed outstanding concern for a neighborhood already worries about the impact this proposal will have. We are asking for an accelerated review and analysis by the LPC to identify and calendar those sites that speak to the community's diversity and history, with an increased sensitivity to the many culturally significant sites the community has identified.

3. **Activate untapped spaces and make them more accessible for cultural programming**
    - Through conversations with artists, organizations, and residents throughout the EHNP process, we identified spaces that are generally underutilized or available in the daytime or evening, because of parameters of when these spaces are typically used. We would like support from the City in order to unlock the potential of these spaces to be used for cultural purposes, in an effort to maintain and promote East Harlem's unique cultural identity.

While the priorities listed above were generally out of scope of the DEIS, as the assessment is limited in the way it identifies cultural resources, there were some portions of the DEIS related to the vitality of arts and culture in the neighborhood that we would like to bring to the CPC's attention.

The DEIS found that "a number of existing murals could potentially lose their visibility, due to adjacent development, or be removed as a result of development expected under the With Action Condition, but vibrant street art is expected to continue to be incorporated into the neighborhood." It is unclear why it was concluded that the vibrant street art is expected to continue, since materials and labor come at a cost that is not guaranteed into the future. To ensure that this important cultural asset of the community continues to expand, the City must commit to supporting local artists and cultural organizations. A great first step toward that end would be to select East Harlem as the next neighborhood for DCLA's Building Cultural Capacity Program.

The DEIS found that the Proposed Actions would result in significant adverse impacts to four architectural resources (St. Paul's Rectory and School, Chambers Memorial Baptist Church, a former stable at 166 East 124th Street, and the Park Avenue Viaduct) as result of construction activities adjacent to eligible historic resources. Considerable preparation and mitigation has been proposed in the DEIS in order to avoid disturbance of historical resources within the proposed development site and area, however the assumed development of First Spanish United Methodist Church is troubling given its critical historic prominence as a pivotal piece of Young Lord history. It is important sites like this that are considered unusual proposals to the LPC due to the possibility of the site's usage being changed. However, we implore the city to dialogue with local organizations to develop alternative means of preservation of these sites.

Furthermore, it is unclear how the DEIS defined "architectural resources" and "neighborhood character" and there are concerns that the Steering Committee (comprised of organizations and residents that have been in the community for decades) may quantify architectural resources and neighborhood resources differently than what is articulated in the DEIS. As such, the City (namely LPC) should seriously consider the sites suggested by the Arts and Culture subgroup for landmark preservation, to ensure the sites of cultural significance that have been defined by the community, remain as testaments to the rich history of East Harlem for as long as possible. The City should also work with stakeholders to develop policy initiatives that protect sites the LPC will not preserve due to structural and historical lacunas within said agency.

Afterschool, Pre-K, Daycare Priorities:

The Afterschool, Pre-K, Daycare subgroup of the East Harlem Neighborhood Plan (EHNP) and led by DREAM (formerly Harlem RBI), identified 3 priorities they would like the CPC to focus on.

1. **Address capital and repair needs of facilities for youth programs - especially within public buildings.**
    - Prioritize pre-K, daycare and afterschool facilities, particularly those located in publicly owned buildings such as NYCHA developments and the Heckscher Building, for repairs or relocation. Conduct a comprehensive inventory and review of these facilities in East Harlem, so that repair needs can be prioritized. Ensure that facilities have needed infrastructure upgrades including internet and phone capacity to support a 21st century learning environment.

2. **Increase Universal Pre-K capacity for 0-3 year olds.**
    - Expand Universal Pre-K initiatives to include more 0-3 year old seats for center-based care and programming.

3. **Increase afterschool program capacity.**
    - Increase the amount of afterschool program seats in East Harlem for both existing residents and in anticipation of new residents from increased density.

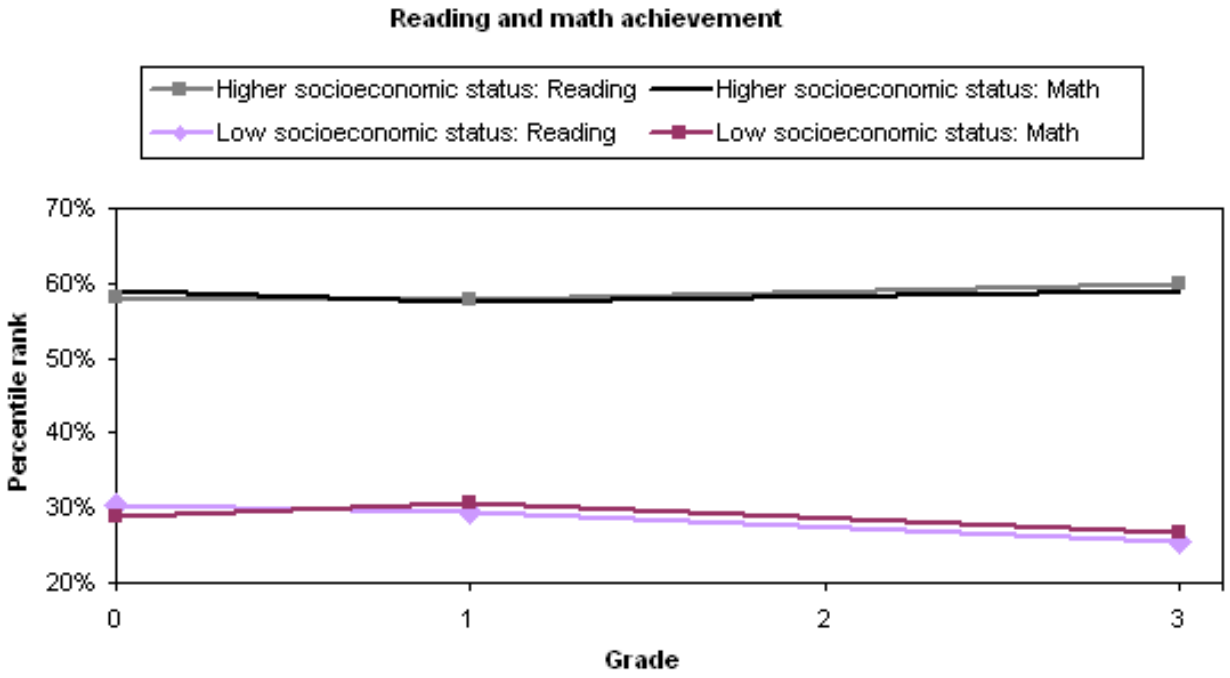
When asked to prioritize current needs for the purpose of creating a unified East Harlem Neighborhood Plan, current daycare, pre-K, and afterschool providers in East Harlem including Union Settlement, Children's Aid Society, DREAM (formerly Harlem RBI), the Association to Benefit Children, the East Harlem Bilingual Head Start, and the Boy Club unanimously determined the creation and reparation of pre-K, daycare, and afterschool facilities to be our number one priority in the East Harlem Rezoning. For too long, the children of East Harlem, our community's number one resource, have made do with dark, antiquated, hot spaces that are unconducive to existing, let alone learning. Our organizations viewed the rezoning process as an opportunity to bring vibrant, new learning spaces to our community. That is why we were incredibly discouraged by the DEIS which seems to suggest, based on faulty formulaic work that does not take into account our neighborhood's unique family constructs, that new spaces are not needed.

For example, the Sendero Verde Development Alternative just barely missed the threshold that CEQR would consider a significant adverse impact on childcare facilities. According to the DEIS, childcare facilities in the study area are expected to operate at a 94.8% utilization rate, which is a 7% increase under this development alternative. To be considered a significant adverse impact, there would need to be a 5% increase AND 100% utilization rate to require mitigation. There is a known error in the CEQR Technical Manual as it regards to estimating the number of children eligible for publicly funded child care and head start, as the multiplier used is based on data related to Manhattan as a whole, and not Upper Manhattan, which tends to have more younger children per household (according to recent ACS data). It is concerning that the Proposed Actions will cause a deficit in the amount of child care facilities for this age group (under six years old). This is especially troublesome considering that many of the existing facilities in the neighborhood already have outstanding capital and repair needs that the City must address.

Instead of using the Rezoning Process as an opportunity to right the wrongs that our community has

suffered for too long, it seems that City plans to crowd more children into already inadequate and damaged facilities.

Similarly, our subgroup noted the need to expand center based programming for 0-3 year olds in East Harlem, given that unequal learning opportunities in early childhood are starkest before children even enter Kindergarten.



The de Blasio administration also prioritized the need for the creation of spaces for our youngest learners with the introduction of 3 K programs in the South Bronx and Brooklyn, with a plan to expand programming to other neighborhoods citywide in the near future. Sadly, the current DEIS does not take that into consideration.

Finally, the CEQR technical manual does not account for After School program needs that will continue to be missing for older students if the City does not address this issue by building the capacity of local organizations to provide these services to the community. This is a shame given that research has proven that participation in after school programming boosts children's academic performance, reduces criminal behavior and drug use, and contributes to increased physical activity. http://youth.gov/youth-topics/afterschool-programs/benefits-youth-families-and-communities
The city would be wise to consider facility needs for After School Programming in its calculations particularly in neighborhoods like East Harlem, where the vast majority of youth continue to fall beneath grade level expectations, and far above city averages for criminal activity, drug use, childhood obesity, and diabetes.

Schools and Education Priorities:

The Schools and Education subgroup of the East Harlem Neighborhood Plan (EHNP) and led by Renaissance Charter High School for Innovation, identified 3 priorities they would like the CPC to focus on.

1. **Increase resources for social/emotional services and academic remediation - to meet needs of East Harlem students**
    - Align specialized programs and services with the needs of East Harlem schools. Resources and funding should be prioritized for Social / Emotional services and academic remediation/ literacy programs.

2. **Create more community schools in East Harlem**
    - East Harlem was unsuccessful in being awarded State funding to create a new community school in 2017. We urge the City to identify pathways for existing East Harlem schools to work toward becoming community schools, and identify ways to successfully create new community schools.

3. **Increase Career and Technical Education opportunities**
    - Increase the number of schools that offer Career and Technical Education (CTE) programs both in-school and through external partnerships. Work with the Office of Postsecondary Readiness (OPSR) at the Department of Education to provide adequate guidance to East Harlem schools as they seek to fulfill the necessary elements for a new CTE program, including identifying adequate classroom and shop space, resources for equipment, materials and consumable supplies, and a teaching core able to teach the necessary amount of students. Actively link interested high schools to East Harlem Workforce Development organizations and CBOs that can provide services to schools and work with the proposed Workforce 1 Center to provide specialized services to youth and to start identifying industry partnerships for job placements and training programs such as Mount Sinai.

4. **Address existing capital needs of East Harlem schools**
    - Perform electrical work to sustain current and future technology in East Harlem school buildings, such as computer labs, broadband internet, phone service, and air conditioners. Begin with an initial allocation to PS108, located along the Park Ave. viaduct. The school lacks the electrical capacity to run A/C's in the summer, nor can they open their windows due to the noise from the viaduct.

After review of the DEIS in regards to community facilities, there is concern that DCP's Proposed Actions could overburden East Harlem's school system. There is a known error in the CEQR Technical Manual as it regards school children generation rates in Manhattan. If this error is not addressed in the Final Environmental Impact Assessment, the number of school children generated by the Proposed Actions will be undercounted, leaving open the possibility that East Harlem schools (many of which already have significant capital needs) will be over capacity.

In the CEQR Technical manual, the student generation rate for Manhattan is 0.12 for Elementary School (ages 4-10), 0.04 for Middle School (ages 11-13), and 0.06 for High School (ages 14-17). Across the board, these numbers are lower than every borough. According to recently available census data (2010-

2014 ACS PUMS), the Manhattan multipliers in CEQR are skewed by smaller family sizes in the Manhattan Core - Upper Manhattan produces more than twice as many school-aged children per unit (see table below).

Student generation rates for all unit types from 2010-2014 ACS PUMS

	Elementary	Middle school	High school
	(Age 4-10)	(Age 11-13)	(Age 14-17)
All Manhattan	0.116	0.047	0.063
Upper	**0.189**	**0.083**	**0.117**
Core	0.085	0.032	0.041

Using the more appropriate multiplier for Upper Manhattan, the Proposed Actions in the Sendero Verde Development Alternative yields higher utilization rates. Most notably, the utilization rate for elementary schools in Subdistrict 2/CSD 4 is 102.6%, which is an 11.8% change compared to the No Action. This represents a significant adverse impact according to CEQR thresholds (100% or more utilization rate and a change in at least 5%). This is troublesome, especially considering that about half of the elementary schools in this subdistrict are already over-capacity.

Even though CEQR is not addressing school and educational needs in East Harlem, that does not mean the City should not make a serious investment in: more community schools, more CTE opportunities, and increased resources for social/emotional services and academic remediation.

Small Business, Economic Development, and Workforce Development Priorities:

After over two years of working with East Harlem community members and organizations, as well as elected officials and City agencies to develop a plan for the neighborhood's future, the Small Business, Economic Development, and Workforce Development subgroup of the East Harlem Neighborhood Plan (EHNP) and led by Union Settlement, identified 5 priorities they would like the CPC to focus on. The Steering Committee believes that the local economy in East Harlem can be achieved with City support that encourages local hiring, job placement and career training opportunities, local purchasing, and jobs that pay a prevailing/living wage. To that end, the Steering Committee requests that the City make the following investments:

1. **Require local hiring in public and publicly subsidized development**
    - NYC's contracts with developers utilizing public land or receiving public subsidies must require the developers to: (a) participate in the HireNYC program; (b) utilize specified East Harlem workforce development organizations for hiring; (c) prioritize interviews of candidates referred by those organizations; and (d) set targets for the percentage of candidates hired through those organizations. In addition, the contracts must contain liquidated damages in the event that the developers do not participate in HireNYC, do not utilize the designated East Harlem workforce development organizations, do not prioritize interviews of candidates referred by those organizations, and/or do not make good faith efforts to meet the established hiring targets.

2. **Fund local job placement and career training services**
    - NYC should issue a competitively bid RFP to provide funding for one or more organizations to provide job placement and career training services to East Harlem residents.

3. **Open a satellite Workforce 1 Center in East Harlem**
    - NYC should open a satellite Workforce 1 Career Center in East Harlem.

4. **Pay prevailing wages in private development**
    - NYC should provide incentives to developers utilizing private land to pay the prevailing wage or living wage (whichever is the industry standard) for both construction jobs and permanent jobs on the project.

5. **Encourage local purchasing.**
    - NYC should issue a competitively bid RFP to provide funding for one or more organizations to encourage East Harlem businesses and nonprofits to purchase goods and services from East Harlem businesses.

Many of the priorities identified by the Steering Committee are outside the scope of the DEIS, however there were some findings related to economic development that were troubling. The DEIS states in Chapter 3: Socioeconomic Conditions (page 3-15) that, "an estimated 209 employees in 14 private businesses could be directly displaced by the Proposed Actions." The largest industry sector that would be affected is Retail Trade, "with an estimated 149 potentially displaced employees." As stated in the

DEIS, these impacts were not considered significant enough to warrant mitigation by the City. This is disconcerting, as local business displacement came up time and again during the East Harlem Neighborhood Plan process, by community members who see local businesses as a crucial part of the fabric that binds this neighborhood together. East Harlem has already been experiencing local business displacement as higher incomes have been moving into the neighborhood over the past several years. Just because the DEIS does not identify business displacement as a significant adverse impact, that does not mean that this community should be precluded from investment by the City to ensure DCP's Proposed Actions do not alter the character of this neighborhood to a point beyond recognition. While Mandatory Inclusionary Housing (MIH) is a tool that does something to keep lower income tenants in the neighborhood, there are very few resources that keep low-income commercial tenants in the neighborhood they helped to build.

Another major issue that came up for community members during the East Harlem Neighborhood Plan process was the lack of local jobs and job placement resources in the neighborhood. According to 2010-2014 American Community Survey 5-year estimates, for those over 16 years of age, the unemployment rate was 12.1% in East Harlem, which is almost 2 percentage points higher than the city average of 10.3%. Additionally, the job growth in East Harlem only grew 1% between 2000-2012, while the city experienced 4.4% job growth during that same period (OnTheMapApplication, Longitudinal-Employer Household Dynamics Program, 2013. US Census Bureau Zip Code Patterns for 2000 and 2012). The City's investment in East Harlem's local economy is crucial to retaining the vitality and supporting the positive growth of the neighborhood long into the future, with or without a rezoning.

Transportation, Environment, and Energy Priorities:

Our review of East Harlem from the perspective of this subgroup showed us that we can do more to improve upon the community's existing public transit options, carbon emission output and energy consumption. The rezoning provides all of us with an opportunity to pilot new, aggressive models of mitigating against climate change and creating a healthier, cleaner and more accessible East Harlem. The Transportation, Environment and Energy subgroup of the East Harlem Neighborhood Plan (EHNP) and led by WEACT for Environmental Justice, identified 5 priorities they would like the CPC to focus on.

1. **Improve streetscapes for transit connectivity**
    - IMPROVE THE STREETSCAPE ALONG 125TH ST AND ALONG PARK AVE - Make significant public realm improvements with the aim of increasing pedestrian safety and connectivity between the future Second Ave Subway, 125th Street MetroNorth Station and Lexington Ave Line and along the Park Ave viaduct corridor. This should have a dedicated community engaged process that leads to design guidelines for these pedestrian streetscape connections along 125th Street and along Park Ave. The City should ensure this process happens in coordination with but independent of MTA capital projects.
    - INSTALL BENCHES IN AREAS THAT PROVIDE RESPITE FOR SENIORS - Locate CityBench program installations in areas that provide respite for seniors, along NYCHA developments, commercial and cross-town corridors, and near Naturally Occurring Retirement Communities like Franklin Plaza. Coordinate locations with the District Public Health Office's proposed walking trail and other cultural wayfinding initiatives.

2. **Improve pedestrian safety**
    - ENSURE THAT PEDESTRIAN CROSSINGS ARE SAFE FOR THE VISUALLY IMPAIRED - Address safe access for the visually impaired via the piloting of the Vision Enhancement Community Project (VECOMP) in key areas including 125th St, 116th St, 5th Ave and Madison Ave; adjacent to Mount Sinai and Metropolitan Hospitals; and areas around senior center locations throughout CB11.
    - IMPROVE PEDESTRIAN SAFETY AROUND ALL EAST HARLEM SCHOOLS - Fund a study of DOT's Safe Routes to School (SRTS) program at all school sites in East Harlem, and implement where possible.
    - DECREASE VEHICULAR CONGESTION ON 125TH STREET AND OTHER COMMERCIAL CORRIDORS - 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).

3. **Consolidate sanitation garages into one enclosed facility**
    - Consolidate the M10 sanitation garage (currently located at 110 East 131st St. at the intersection of Lexington & Park Ave) and the M11 sanitation garage (currently located at 343 East 99th St. between 1st & 2nd Ave, where it is adjacent to both healthcare and residential uses) Sanitation garages into one enclosed facility potentially located at the Potamkin site on 127th Street between 2nd and 3rd Aves, or another suitable location

as identified by CB11 and DSNY. The new building should be enclosed and meet LEED gold standards.

4. **Create more sustainable and resilient spaces in NYCHA and throughout the neighborhood - by building green infrastructure in public & private development**
    - PUSH FOR NYCHA SUSTAINABILITY AGENDA - Set up a demonstration project in East Harlem NYCHA developments to evaluate NYCHA Recycles! Program and NYCHA resident-driven recycling initiatives. Better understand NYCHA's sustainability priorities for each development and push for healthier buildings.
    - ENSURE COMPLIANCE DEP CONSENT ORDER - Bring DEP capital funding for green infrastructure to public and private development in East Harlem.

5. **Improve sanitation along commercial corridors**
    - Install more waste receptacles along commercial corridors and provide more frequent sanitation pick-ups.

While some priorities identified by the subgroup were outside the scope of the DEIS, several items overlapped with metrics analyzed by the applicant as part of their environmental review.

Overall, the DEIS outlined that there would be adverse impacts on vehicular traffic at 26 intersections, increased stress on public bus service on one route and six subway stair entrances at three subway stations. With regards to both of these items, the Steering Committee identified shortcomings in the level of detail and mitigations that were prescribed.

Related to impacts on vehicular traffic, the DEIS identified in detail the lanes and intersections that would be impacted at different times of the day but the follow-up to that analysis did not go further to provide a comprehensive evaluation of traffic calming measures and diversion strategies that could be used to avoid the congestion and corresponding health impacts that come with it. East Harlem has some of the poorest air quality in the city, resulting in air quality problems that contribute to local health problems and are highlighted in the HIA done in conjunction with the East Harlem Neighborhood Plan. Additional traffic congestion would just worsen those conditions.

As for the impact on mass transit, the DEIS did find that the net increment in new people coming to East Harlem would create additional hardships for a transit system already experiencing severe issues due to age and deferred maintenance. The rezoning would especially be burdensome on the southbound M15 Select Service Bus as well as the M101 LTD. To alleviate the problem, there was a suggested mitigation that called for an additional bus in the southbound direction scheduled to support morning peak hour use. This does not address what residents and commuters in public forums, through survey or from feedback collected through the community board has identified as a far wider set of issues with public transit in East Harlem, a problem that goes beyond just the two aforementioned bus lines. Many of the bus routes that serve East Harlem are already over capacity and or are unreliable because of heavy vehicular traffic slowing movement along major corridors like Lexington Avenue. Though this reality is not reflected in the DEIS, the situation experienced by these commuters - and could be in store for future commuters - require improvements for over ground transit to go beyond simply adding one bus on a service line outside of the applicant's proposed rezoning boundaries.

As for impacts on the subway, the DEIS estimates adverse impacts on six subway stair entrances at three subway stations. All the subway stops are along the 6 Train Lexington Line and because these subways are outside the transit special districts there is a diminished chance that arrangements to

redevelop these entrances, improving their design to accommodate additional capacity. The DEIS notes that the expectation is that Phase II of the Second Avenue Subway will help alleviate these expected pressure but given the under certainty of when that project will be completed we are left with overburden subway entrances adjacent to overburdened bus lines all along Lexington Avenue.

Regarding storm water and drainage management issues, we remain concerned that this assessment does not sufficiently prepare for the accelerating impact of climate change and urban heat island effect. That is why we recommended that the City incorporate storm water management infrastructure in playground renovations as a way to develop more capacity for retention. This could also be done with a study of existing underground streambeds along East Harlem streets and through large properties. At those places were city-owned property these natural nodes meet, we can prioritize green infrastructure more maximum results. These ideas not explored in the DEIS as mitigations.

NYCHA (Public Housing) Priorities:

The NYCHA subgroup of the East Harlem Neighborhood Plan (EHNP) and led by Johnson Houses tenant Association, identified 3 priorities they would like the CPC to focus on.

1. **Make significant capital investment in East Harlem NYCHA Developments - to ensure they are in a state of good repair and for their long term preservation**
    - 28% of East Harlem residents live in NYCHA developments, an important stock of permanent low-income affordable housing for this neighborhood. According to NYCHA's 2011 Physical Needs Assessment, there is an estimated $1.88 billion (2017 dollars) in unmet needs throughout the 21 developments in Community Board 11. The Steering Committee requests an investment from the City in order to maintain, preserve, and improve this valuable resource for the community.
    - We ask that NYCHA work with the East Harlem Neighborhood Plan NYCHA subgroup leadership and other TA leaders to ensure needs for each development are being accurately captured and appropriately prioritized. This investment must include a robust resident oversight council so that residents can weigh in on how funds are spent.

2. **Ensure there is a decision-making mechanism for NYCHA residents - to approve and weigh-in on infill planning / developments**
    - We would like NYCHA to develop an initiative, in collaboration with TA leadership, to create an acceptable voting structure and decision-making mechanism that will allow NYCHA tenants to decide on whether or not they want infill on their development and the components of the development. This needs to involve transparency around trade-offs associated with potential infill development, together with the solicitation of ideas from tenants on how potential new development could impact and address their needs.

3. **Proposed commercial overlays on NYCHA property**
    - The Steering Committee and NYCHA subgroup continue to be concerned with the blanket commercial overlay over NYCHA land between W 115th and W 112th Streets. The Department of City Planning should perform a finer-grain analysis of what is currently within the proposed commercial overlay areas and layout more specific boundaries which eliminate the possibility of displacing residents, playgrounds, and active common areas. Related to our priorities above, NYCHA residents must be in these discussions and in agreement about potential uses in these areas.

Funding for maintenance of NYCHA buildings and apartments are priority as one of the sources of affordable housing in the community. If new development on NYCHA property is agreed upon by residents, any revenue generated from new development should be used to improve the developments impacted by new development. If it is approved by residents, NYCHA should work to provide local hiring opportunities in any potential commercial development.

Safety Priorities:

Aside from transportation related issues, public safety was not discussed in the EIS Draft Scope of Work nor in the Draft EIS, which is why, we are reiterating the need to address them through this rezoning and related commitments. The Safety subgroup of the East Harlem Neighborhood Plan (EHNP) and led by the New York City Council Speaker's Office, identified 3 priorities they would like the CPC to focus on.

These recommendations raised as safety priorities in East Harlem speak to the unique safety issues in the neighborhood relating to resilience and alternative policing. East Harlem is a coastal neighborhood and is vulnerable to storm surge and other extreme events. There should be clear response systems and protections put in place. In terms of policing, the potential for strong collaboration exists between the police and local groups, but more extensive neighborhood-specific training and deeper local partnerships and increased community policing approaches are needed to make efforts work properly.

1. **Improve emergency preparedness and ensure that residents and business owners know how to access resources in the event of a disaster.**
    - Support the work of the East Harlem COAD (Community Organizations Active in Disasters) - Founded in 2015 the East Harlem COAD is a neighborhood-based emergency management coordinating organization. Its members represent community and faith-based organizations, health services, nonprofits, and small businesses. It is focused solely on the East Harlem community: identifying vulnerability and developing readiness. Ensure that the Long Term Recovery Group has funding to conduct the following tasks in preparation for a potential future disaster/event: establish information/resource hubs within the district, develop a strategy for information dissemination, identify protocols for residents, create a transportation plan for evacuation.
    - Explore the possibility of creating an evacuation center that can better serve CD11 at PS 198/PS 77, which is located just south of the district on 96th Street between 3rd and Lexington Aves.

2. **Invest in the empowerment of East Harlem youth as a primary tool of violence reduction in the district.**
    - Expand programming for high-risk youth and their families to other areas in the district, and ensure that after-hours programming is made available. Consider starting with expanding and diversifying programming at Corsi Houses and at the Thomas Jefferson Recreation Center.
    - Invest in deepened, positive police engagement in NYCHA by expanding the Neighborhood Coordination Officers Program to the 25th precinct. This would mean that all of CD11 would be covered by this program.

3. **Ensure that there are alternative approaches to addressing issues that affect vulnerable populations, in addition to policing efforts.**
    - Identify a location for a Diversion Center, a facility that, instead of incarcerating individuals with low-level offenses, will connect them to mental health, shelter, or other social services.
    - Ensure that police officers have training to respond to these cases.

Open Space and Recreation Priorities:

The Open Space and Recreation subgroup of the East Harlem Neighborhood Plan (EHNP) and led by the New York Restoration Project (NYRP), identified 4 priorities they would like the CPC to focus on.

1. **Make significant capital investments to existing open spaces - to rehabilitate the Esplanade, Replace Pier 107, and renovate comfort stations in Parks throughout East Harlem.**
    - COMFORT STATIONS - There is an urgent need for a new comfort station at the Harlem River Park sports fields as well as renovation of existing ones like those at Marcus Garvey Park and Thomas Jefferson Park. We would like to see what opportunities there are to stipulate that all parks of a certain size threshold be equipped with a comfort station. It is estimated that the cost of a new comfort station at Harlem River Park is $6 million.
    - PRESERVATION OF ESPLANADE - The Department of Parks and Recreation has been requesting funding to make long needed improvements to the Esplanade, but the Office of Management and Budget (OMB) has not awarded this much needed capital for repairs. There have been two major collapses of the East River Esplanade in this past year alone (one being in East Harlem at 117th Street and the other at Carl Schurz Park). The situation will only become more dire and the cost will only grow greater, so it is in the interest of the City and park users to secure this funding as soon as possible. For the Esplanade from 60th Street to 125th Street, estimated costs are close to $200 million, with most of the need concentrated above 96th Street in East Harlem.
    - REPLACEMENT OF PIER 107 - In the interim, the City will focus on the clear out, with the redesign and build slated for a later date. The project is not phase-able, which sets restrictions on fundraising and approvals. Estimated costs for the permanent replacement of Pier 107 is $22 million.

2. **Create significant new open spaces starting with the Harlem River Greenway Link from 125th Street to 132nd Street**
    - The cost for this park is estimated at approximately $100 million. Engagement and design are beginning now, and if funded, construction could begin in 2020.

3. **Improve open spaces in the public realm - to create better access to Randall's Island, and manage storm water.**
    - ACCESS TO RANDALL'S ISLAND PARK - Investments are needed to support access to Randall's Island's 125th and 103rd Street entrances. This includes wayfinding, programming promotion, and better pedestrian/cycling planning.
    - STORM-WATER MANAGEMENT - We would like green infrastructure to be included in any public realm improvements that DCP considers, including RFPs for public sites and possible inclusion in the East Harlem Corridor Special District. We would also like to see an outreach effort focuses on DEP Green Infrastructure Grant Program targeted at East Harlem property owners, especially for new construction.

4. **Work with parks groups to better support maintenance and stewardship in East Harlem Parks.**

The East Harlem community is already underserved in open space. 171.21 total acres of open space serving a total resident population of 205,309. This translates to 0.834 acres per 1,000 residents, well

below the city's guideline of 2.5 acres per 1,000 residents and the city average of 1.5 acres per 1,000 residents. With Proposed Actions, that ratio will be nearly 4% lower, 0.801 acres per 1,000 residents. This calls for significant investments in our open spaces – improvements to the East River Esplanade, Harlem River Drive Park, Thomas Jefferson Park, Marcus Garvey Park, and greater support for community gardens and NYCHA grounds.

We disagree with the statements in the DEIS that "most of the non-residential study area open spaces are in good condition." Significant investments are needed in our community's open spaces. Thomas Jefferson Park and Marcus Garvey Park are heavily used and generally well-maintained, but they require significant capital investments (i.e. comfort stations) and increased investments in maintenance.

We disagree with condition classification of "good" for the following parks:

- The East River Esplanade has crumbling infrastructure and needs major repairs.
- Pier 107
- Harlem River Drive Park – at beginning of lengthy development process.

The DEIS references "ameliorating factors" that purportedly improve access. These are problematic. NYCHA desperately needs capital investments to grounds and open spaces. The neighboring Central Park is also already overburdened by use with 25 million annual visitors.

A major shortcoming of the DEIS relevant to open space was DCP's study area. Because the rezoning exempts East of Second Avenue and below East 104th Street, these areas will lack context. This incongruence will also carry over to Thomas Jefferson Park, the East River Esplanade and possibly Marcus Garvey if continued west. If DCP considered upzoning First Avenue, it would connect residents to their waterfront, their green space and the Randall's Island connector. It is of the utmost importance that DCP revitalizes the connection between East Harlem's residents and their open space.

Health and Seniors Sub-Group Priorities

The Health and Seniors subgroup of the East Harlem Neighborhood Plan (EHNP) and led by the New York Academy of Medicine (NYAM), identified 4 priorities they would like the CPC to focus on. To address the priority health and aging issue in East Harlem in the context of the proposed rezoning, the City Council and Agencies should:

1. **Implement all aspects of the East Harlem Aging Improvement District action plan.**
    - Build capacity for residents of the Franklin Plaza NORC to reach out to local businesses about adopting age friendly retail strategies.
    - Add Citybenches to the East Harlem Community Walking Trail.
    - Build an intergenerational playground in one of the neighborhood's parks.

2. **Ensure East Harlem residents have access to healthy and affordable housing (These are in addition to the recommendations by the NYCHA, Housing Preservation, and Housing Affordability sub-groups).**
    - Consider the Asthma Free Homes Bill (Intro 385-A)
    - Allocate funding to improving the indoor environmental conditions of existing housing stock, particularly in aging buildings and within NYCHA development.
    - Set measurable goals for year-on-year reductions in housing code violations in East Harlem buildings. Pursue innovative strategies for resident involvement in code enforcement.
    - Strengthen inspection and enforcement of residential building and their maintenance.
    - Implement environmental sustainability strategies that improve health and make housing less expensive to operate and maintain, such as smoke-free housing policies, integrated pest management, water conservation, and green cleaning.
    - Remove regulatory barriers that make it difficult to relocating seniors to accessible and affordable housing units

3. **Increase access to mental health services.**
    - Provide Mental Health First Aid training to teachers, CBO staff, law enforcement, and health care providers.
    - Coordinate service delivery across hospitals and health centers, with an emphasis on leveraging Metropolitan Hospital as a publicly funded service provider.

4. **Promote healthy eating and local food systems in East Harlem, starting with investment in La Marqueta.**
    - Establish a year round comprehensive farmer's market in La Marqueta that is affordable to residents and businesses.
    - Establish a wash, chop and bag facility that can cater to schools, senior centers, and other places that regularly prepare large quantities of food as part of their programs.
    - Invest in the infrastructure of La Marqueta in a manner that facilitates local governance, public/private partnerships and access to diversified capital in order to enhance the community development capacity of La Marqueta and East Harlem's Park Avenue commercial corridor

Chapter 18 of the DEIS does not address the health impacts of changes to what are commonly known as the broader determinants of health – such as education, employment, discrimination, socioeconomic status, and housing. The DEIS significantly underestimates the potential negative impacts of the proposed rezoning to the health of the East Harlem community, and therefore there are unidentified needs for mitigating adverse impacts of these Proposed Actions on the broader determinants of health in East Harlem.

Chapter 18: Public Health of this DEIS concludes that the Proposed Actions:

- would not result in significant adverse public health impacts
- would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials
- could result in unmitigated construction noise impacts, but it was determined that the construction noise impact would not generate a significant adverse public health impact
- and concludes, "neither the magnitude nor the duration of the construction noise reaches the public health impact threshold"

The New York Academy of Medicine conducted a Health Impact Assessment (HIA) to provide information about the potential health effects of the EHNP's affordable housing and zoning recommendations. Based on the Department of Health and Mental Hygiene's Community Health profile of East Harlem and information gathering during the neighborhood planning process, the HIA focused on these priority health conditions:

- Infant mortality
- Asthma
- Diabetes
- Hypertension
- Mental Health
- Violence

The HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community. The HIA concluded that "To prevent negative health impacts and promote health equity, implementation (of the proposed rezoning in connection to Mandatory Inclusionary Housing) should prioritize maintaining existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses."

Residential displacement can negatively impact health. Evidence shows that displacement may cause people to accept affordable but inadequate, substandard, or poorer quality housing. Displacement can result in the disruption of important social support, erosion of social capital, and social cohesion as well as increased transportation costs for a family. Some displaced residents may become homeless, which is itself linked to several negative health outcomes, including increased risk of respiratory infections, infectious diseases, mental illness (particularly among children), hunger, and that the death rates for homeless individuals are several times higher than the general population. Displacement can also lead to high levels of stress, which studies have linked with chronic diseases including heart disease, hypertension, and diabetes. These potential impacts of displacement are not discussed in the environmental impact statement. Similarly, evidence links open space, transportation, and climate change to public health and yet the potential health impacts of changes in these environmental factors are not included in the proposed analysis.

Comments on the East Harlem Rezoning

Draft Environmental Impact Statement (DEIS)

ULURP numbers 170358 ZMM, N170359 ZRM & 170360 HAM

Submitted to the City Planning Commission on September 5, 2017

These comments were prepared by Equitable Neighborhoods Practice of the Community Development Project (CDP) at the Urban Justice Center, Pratt Center for Community Development and the Association for Neighborhood and Housing Development (ANHD), as technical assistance providers to Community Voices Heard.

The Equitable Neighborhoods Practice of the Community Development Project (CDP) at the Urban Justice Center *works with grassroots groups, neighborhood organizations and community coalitions to help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress". CDP works together with partners and clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive.*

Pratt Center for Community Development *is a university-based urban planning and policy organization that works with community-based groups throughout New York City to help them plan for and realize their futures. We develop innovative models for sustainable and equitable communities directly shaped by our on the ground experience with community-based organizations and small businesses throughout New York City. Our policy work is grounded in the day-to-day realities of a diverse range of New Yorkers.*

The Association for Neighborhood and Housing Development (ANHD) *is a membership organization of New York City neighborhood based housing and economic development groups, including CDCs, affordable housing developers, supportive housing providers, community organizers, and economic development service providers. Our mission is to ensure flourishing neighborhoods and decent, affordable housing for all New Yorkers. ANHD have nearly 100 members throughout the five boroughs who have developed over 100,000 units of affordable housing in the past 25 years alone and directly operate over 30,000 units.*

Community Voices Heard (CVH) *is a member-led multi-racial organization, made up principally women of color and low-income families, that builds power to secure social, economic and racial justice for all.*

The Draft Environmental Impact Statement (DEIS) for the East Harlem Neighborhood Rezoning is a wholly inadequate documentation of the impacts of the proposed action that departs substantially from a realistic assessments of the impacts of the proposed land use action, the guidance offered in the CEQR Technical Manual, and New York State Environmental Quality Review Act (SEQR) requirements.

Analyses performed in the DEIS are done in a manner that masks the true impacts of the proposed land use action

Improperly excluding many sites that will likely be developed from the Reasonable Worst Case Development Scenario (RWCDS)

Despite initiating the Proposed Action in order to "promote development"[1] and induce the replacement of existing land uses with higher density construction, the City in its DEIS claims that on most of the lots that the proposed land use action would impact, nothing will change. This conclusion is arrived at by conducting a Reasonable Worst-Case Development Scenario (RWCDS) which excludes key sets of properties: all residential buildings of 6 or more units, smaller lots, houses of worship and public land. Assuming these sites will not be developed allows the DEIS to minimize the impact of the Proposed Action on the existing community and to minimize the pressure that new residents introduced after redevelopment will put on the neighborhood and infrastructure.

Incredibly, the DEIS authors explain that the exclusion of multi-unit buildings of 6 or more units from the analysis because "they are very unlikely to be redeveloped" is based on "the required relocation of tenants in rent-stabilized units."[2] This omission is impermissible because it is based on two fallacies: that *every* building with 6 or more units is rent stabilized and that tenants in rent stabilized buildings will not be displaced, despite the inducement that the rezoning will provide for landlords to demolish buildings for new, higher density, development.

A large percentage of buildings with 6 or more units in East Harlem are not rent stabilized: they have either exited the program or they never were. In Community District 11 approximately one third of all rental buildings with 6 or more residential units built before 1974 in PLUTO Data had no units registered for rent stabilization in 2014.[3] Buildings built after 1974 were never statutorily required to be rent stabilized to begin with. This means tenants in these buildings, whether formerly rent stabilized or not, can be evicted anytime their lease is up (assuming they even have a lease). There's nothing preventing a landlord from vacating units and tearing the building down or selling to a developer who will do the same.

Furthermore, there is no guarantee that actually rent stabilized households are themselves free from displacement risk. As will be detailed further under Indirect Residential Displacement, there are numerous legal and illegal tactics landlords use to push rent stabilized tenants out. For all these reasons the City must include multi-unit buildings in its RWCDS.

Given the neighborhood's relatively strong real estate market, the 5,000 square foot minimum lot size threshold for identifying soft sites that are not currently substantially underutilized as likely to be developed is too high and therefore excludes smaller sites that may be financially viable for development after the Proposed Actions lead to an increase of the maximum allowable FAR. The City concedes that for properties on which the Proposed Action would add

[1] Draft Environmental Impact Statement (DEIS), Chapter 1, pg. 15.
[2] DEIS, Chapter 1, pg. 30.
[3] based on Department of Finance property tax data pulled by John Krauss; https://github.com/talos/nyc-stabilization-unit-counts

FAR more than double the structure already built, development is likely. Given the other inducements for development that are proposed and the strength of the market, a less substantial FAR increase will likely be sufficient to make redevelopment of smaller sites financially attractive. The City must include all lots larger than the 2,000 square foot threshold in its RWCDS, regardless of whether they are "substantially underutilized"[4] or not, in order to provide sufficient information for a reader to consider the true potential impact of the Proposed Action.

The City is currently encouraging the development of properties where houses of worship are located via the New York Land Opportunities Program (NYLOP), an initiative co-led by the Local Initiatives Support Corporation, a non-profit community development financial Institution "to help mission-driven organizations with limited real estate experience form joint venture partnerships to develop affordable housing on their underused land."[5] Excluding these potential development sites in East Harlem masks the full picture of the influx of new residents that will likely happen in the No Action condition and be likely much greater if additional FAR is added to those sites via the Proposed Action. City agencies are actively partnering with houses of worship to overcome the barriers to development that the DEIS treats as ossified fact.[6] Doing so belies that the authors did not take a broad view of potential development in East Harlem when deciding which sites to include in the RWCDS.

In addition the City must include publicly owned sites in its RWCDS and do so in a manner that honors the planning efforts for these sites that have already been undertaken. The East Harlem Neighborhood Plan highlighted thirteen public sites to be considered for development; only 1 of these (the the Sendero Verde Site) is included in the Draft Scope of Work, and only as a potential alternative. These additional twelve sites should be analyzed by the City to see what opportunities they may provide for the creation of affordable housing and presented as part of the RWCDS in the FEIS. While it is true that "for government-owned properties, development and/or sale of these lots may require discretionary actions from the pertinent government agencies," the additional FAR that the Proposed Action will allow is likely be a sufficient inducement for public and private actors to lobby agencies to take such actions.

Excluding these sites from the RWCDS facilitates presenting the reader with an incomplete picture of the impacts on the existing community and the amount of new, higher density residential development the Proposed Action will bring to East Harlem and the pressure that new residents will place on the neighborhood's already-taxed infrastructure. This flaw reverberates through the DEIS; without correcting for it, the city agencies cannot consider the impacts of the Proposed Action in a reasoned manner.

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[4] Underutilized lots which are "defined as vacant, occupied by a vacant building, a building with only a single occupied floor, or lots constructed to less than or equal to half of the maximum allowable FAR under the proposed zoning." DEIS, Chapter 1, pg. 30.

[5] See Mission-Based Partnerships, HPD, http://www1.nyc.gov/site/hpd/developers/mission-based-partnerships.page

[6] "These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under the current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these structures." DEIS, Chapter 1, pg. 30.

To comply with CEQR and SEQR, the City must base its FEIS on a RWCDS that includes the improperly omitted soft sites.

Underestimating direct residential displacement by not counting current residents of multi-unit buildings

Based on a RWCDS that misleadingly leaves out a significant number of soft sites for projected development, the DEIS concludes that less than 500 people are likely to be directly displaced by the rezoning. Excluding multi-unit buildings from projected soft sites allows the DEIS authors to vastly underestimate the number of residents who will be directly displaced by the rezoning.

Disregarding likely indirect residential displacement based on the fact that rents in the neighborhood are already rising

The City claims that the rezoning "would not result in significant adverse impacts due to indirect residential displacement." While the City acknowledges that the rezoning could add a new population with higher household incomes than the current neighborhood population, they claim no adverse impacts for displacement because, "there is already a readily observable trend toward higher incomes and new market-rate residential development in the study area."

While rents are already rising in East Harlem, the indirect displacement analysis deliberately avoids acknowledging that a neighborhood-wide rezoning will very likely accelerate that trend, or the extent to which the announced rezoning has *already* helped accelerate that trend.

The DEIS also presents Mandatory Inclusionary Housing (MIH) as a tool that will keep rents from rising. While MIH will regulate some of the new units that will be built if the Proposed Action is taken, it will have no impact at all on rents in existing unregulated apartments or new market-rate units. The units that MIH will apply to do not yet exist and cannot be considered as part of the impact of the action on the rental trends for the existing community. These apartments will not be reserved specifically for those who are displaced, either when their landlords push them out of the neighborhood to capitalize on the opportunity to rent at much higher rates or sell their properties to be demolished and rebuilt as luxury housing.

Presenting Mandatory Inclusionary Housing (MIH) as an "appropriate mitigation" to rising rents and residential displacement

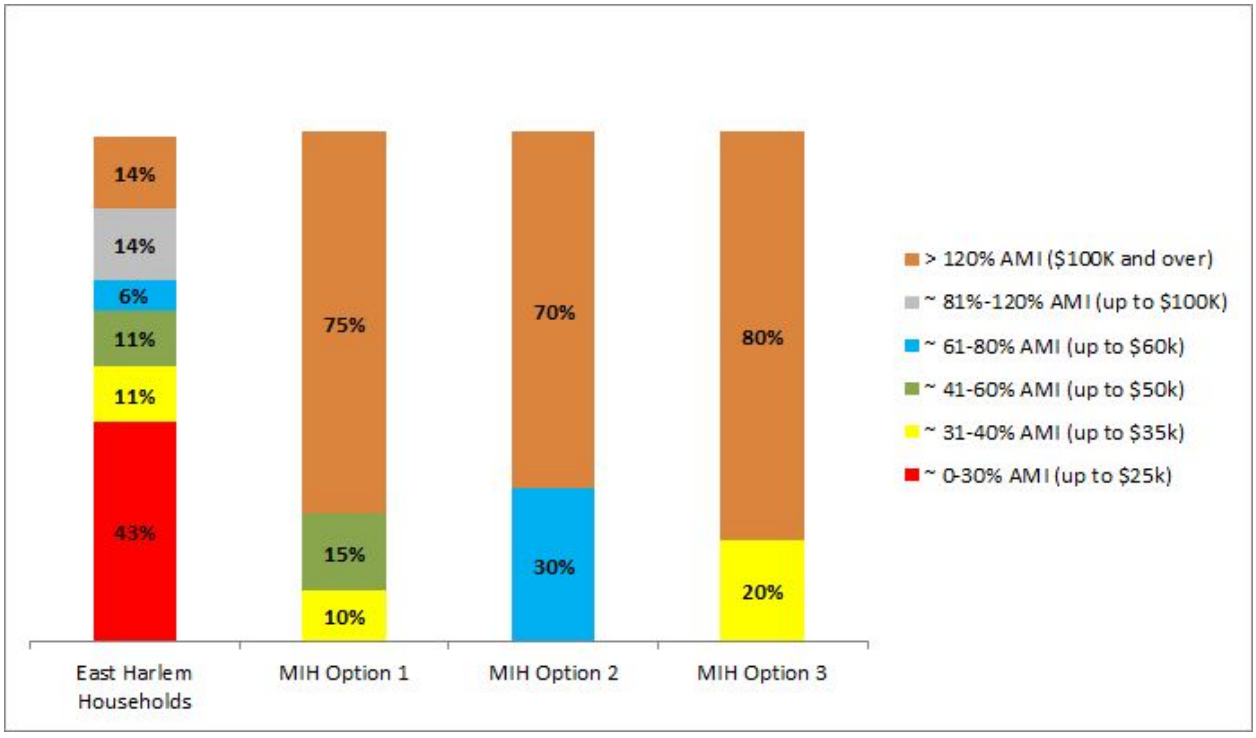
MIH is not an "appropriate mitigation" as required by the CEQR Technical Manual, Sec. 330. The inappropriate mitigations proposed are a direct result of not doing the detailed socioeconomic assessment required in the DEIS to identify such measures for an action of the scope and impact of the proposed rezoning. The mitigation measures recited in the DEIS, without the foundation of the required detailed analysis, are therefore unsurprisingly insufficient.

The City claims that the creation of affordable housing through MIH will serve to mitigate indirect residential displacement, stating "there would likely be considerably less indirect residential displacement in the future With Action Condition than the future No Action Condition, thanks to

the introduction of MIH and other measures designed to combat existing trends toward increased incomes and rent."[7]

But this ignores the fact that even the best options for affordable units produced under MIH fail to serve almost half the neighborhood. The median household income for CD11 is under $31,000 (ACS 5-Year, DP03) or below 40% AMI for a family of three; this is drastically lower than the official AMI for New York City, which stands at $81,600 for a family of three. AMI calculations that use this citywide average as a baseline then are bound to prove a mismatch for our neighborhood - serving income levels much higher than what is needed here.

None of the City's MIH options serve the 43% of the East Harlem community making less than 30% AMI. The best of MIH's two primary options – 25% of units at 60% AMI (Option 1) - leaves out the 65% of neighborhood households that make less than $50,000 a year. The deepest affordability MIH option (Option 3 - which is not required to be mapped) would require no more than 20% of new apartments at or below 40% AMI – even though 54% of households in CD11 earn less than $35,000 a year (over 40% AMI for a family of 3).[8]



[7] DEIS, Chapter 3, p. 22.

[8] It is possible that developers who build on sites upzoned by the Proposed Action will access other city affordable housing financing programs to get better loans and property tax treatment in exchange for creating more income-tested units. Unfortunately, the city's other programs do not serve East Harlem residents any better. The program designed to serve the New Yorkers at the lowest incomes, the Extremely Low & Low-Income Affordability (ELLA), is inadequate for East Harlem, as most of the housing it subsidizes is for households making more than $50,000 a year, or 60% AMI and above. Under ELLA, only 20% of units are for households under 30% AMI (with half of those going to formerly homeless households); only 30% of units are for households under 40% AMI - households that, again, make up over 50% of the East Harlem community.

The FEIS must present mitigations that (1) create more meaningful anti-displacement protections for current residents, (2) improve the existing affordable housing stock in the neighborhood, with a special emphasis on NYCHA and (3) develop deeply affordable housing at levels current residents can afford. It must do so after a Detailed Socioeconomic Assessment.[9]

Failing to consider the extent to which the neighborhood rezoning will contribute to rising rents

The DEIS discounts the impact of the Proposed Action relative to the No-Action condition by stating that the neighborhood is already experiencing significant market pressure, which will likely displace low income residents even absent a rezoning. This analysis is flawed and inadequate because it fails to account for the *accelerating* effect the rezoning may have on the trend of rising rents.

The City projects that over 6,500 new residential units will be built in East Harlem over the next 10 years if the rezoning goes through (including 663 units on the Sendero Verde site, which can be developed pending its own approval, regardless of whether the neighborhood rezoning itself happens), bringing in close to 16,000 new residents. This represents over 4,000 more units and close to 10,000 more residents than would be in the neighborhood if no rezoning took place, a marked increase that will massively impact the neighborhood. Moreover, the vast majority of these new units – between roughly 70-80% - will be market-rate. This means over 11,000 new higher-income residents, at the least, paying market-rate rent in East Harlem.

These new higher-income residents will make substantially more than current and longtime East Harlem residents. East Harlem today is made up primarily of low-income people of color, with a significantly higher Latino and Black population and a significantly lower White population than the city as a whole. For census tracts within the rezone area this distinction is even greater.

The authors of the DEIS acknowledge that the new population moving into these new market-rate units will have a higher income than the current East Harlem population. Where the City errs is in assuming that this influx of new higher income tenants will have no impact because rents are already rising in East Harlem. Rents are rising in East Harlem, in large part, because of new market-rate development; introducing significantly *more* market-rate development will only accelerate that trend.

The Draft Scope of Work acknowledged this, stating, “new market-rate development under existing zoning has the potential to threaten East Harlem’s affordability and neighborhood character.”[10] If this – by the City’s own admission - is true now then how will this threat be in any

[9] Appropriate mitigations could include (1) **implementation of a citywide “Certificate of No Harassment” program,** (2) **commitment for NYCHA repairs in East Harlem**, (3) **requiring that 30% of all new residential units built on private land be permanently designated for households making 30% AMI or below** and (4) **requiring that 40% of all new residential units built on public land be permanently designated for households making 30% AMI or below and the rest be rent stabilized to be affordable to New Yorkers making more, but not more than 165% AMI,** as Community Voices Heard has called for.

[10] East Harlem Neighborhood Rezoning Draft Scope of Work for Environmental Impact Statement, p.14. The DEIS reiterates that same admission in slightly softer language: “new market-rate development permitted under the existing zoning holds the potential to *affect* East Harlem’s continued affordability and neighborhood character.” DEIS, Chapter 1, page 13 (emphasis added).

way reduced when close to over 4,000 additional market-rate apartments are built following the rezoning? The City cannot claim that MIH will make the difference when – as will be shown – the units produced by MIH will not be affordable enough to serve the majority of the community nor to offset the pressures faced by growing rental prices. New market-rate development threatens East Harlem's affordability and character under the current zoning and it will do so under the rezoning as it is currently proposed.

Vastly underestimating the percentage of East Harlem's current population who are vulnerable to displacement pressures

The influx of new market-rate development that the rezoning will bring will only serve to increase the rise of rents in East Harlem. This matters because a large percentage of the neighborhood's population is already vulnerable to the displacement pressure that these rising rents will bring. Rent burdening is a serious problem for local residents. Nearly half of all CD11 households are rent burdened. For households making less than $35,000 a year – over half of the community – these numbers are even more severe: 73% of these households are rent burdened and 42% are severely rent burdened. (ACS – 2014 1-Year)

Household Income	AMI Level	% of these Households Rent Burdened in CB11	% of these Households Severely Rent Burdened in CB11
< $25,000	Below 30% AMI	77%	46%
$25,000 - $35,000	30% - 40% AMI	65%	32%
$35,000 - $50,000	40% - 60% AMI	46%	6%
$50,000 - $75,000	60% - 80% AMI	31%	4%
$75,000 - $100,000	80% - 120% AMI	19%	4%
$100,000 & up	120% AMI & up	5%	0%

(ACS 2014 1-Year)

The displacement risk to most current East Harlem residents then is very real. Yet the indirect residential displacement analysis in the DEIS makes a crucial error in only considering the potential impact on renters living in "privately-held units unprotected by rent control, rent stabilization, or other government regulations restricting rent…" This is an especially dangerous assumption in East Harlem where around 75% of residents live in rent-restricted housing of some kind, yet still face significant displacement pressures based on the their unique situations. From harassment to neglect to the threat of federal budget cuts, tenants in rent restricted housing in East Harlem cannot be presumed to be safe from displacement and must be considered in the indirect displacement analysis.

About 15% of the housing stock in CD11 is actually rent stabilized, a much smaller portion than the DEIS authors presume when excluding all buildings with six or more units from the RWCDS,

but nonetheless, a significant portion. These residents have the legal right to a lease renewal, and landlords are legally limited as to the rent increases they can impose to the percentage permitted by the Rent Guidelines Board each year. But these restrictions are not sufficient to protect rent stabilized tenants from displacement. Because landlords have the inducement of being able to charge higher rents if rent stabilized tenants are removed, this group commonly faces a wide range of harassment tactics - from a lack of vital services like heat and hot water, to dangerous construction practices, incessant buy-out offers, and the use or threats of legal action - specifically designed to drive them out of their homes.[11]

One hard to track tactic is the use of preferential rents. A preferential rent is one that is not as high as the legal limit for a particular unit offered voluntarily by a landlord. While seeming like a benefit to the tenant, in reality a preferential rent directly undercuts the protection and stability rent stabilization is intended to provide, leaving tenants vulnerable to large rent increases at every lease renewal, regardless of the rates permitted by the Rent Guidelines Board. In the two zip codes that include East Harlem, close to 5,000 households are paying a preferential rent.[12] This means almost 5,000 families are not subject to the limits on a rent increase that rent stabilized tenants depend on. As land values and rents increase following the rezoning, there's nothing to stop a landlord from raising the rent to a level that might force a tenant out. Again, the DEIS fails to take into account households with preferential rents when considering displacement pressures.

Landlords specifically try to get rid of rent stabilized tenants so they can take advantage legal loopholes in the rent laws, and insufficient enforcement practices, to raise rents and deregulate apartments. In other contexts, the Mayor, HPD commissioner, and other City officials have clearly recognized that rent stabilized tenants face harassment - yet the DEIS authors ignore it when describing the vulnerability of existing residents in both the No Action and With Action conditions.

As new development targeted at a different population with a different income level increases following the Proposed Action, the gap between the amount landlords are currently getting in rent stabilized apartments and the amount the local market would bring them – or the amount they *believe* the local market would bring them – increases, further adding to the perverse incentive structure that tells landlords harassing tenants pays off.

Tenants in other government assisted housing - about 30% of the East Harlem housing stock[13] - are equally at risk of displacement, as rising real estate values will only encourage landlords to leave subsidy programs when they expire. Over the last several years the neighborhood has lost approximately 360 rent-regulated units per year as various rent subsidy programs in buildings reach the end of their terms. Over the next 15 years, an estimated average of 280 units per year will be lost - a number that may go higher as real-estate values increase post-rezoning.

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[11] Navarro, Mireya and Kim Baker. "Landlord Accused of Harassing Tenants is Arrested." New York Times, July 26, 2016 https://www.nytimes.com/2016/07/27/nyregion/new-york-landlord-accused-of-harassing-tenants-is-arrested.html?mcubz=3&_r=0

[12] ProPublica, "Preferential Rents in NYC," https://projects.propublica.org/graphics/preferential-rents

[13] DEIS, Chapter 3, pg. 19.

Lastly, the City cannot assume that NYCHA residents are free from displacement pressures. About 30% of the housing stock in East Harlem is NYCHA-owned: the highest concentration in Manhattan and the second highest concentration in all of New York City. And yet much of NYCHA housing as it currently exists in the neighborhood is in deplorable condition, with unmet repair needs and unhealthy living conditions. If living conditions in certain NYCHA developments continue to deteriorate, tenants may have no choice but to leave. The current state of NYCHA must be taken into account by the City when considering displacement pressures. Of further concern are the devastating federal budget cuts proposed by the Trump administration that public housing is currently facing. If these proposed cuts - a 68% decrease to public housing's capital fund - were to go through, the effect on NYCHA would be catastrophic.

The Trump administration's proposed budget does not stop with cuts to public housing - it includes a host of cuts that would have significant impacts on displacement threats in East Harlem. The New York City Department of Housing Preservation and Development (HPD) depends on federal funding for 84% of its budget. Essentially all of its preservation programs are funded by the federal government through the Community Development Block Grant (CDBG) and Home Investment Partnership Program. Yet both these programs are on the chopping block under the Trump administration, which has proposed eliminating them entirely. The City has responded to community concerns around displacement by citing its current preservation programs and pledging to increase its proactive anti-displacement measures. Yet without this federal funding there is no guarantee HPD will be able to commit to even its most basic preservation measures - such as code enforcement – leading to further displacement as tenants are driven from their homes through willful neglect by unscrupulous landlords.

The City's current displacement analysis is incorrect, for both direct and indirect displacement. The proposed rezoning will help to accelerate gentrification by introducing significantly more market-rate housing - on significantly more sites than the City projects - and a new higher income population into the neighborhood, furthering the rise of rents for a current low-income community of color that cannot afford them and that have less protection from displacement than the City assumes. The City's proposed mitigation strategy - namely the creation of affordable units under MIH - is insufficient to counteract the effects of the displacement pressures the rezoning is likely to generate or accelerate.

Failing to accurately document the impact of the Proposed Action on school seats

By undercounting projected development sites, the RWCDS masks the amount of new housing units and people who will likely be introduced into East Harlem if the Proposed Action is approved; in turn, the number of school seats needed to accommodate the children who will move to the neighborhood. The FEIS must accurately reflect the potential increase in housing units and its impact on school seats.

Masking significant adverse impact by failing to analyze direct business displacement using methods that account for the displacement of retail and commercial businesses that serve low income residents of East Harlem

The DEIS reached the conclusion that the 14 businesses and 209 jobs that could be directly displaced by the Proposed Actions do not constitute a significant adverse impact. However, the methodology for determining significance is flawed. It does not consider how affordability between different retail and commercial venues varies, and therefore it did not assess the potential for a disproportionate impact on stores that pay relatively low rents and sell products at relatively affordable prices to low and moderate-income residents of East Harlem. The types of these businesses that serve low and moderate-income households (and the jobs associated with them) stand to be affected both by rising rents and by the loss of their customer base who will also likely face rising rents, but the DEIS is silent about this threat.

With regard to the retail businesses that the Neighborhood Rezoning will likely directly displace, the DEIS casually states that "comparable products and employment opportunities would still be available in the area."[14] While comparable products *may* indeed be available, the analysis does not consider whether they would be available at similar price points as what used to be sold in a directly displaced business. As such, the DEIS analysis fails to assess the Proposed Action's impacts on low-income consumers in East Harlem. In the DEIS, the authors fail to meet the commitment articulated in the Final Scope of Work (FSOW) that the DEIS "will consider how potential changes in the composition of businesses in the surrounding areas would affect existing residents (as consumers of those goods and services)."[15] The FEIS must do so.

Another way that the DEIS glosses over the impact of direct business displacement is in its causal reasoning that directly displaced businesses could eventually relocate in new commercial spaces that the rezoning would create.[16] The FSOW stated that "the DEIS will consider market forces, including rent trends, in determining feasibility of relocating in the neighborhood."[17] However, the DEIS falls short and does not consider how affordable these new spaces might be.

In the FEIS, the analysis of businesses likely to be directly displaced must be re-evaluated based on an accurate RWCDS that includes those soft sites improperly excluded from it in the DEIS. The FEIS should also include an analysis of how the rezoning-led creation of new commercial and retail space will impact specifically those businesses that largely serve East Harlem's low and moderate-income residents.

Ignoring cumulative impacts on indirect business displacement

[14] DEIS, Chapter 3, pg. 16
[15] Final Scope of Work (FSOW), pg. 76
[16] DEIS, Chapter 3, pg. 17
[17] FSOW, page 76

In its analysis of indirect business displacement, the DEIS states that there is already a trend of increasing retail in the area and that the new retail that the rezoning could spur would not be enough "to accelerate ongoing trends."[18] This argument ignores the cumulative impact that more and more high-end retail has on a neighborhood. Just because commercial gentrification is already occurring in East Harlem does not mean that the rezoning's potential to continue this trend is not an acceleration of ongoing trends. In fact, the opposite case can be made. There is no consideration for the price points of the new retail that is coming into East Harlem and how after a rezoning the introduction of even more high-end retail can exacerbate existing real estate pressures on businesses that sell goods and services at lower price points.

The analysis of indirect business displacement also states that the rezoning will not displace residents who form the customer base of existing businesses in the area. However, as is described in the residential displacement section of these comments, the residential displacement analysis is flawed in its assumptions that residents of multi-family buildings are immune from displacement. As such, the likelihood of residential displacement is significantly understated and helps lead to a conclusion that the businesses that serve low-income customers are not threatened by their potential residential displacement.

Finally, the DEIS says that the affordable housing units created by MIH will help preserve the existing range of price points and variety in retail,[19] but this is highly questionable given that even these units will be out of reach to a significant swath of East Harlem's current population.

The FEIS treatment of should include a revised analysis that studies the cumulative impact of the ever-increasing presence of high-end retail stores and commercial venues.

Inflating the projected increase in manufacturing businesses

Manufacturing jobs tend to be an important source of income and career stability for people with limited educational attainment and/or English language ability, which are relatively common characteristics of a significant proportion of East Harlem residents. The DEIS states that under the RWCDS, the Proposed Actions would yield an incremental increase (over the No Action Condition) of 132,394 square feet of manufacturing space. However, given that parts of several existing M1-2 and M1-4 zoning districts are proposed to change to a mixed-use zoning designation of M1-6/R9 and M1-6/R10, this projected growth of manufacturing is doubtful. While these two new mixed-use zones will have minimum non-residential FAR requirements before residential FAR can be built (1.5 and 2.0, respectively), this does not necessarily equate to the creation of new manufacturing space in these mixed-use districts. Retail, commercial, and community facility (i.e., non-residential) uses are allowed as-of-right in these districts, and given the ability of many types of these non-residential uses to pay higher real estate prices, the DEIS should not assume that manufacturing uses will be established.

Therefore, while we applaud DCP for differentiating these mixed-use districts from its previous problematic "MX" versions of mixed-use that don't have any provision for a minimum of non-residential uses, the fact that retail and commercial uses qualify as "non-residential" does not offer any particular tool for ensuring that manufacturing has a future in these districts.

[18] DEIS, Chapter 3, pg. 27
[19] DEIS, Chapter 3, pg. 4

The FEIS should include a revised analysis that has a more realistic formula for calculating the creation of new manufacturing space in order to paint the more likely picture that less manufacturing space will be built under the proposed rezoning.

The DEIS fails to follow the procedures outlined in the City Environmental Quality Review (CEQR) Technical Manual

Failing to include the required Detailed Socioeconomic Assessment

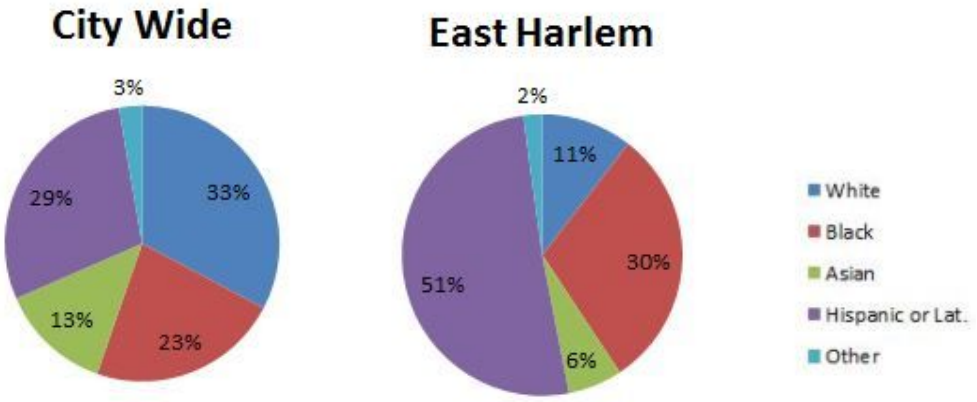
The DEIS incredibly fails to include the Detailed Socioeconomic Assessment that the CEQR Technical Manual requires sponsors of land use actions that will drive significant neighborhood changes to perform. City Environmental Quality Review requires detailed analyses any time that an action will do any one of the following:

- whenever a proposed project will directly displace more than 500 residents,
- whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood,[20] and
- whenever the average income of the directly displaced population is markedly lower than the average income of the rest of the study area population.[21]

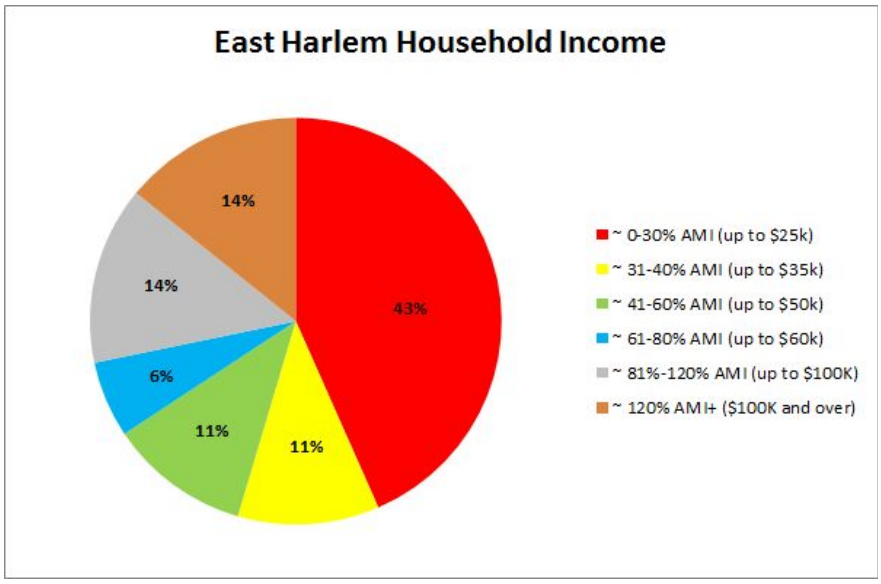
Once the RWCDS is corrected to include all the sites where direct displacement will become inevitable after an upzoning, the number of residents likely to be so displaced will be much more than 500; as outlined above, the DEIS achieves its low count by excluding all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings as a reason to leave them out of the count.

The luxury development that is a prerequisite for the application of the Mandatory Inclusionary Housing (MIH)[22] on a per-project basis will bring markedly different uses, development and activities to what is now a predominantly Black and Hispanic low income neighborhood; this difference alone is sufficient to require a Detailed Assessment. The income disparity between those slated to be displaced versus those who will be able to remain and to move in similarly triggers the same requirement.

[20] CEQR Technical Manual Sec. 200.
[21] CEQR Technical Manual Section 321.1.
[22] MIH requires the developers of unregulated market-rate rental buildings to include some units that are available only to prospective renters who meet one of three sponsor-selected income requirements. These units will be rent stabilized at prices that those renters can afford. The options are designed to serve people who are dramatically much wealthier than current East Harlem residents; even the one that serves the lowest income residents fails to serve the 43% of the East Harlem community making less than 30% AMI. The bulk of income-tested units under all three MIH options is reserved for families of three making over $100K per year, a population markedly different than the current population of the area where the zoning changes are proposed.

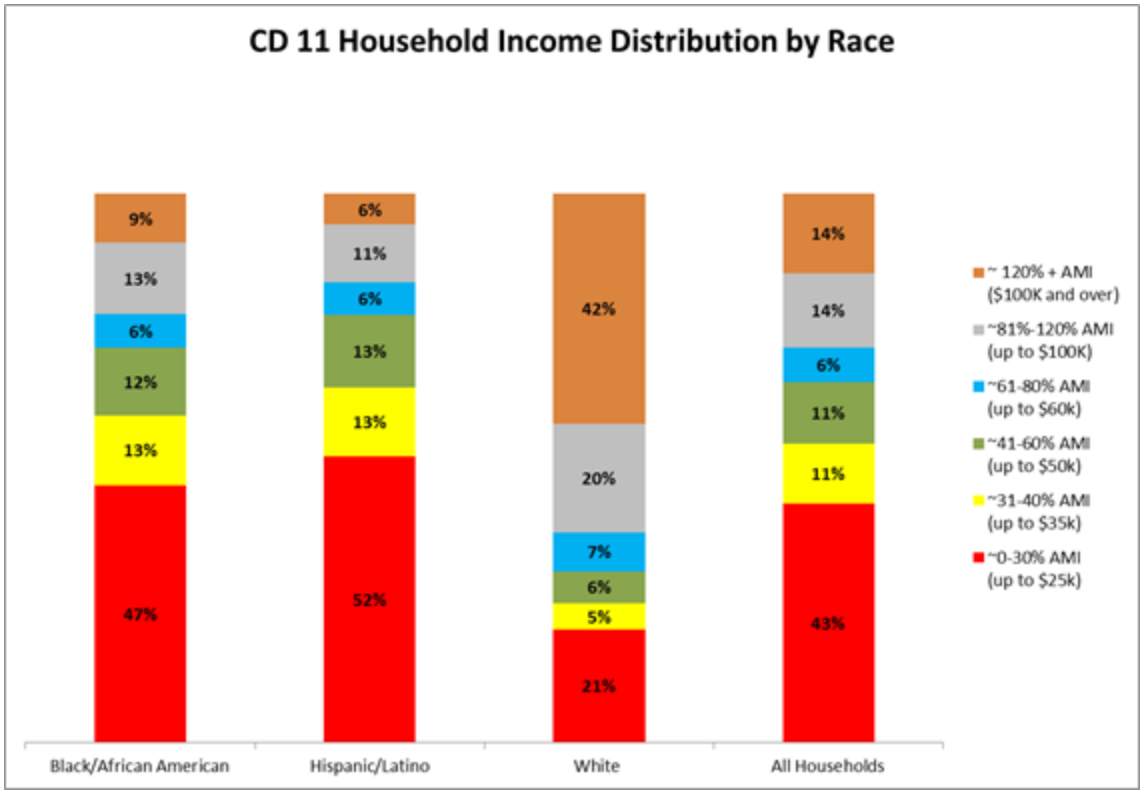


Median household income for Community District 11 (CD11) is less than $31,000, or below 40% AMI for a family of three.[23] Over 40% of all households in CD11 have incomes at or below 30% of AMI, about $25,000 for a family of 3; only 34% of households make more than $50,000 a year.[24] This means only 34% of East Harlem households can currently afford to pay more than $1,162 a month in rent without being rent-burdened.



These numbers are even starker when you consider race. While 43% of all households in CD11 make less than $25,000, the percentage is much higher for Black or Latino households. 47% of Black households in CD11 make less than $25,000 and 52% of Latino households make less than $25,000. By contrast only 21% of White households make less than $25,000. Again, this means that almost half of Black households, and over half of Latino households, in CD11 cannot afford to pay more than $1,162 a month in rent without being rent-burdened.

[23] ACS 5-Year, DP03
[24] ACS 5-Year, B19001



Yet new market-rate units will rent for substantially more than this, around $2,700 for a two-bedroom.[25] To afford that rent a household would have to make around $108,000 a year – numbers that already leave out over 85% of the neighborhood. Furthermore, as racial data shows, there will be a marked difference in the racial demographics of tenant who can afford these new developments as compared to who lives in East Harlem today.

Research into rezonings under the Bloomberg administration has shown a correlation between upzonings, gentrification and changing racial demographics. During the Bloomberg years upzonings tended to occur "in areas with higher proportions of black and Hispanic inhabitants and significantly lower proportions of whites than citywide," - that is, in lower-income communities of color exactly like East Harlem.[26] In these areas white populations increased significantly post-rezoning, in marked contrast to an overall citywide decrease in the white population, while median incomes and the number of higher-income earners increased substantially.[27] Importantly, "figures make it fairly clear that in most cases, increases in neighborhood income were driven by newly arrived white households rather than upwardly mobile non-whites."[28] Nor were these changes inevitable, or part of broader citywide trends; in up-zoned communities, "Even though housing supply outpaced population change, rents increased far faster than citywide."[29] These are the accelerating effects of gentrification that

[25] DEIS, Chapter 3, p. 21.
[26] Leo Goldberg, "Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg's New York City," 2015, p. 71.
[27] Goldberg, pg. 66-67.
[28] Goldberg, pg. 68.
[29] Goldberg, pg. 83.

upzoning has brought to low-income communities of color throughout the city and these are the effects we can expect the rezoning to bring to East Harlem.

The FEIS must include a Detailed Socioeconomic Assessment of the extent to which the With-Action condition may *accelerate* displacement relative to the No-Action condition, which the DEIS boldly admits it will. The CEQR Technical Manual demands it: "the purpose of the preliminary assessment is to determine whether a proposed project has the potential to introduce or *accelerate* a socioeconomic trend."[30] Even if one accepts the City's premise that the proposed rezoning will not "cause" residential displacement, in that some displacement would likely occur even absent the rezoning, that does not absolve the City of its obligation under CEQR to analyze any potential acceleration of a displacement trend.

A Detailed Assessment is required by the Manual; more importantly, it is needed here in order to facilitate thoughtful consideration of the impacts of the Proposed Action on New York City's most vulnerable residents and communities that have borne the brunt of the racist city planning strategies of earlier eras. East Harlem will become a markedly different neighborhood with different resident communities if the Proposed Action is taken. The CEQR Technical Manual and our responsibility to history require that the CPC, the lead agency, have a detailed assessment available to it in order to appropriately weigh the appropriateness of the action.

A Detailed Socioeconomic Assessment is not a mere exercise. Such an assessment is required by the Manual because it would "allow the lead agency to understand the potential for, and extent of, a significant adverse impact *to a level that allows appropriate mitigation to be considered*."[31] Without a detailed analysis, it is impossible for the Department to show how it arrived at its determination of what mitigations are needed in the face of significant adverse impacts that the proposed change will have on the neighborhood. The City's description of MIH, a program that cannot serve the majority of the area's current residents as a "mitigation," belies the paucity of analysis that has been done to understand the impact and develop a plan appropriate to that impact.

Failing to follow CEQR in considering the Proposed Action is not only an improper agency action, it is a violation of State law.[32]

Because of the paucity of the analysis in the DEIS, and its deviation from the City's own CEQR Manual, the proposal before the Commission today does not include mitigations necessary to ensure that low income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents. Such mitigations are not only required by law, they are

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[30] CEQR Technical Manual, Chapter 5, Paragraph 320 (emphasis added)

[31] CEQR Technical Manual Sec. 330

[32] SEQRA requires agencies subject to its provisions to adopt procedures necessary to implement the requirements of the statute provided that such "procedures shall be no less protective of environmental values than the procedures provided in SEQRA", although procedures more protective of the environment can be adopted. The propriety of an agency's determination must be judged not only according to the requirements of SEQRA but also according to the regulations promulgated by the City of New York in CEQR to the extent those regulations are more protective of the environment. Chinese Staff and Workers Ass'n v. City of New York, 68 N.Y.2d 359, 364 (1986).

imperative to operationalizing our shared vision of an equitable New York City. No rezoning of East Harlem can be done without a detailed assessment and the development of appropriate mitigations.

The DEIS fails to meet the standards required under the State Environmental Quality Review Act (SEQR)

Failing to adequately consider the likely impacts of the Proposed Action on the environment

SEQR requires a City agency considering a Proposed Action to issue an environmental impact statement on any action they propose or approve which may have a significant effect on the environment prior to approval.[33]

The environment includes "the physical conditions which will be affected by a proposed action, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance, existing patterns of population concentration, distribution, or growth, and existing community or neighborhood character."[34] The Court of Appeals of New York has made it clear: "The existing patterns of population concentration, distribution or growth and existing community or neighborhood character are physical conditions" that must be considered "in determining whether a proposed project may have a significant effect on the environment."[35]

To comply with SEQR, DCP must conduct an analysis free from the errors described above. It must include sites that will likely be developed in the RWCDS. It must count current residents of multi-unit buildings when considering those likely to be directly displaced by the Proposed Action and to account for the acceleration of indirect displacement that the action is sure to bring with it. It must grapple with the likely direct business displacement using methods that account for the displacement of retail and commercial businesses that serve low income residents of East Harlem and not ignore the likely cumulative impacts of the Proposed Action on indirect business displacement. It may not inflate the projected increase in manufacturing businesses.

Following flawed CEQR methodology

DCP cannot rely on the flawed methodology memorialized in the Technical Manual when that methodology does not capture the actual impact of the proposed project on the environment. State law is not satisfied by regulations that do not actually require an applicant to capture the impacts SEQR requires be captured; omissions in the Technical Manual are not sufficient cover for agencies to hide from the State law requirement that impacts on the environment must be carefully considered before an action like the East Harlem Neighborhood Rezoning can be taken.

The FEIS must take a detailed view of this housing stock - identifying and including in its analysis all rent stabilized households; government-subsidized buildings that are nearing the end of their term agreements; NYCHA buildings that are in a poor state of repair; and the effect

[33] NY. Env. Cons. L. § 8-0109
[34] NY. Env. Cons. L. § 8-0105(6)
[35] Chinese Staff and Workers at 368

of proposed federal budget cuts on all of these housing stock. The illusory mechanisms that the Technical Manual credits with protecting this housing stock must be tossed out in favor of an accurate assessment of the potential impacts.

Similarly, failing to consider how potential changes in the composition of businesses in the surrounding areas would affect existing residents (as consumers of those goods and services) also fails to meet the SEQR standard for what must be considered as an impact on the environment.

Several commenters on the Draft Scope of Work noted that the *CEQR Technical Manual*'s methodology for calculating the number of school seats that a Proposed Action could generate is flawed. Per the manual, the multiplier for estimating public school students generated by new residential units in Manhattan is 0.12, the lowest multiplier for all five boroughs. However, this single number for all of Manhattan obfuscates the demographic realities of East Harlem. As George Janes noted in his comments, "Upper Manhattan produces more than twice as many school-aged children per unit as the Manhattan Core. By averaging upper Manhattan and the Manhattan Core together, CEQR uses a generation rate that is wrong for both places."

Unfortunately, the DEIS ignored this comment and used the 0.12 multiplier to conclude that the 3,488 incremental new housing units that the Proposed Actions could spur would only add 418, 139, and 209 new elementary, intermediate, and high school students respectively. As such, it is unsurprising that the DEIS concluded that the Proposed Actions would not create a significant adverse impact on public schools in East Harlem.

The FEIS should correct this flawed methodology by using a larger multiplier that reflects the pattern of larger household sizes in Upper Manhattan and East Harlem than in Manhattan as a whole. As other commenters have noted, the American Community Survey (ACS) Public Use Microdata (PUMS) should be consulted as data sources to establish this larger multiplier. The authors cannot rely on an error in the Manual as a means to circumvent State law.

Proposed solutions for preserving and increasing affordable housing in East Harlem

CVH and other constituents have tried to work with the agency and have proposed paths towards preserving and increasing the stock of truly affordable housing in East Harlem. The following strategies have been suggested and are being overlooked in favor of the proposed action:

- *Passage of a citywide "Certificate of No Harassment" program*

A Certificate of No Harassment program would prevent landlords who have harassed tenants from getting certain permits from the Department of Buildings unless they agree to set aside part of the building as permanently affordable housing. This model has been locally effective in the Clinton special district, and should be expanded by requiring that DOB and HPD put a similar policy in place across the city. If passage of this bill is not feasible before the City Council ULURP vote than a "Certificate of No Harassment" requirement must be included in the zoning text as part of an East Harlem Special District.

- *A $200 million commitment for NYCHA repairs in East Harlem*

Improving the quality of the existing affordable housing stock in the neighborhood, especially that of NYCHA, is of paramount concern. The City must think of this as a vital anti-displacement measure; if affordable housing is uninhabitable then it will be lost. Public housing residents are a central part of our community; just because the proposed rezoning largely excludes NYCHA property does not mean that they are not affected by the outcome, or that their needs should be excluded from consideration.

- *30% of all new residential units must be designated for households making 30% AMI or below*

The City can best achieve this goal through creating a new term sheet for private development and committing to deeper affordability on public land. Although serving households at these income levels would require greater City subsidy per unit, it is well worth the investment; creating housing that is affordable to a greater share of lower-income CD11 residents is, in fact, ultimately far more cost effective than what frequently becomes the alternative: housing homeless families temporarily. Currently, many families in our communities are living doubled up, one step away from homelessness, and too many end up in the shelter system each year.

By increasing the amount of housing that will be affordable to the people who are at the greatest risk of displacement, we can ensure that our area will stay accessible and meaningfully mixed-income for generations to come.

- *100% of all new residential units on public land must be permanently affordable, with 40% designated for households at 30% AMI or below*

The City has the opportunity of creating an even broader band of deeply affordable units by taking advantage of East Harlem's substantial amount of publically owned land. Over 21% of the neighborhood's total land is publicly owned - a crucial neighborhood asset that must not be wasted. Public land is the City's best opportunity for deeply affordable units that are permanently affordable. Unlike with private land, on public land the City can require that developers use existing term sheets to reach specific affordability levels. Deep and permanent affordability on public sites is a vital part of creating an overall neighborhood housing plan that is, on the whole, responsive to the needs of the current community.

To help achieve these goals the City should not dispose of public land to private developers. When the City disposes of its land, it takes away a valuable resource for future generations and weakens its own ability to ensure permanently affordable housing. There is no reason to repeat the mistakes of the past in limiting the length of affordability required on public sites. East Harlem has lost significant amounts of previously affordable housing because of requirements that expired after 20 to 40 years, and we are poised to lose even more. This must not continue. The City should use different strategies moving forward, such as long-term land leases and community land trusts, to ensure that ownership of the land remains with the City or with a mission-driven, community-controlled entity, regardless of who the City may partner with to develop the land. At the very least, if the City will not retain ownership of the land, it should only

dispose of it to non-profit affordable housing developers who are mission-driven to keep housing affordable in perpetuity.

Statement by The Fane Organization
In Support of DCP Proposal for East Harlem Rezoning

This statement is in strong support of the Zoning Amendments proposed by the New York City Department of City Planning (DCP) and in favor of up-zoning to allow East Harlem to achieve greater height and density like other neighborhoods in Manhattan. In the urban environment of Manhattan, City Planners should not hesitate to allow residential development, particularly in a depressed and under-developed neighborhood, such as East Harlem. Once East Harlem is re-zoned, construction will begin that will bring new life and activity to the neighborhood. We are in favor of the DCP Zoning Amendments, but wish to suggest one proposed change, which is discussed below.

We are real estate developers who own property in East Harlem along the Park Avenue corridor. We are not newcomers to the neighborhood, but have been in East Harlem since the 1980's, and have worked consistently to improve our properties and better the neighborhood. We own vacant development sites at 1900 Park Avenue between E129th-130th Streets, and at 1940 Park Avenue between E131st-E132nd Streets, as well as the existing commercial building at 1916-1938 Park Ave that spans the block-front between E130st and E131st Streets. We have recently completed the construction of 31 residential units at 51 E131st and 48 E132nd. As such, we are directly affected by the zoning proposals. We are ready to do construction first at 1900 Park and later at 1940 Park, once the current zoning issues are resolved.

While many opinions have been expressed about the DCP rezoning proposal, our voice should carry significant weight in this debate, as we are among those who currently own vacant development site properties and will eventually be doing actual building construction along the Park Avenue corridor. We believe that allowing greater density in mixed-use projects will be beneficial for East Harlem. Mixed use on Park Avenue will bring stores, restaurants and services to the street level, along with the population to support these businesses. On Park Avenue, taller construction will mean getting residences up above the railroad tracks to where the noise is not heard, the air is cleaner, and the view is better.

We urge the DCP to make one change to the proposal, and extend R10 to the entire Park Avenue corridor up to E132nd Street. The current proposal proposes R10 from East 116th Streets through E 128th Street, but drops down to R9 for certain other blocks. As owners of property on the dropped-down block (1900 Park Ave between E129-130), we are concerned about this inconsistency, and suggest R10 zoning stretching up to E 132nd Street. There is no logic to discrimination against the block on the West side of Park Avenue between 129th-130th where we own property, when R10 is proposed for the East side of Park Avenue on the block from 126th to 128th Streets. Under the DCP proposal, the height limit of 215 remains the same all the way up to 132nd Street, for both R9 and R10, so the only difference would be in FAR. We urge the DCP to reconsider and extend the proposed R10 Zoning and 12 FAR to the entire corridor of Park Avenue up to E132nd Street without the current cumbersome, discriminatory, block-by-block spot zoning approach.

An additional comment on FAR proposed -- In the DCP plan, the 1900 Park block is designated M1-6/R9. Typically M1-6 allows 10 FAR, with 8.5 residential FAR and 1.5 FAR non-residential. There is no rationale for treating this M1-6 differently than the others in the rest of the city. We urge the DCP to allow the M1-6 district to produce the same 10 FAR it does everywhere else in the city, instead of limiting it to 8.5 in this special district.

Under the current zoning, Park Avenue is dismal and deserted at night. There are vacant lots, some automotive use and a few commercial establishments, but almost no residential use. Sometimes it is a scary place to walk at night. With up-zoning, residential construction will take off, and these deserted streets will gradually become part of a regular, inhabited neighborhood. Despite the railroad tracks, the newly-zoned mixture of commercial and residential will bring greater vitality to the area.

Although some East Harlem residents fear the DCP's Zoning Proposal will result in "gentrification" and "displacement," we would like to point out that the sites where we will do construction are all vacant lots. Not one person will be displaced if we build. And if the new zoning allows taller buildings, even more people will have the opportunity to live in brand new, modern, recently-constructed housing. No one will be hurt, and everyone will gain.

The decisions taken now in rezoning East Harlem will reshape the landscape of the neighborhood for many years to come. Policies adopted now will either encourage or stunt economic development and population growth in the neighborhood. Until now, outdated zoning has kept Park Avenue depressed, and prevented residential development. The DCP Proposal correctly identifies the need for rezoning to encourage revitalization of the neighborhood. We strongly support this proposal.

CONTACT: Daria Fane
The Fane Organization
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917-232-3526

CPC Hearing Testimony – August 23, 2017

East Harlem Rezoning

Good afternoon. My name is Bethany Hogan and I am the Government Relations and Special Projects Manager at New York Restoration Project. I represent NYRP on the East Harlem Neighborhood Plan Steering Committee, on which we have served for over two years.

We are deeply proud of the work that the Steering Committee has delivered. Together, we have produced a comprehensive neighborhood plan that is built off of excellent community engagement, and conveys a carefully composed and ambitious local vision. This plan includes a rezoning, but it also outlines key investments to support the growth of the existing community.

After reviewing the Department of City Planning's East Harlem rezoning proposal, we feel that it fails to address many of the priorities of our plan. We still believe the lower density rezoning proposal we developed better achieves the balance between creating new affordable housing and preserving the existing character of the community. The scale of the City Planning rezoning proposal would adversely impact the character of our community. We believe that it is imperative that DCP and the Administration reduce the zoning density on Park and Third Avenues, and make commitments to invest in community priorities identified through the East Harlem Neighborhood Plan.

NYRP leads the Open Space and Recreation subgroup of the East Harlem Neighborhood Plan (EHNP). Our group identified four priorities that we feel the Administration must deeply consider.

1. **Our community's open spaces require significant capital investments.**
    - There is an urgent need for more comfort stations at our local parks, particularly at the Harlem River Park sports fields. We believe that there should be automatic installation of comfort stations at parks of a certain size threshold.
    - We particularly take issue with the DEIS' classification of the East River Esplanade as in 'good condition.' It has long been in desperate need of repairs. The Esplanade suffers from very limited accessibility due to its proximity to the FDR Drive and having only a small number of entrance points for pedestrians. Much of the path infrastructure has deteriorated and there were two major collapses in this past year alone (one in East Harlem at 117th Street and the other at Carl Schurz Park). These deteriorations are a critical concern today but they stand to only worsen with costs only growing greater the longer they remain ignored.
    - Pier 107 needs to be replaced. Its current condition has been deemed by colleagues in the Parks Department and others in our community as 'unacceptable' and we need to move forward with a new design that better connects East Harlem residents to their waterfront.

2. **There is great need in this community for new and improved open space infrastructure.**
    - The East Harlem community is already underserved in open space even without the anticipated population increases of a proposed rezoning. The DEIS calculates a current open space ratio of 0.834 acres per 1,000 residents, well below the city's guideline of 2.5 acres per 1,000 residents and the city average of 1.5 acres per 1,000 residents. With DCP's rezoning proposal's 'Proposed Actions' included, that ratio would be nearly 4%

lower, 0.801 acres per 1,000 residents. Rezoning or no rezoning, the East Harlem community needs to be better served in open space. This includes improvements to the East River Esplanade, Harlem River Drive Park, Thomas Jefferson Park, Marcus Garvey Park, and greater investment in community gardens and NYCHA grounds.

- The East Harlem Community also needs new open space. We are enthusiastic about the opportunity posed by the new Harlem River Greenway Link from 125th to 132nd Streets. New use of this 11-acre site will be deeply impactful for our community but significant investments are needed for this ambition to be realized.

3. **Accessibility to the waterfront and resilient design.**
    - Investments are needed to support access to Randall's Island's 125th and 103rd Street entrances. This includes wayfinding, programming promotion, and better pedestrian/cycling planning.
    - We believe that green infrastructure design should be included in any public realm improvements that DCP considers, including RFPs for public sites. We would also like to see an outreach effort that focuses on DEP Green Infrastructure Grant Program targeted at East Harlem property owners, especially for new construction.

4. **This administration needs to work with local conservancy partners to support maintenance and stewardship in East Harlem parks.**
    - Conservancies are integral to leveraging additional funding and programming and need to be better activated in the care of our parks.

We further reiterate these priorities with additional comments on the DEIS.

The DEIS references "ameliorating factors" that purportedly improve access to open space across the neighborhood. These include open spaces available at NYCHA campuses and Central Park but they are problematic assumptions. NYCHA desperately needs capital investments to grounds and open spaces before its usership can be expected to increase in any meaningful way. Central Park is also already overburdened by use with 25 million annual visitors.

A major shortcoming of the DEIS relevant to open space was DCP's study area. Because the rezoning exempts East of Second Avenue and below East 104th Street, these areas will lack context. This incongruence will also carry over to Thomas Jefferson Park, the East River Esplanade and possibly Marcus Garvey if continued west. If DCP considered upzoning First Avenue, it would connect residents to their waterfront, their green space and the Randall's Island connector. It is of the utmost importance that DCP revitalizes the connection between East Harlem's residents and their open space.

Statement to the New York City Department of City Planning
Concerning its Proposed Rezoning Plan for East Harlem

Landmark East Harlem (LEH) was formed in 2015 so that the East Harlem community would have an ongoing voice in how our neighborhood is developed. LEH supports development that preserves the unique cultural and historical significance of the neighborhood, subject to input from the community.

Currently, East Harlem has only 22 city-designated landmarks and *zero* city-designated historic districts. LEH has compiled the attached list of buildings (including notations for what we consider to be urgently "at risk" buildings) and historic districts for evaluation by the Landmarks Preservation Commission (LPC). We strongly urge the New York City Department of City Planning to consider the effects of is plan on these endangered properties before any rezoning takes effect in East Harlem. Development pressures already threaten many of these irreplaceable properties. East Harlem cannot afford to lose any more pieces of the neighborhood's history.

LEH supports the zoning recommendations contained in the East Harlem Neighborhood Plan, which were developed through a community-based planning process. We strongly oppose the rezoning proposal developed by the Department of City Planning (DCP).

LEH is not opposed to rezoning or sensitive new development. We do believe, however, that the greatest neighborhoods are those that incorporate and celebrate older buildings and streetscapes. LEH supports upzoning only to the extent that it will trigger the implementation of Mandatory Inclusionary Housing (MIH) requirements in East Harlem.

DCP's proposed upzoning for Third and Park Avenues would yield the maximum residential density allowed anywhere in New York City. LEH believes that the proposed rezoning gives developers license to build "as of right," with no opportunity for community input to determine the appropriateness of such large structures.

Sincerely,
Christopher Cirillo, Member, LEH, and Executive Director, Lott Community Development Corporation
Joanna Delson, Founding Member, LEH, and Executive Vice President, CIVITAS Board of Directors
Kathleen Benson Haskins, Founding Member, LEH
Connie Lee, Founding Member, LEH, and President, Marcus Garvey Park Alliance
Robin Stratton Rivera, Member, LEH, and Director, CIVITAS Board of Directors

Landmark East Harlem
c/o CIVITAS NYC, 1457 Lexington Avenue, New York, NY 10128
Facebook: Landmark East Harlem

LPC – EIS – At Risk

ARCHITECTURAL RESOURCES: BETWEEN EAST 125TH STREET AND EAST 116TH STREET

Rezoning Area

124 East 124th Street (#14)
The five-story brick building at 124 East 124th Street was built as a stable in 1891for R.E. Westcott and designed by French, Dixon & De Saldern.

PS 7 (#15)
PS 7 was designed by Perkins & Will and built between 1958 through 1960. The design consists of three four-story classroom blocks connected by glass-enclosed bridging structures. The Modern style building utilizes an exterior metal curtain-wall system and emphasizes the plan and massing of the design over ornamentation.

Saint Paul's Roman Catholic Church (#16)
St. Paul's Roman Catholic Church is a Romanesque Revival style church designed by Neville & Bagge and built in 1908. The limestone church features round arch openings, stone window surrounds, and twin towers with pyramidal roofs.

Saint Paul's Rectory and School (#17)
St. Paul's rectory was designed by Neville & Bagge and built with the church in 1908. The school building was constructed in the late 19th century. The stone rectory and brick school building are designed in the Romanesque Revival style and complement the church building.
Potential Construction-Related Impact: Construction will occur across the street from the School building.

Casa Latina Music Store (#18) The Case Latina Music Store at 151 East 116th Street is a four-story white-brick clad building. The music store occupies the first two floors and was established in 1962 and the building alterations date to this time period. The building was originally constructed circa 1870. 1962 is considered the period of historic significance for Casa Latina as per the LPC and national Register guidelines.

Fiorello LaGuardia Political Association (#19) 247 East 116th Street housed the Fiorello LaGuardia Political Association. The four-story Italianate tenement was constructed in 1871 for owner H. N. Dean and designed by architect L. E. Duenkel.

Study Area

Portion of Mt. Morris Historic District (E)
2010-2014 Fifth Avenue are three contributing buildings to the Mount Morris Historic District. The three brownstone Queen Anne rowhouses were built between 1881 and 1883 and designed by James E. Ware. The four story plus raised basement buildings are three-bays wide and originally all had raised stoop entries and two projecting bays on the first two floors and basement. 2010 Fifth Avenue has been altered with the removal of the raised stoop entry and projecting storefront additions to the first and second floors.

4-12 East 125th Street (#20)
The five-story group of building located at 4-12 East 125th Street was designed by D. & J. Jardine and built in 1888 as flats with ground-floor stores. The Italian Renaissance buildings feature arched openings, rock-faced masonry, terra-cotta panels, and a prominent cornice.

1944 Madison Avenue (#21)
The five-story commercial/apartment building located at 1944 Madison Avenue was designed by

C. Abbott French & Co. and built in 1888. The late 19th-century Romanesque Revival building features decorative terra-cotta floral spandrel panels.

Fire Hook and Ladder No. 14 (#22)
Completed in 1889, Fire Hook and Ladder No. 14 was designed by Napoleon LeBrun & Sons, beginning in 1881. The four-story brick building has a highly ornamented façade with a single vehicular entrance on the first floor.

Former Harlem Savings Bank (Apple Bank) (#23)
The two-story, stone-clad Neoclassical building at 124 East 125th Street was built between 1906 and 1907 and designed by Bannister & Schell. The main façade has a rusticated temple front with a denticulated cornice and parapet.

New York Public Library—125th Street Branch (#24)
The 125th Street Branch of the New York Public Library was completed in 1904. Funded by Andrew Carnegie, the building was designed by McKim, Mead & White in the Italian Renaissance Revival style. The two-story-tall, three-bay-wide building has a rusticated limestone façade with round-arched openings and a modillioned cornice.

205 East 124th Street (#25)
Constructed in 1883 and designed by Cleverdon & Putzel, the tenement building at 205 East 124th Street is a five-story brick Renaissance Revival building.

Former New York City Telephone Company (#26)
The Former New York City Telephone Company at 123 East 124th Street is a five-story brick and stone office building that was designed by L. W. Eidlitz and built in 1901.

Former Stable (#27)
The Romanesque Revival style four-story brick building at 166 East 124th Street was built as a stable for owner J.W. Powers in 1891. The building was designed by architects French, Dixon & De Saldern.
Potential Construction Related Impact: Construction will occur adjacent to the resource and will result in a tall building that fronts onto the avenue with a limited visual connection.

Chambers Memorial Baptist Church (#28)
The Chambers Memorial Baptist Church located at 219 East 123rd Street was built in 1891. The three-part façade was designed in the Romanesque Revival style with contrasting light and dark tan brick, and round-arched windows on the second floor.
Potential Construction-Related Impact: Construction will occur adjacent to the resource.

Elmendorf Reformed Church (#29)
Constructed in 1894, the two-story plus a basement Elmendorf Reformed Church building is a Renaissance Revival building with a front façade of two portions. The west portion of the façade is three bays wide with three segmental-arched windows at the basement level, flat arched windows with large keystones at the first floor, and tall, round-arched windows with carved keystones at the second floor. Second-floor pilasters support a wide frieze and pediment. The eastern portion of the façade is set back from the western portion and features a round-arched entrance surround, round-arched windows on the second floor, and an oculus.

Sylvan Court Historic District (F)
Sylvan Court Historic District consist of seven two-story brick clad rowhouses that face onto a shared private courtyard . The buildings were likely constructed c. 1899 as carriage houses and were converted into living quarters in the first half of the 20th century.

Harlem Courthouse (#30)

The Harlem Courthouse was constructed between 1891 and 1893 and was designed by Thom & Wilson in the Romanesque Revival style with Gothic accents. The brick, terra-cotta, and stone clad building is asymmetrical with a round tower surmounted by an octagonal belfry on the west side of the four-story building. The main entrance is located on the north façade and set in a rusticated granite base. Other notable details include a two-story Palladian window with pilasters and detailed spandrel panels, a wide horizontal band course with fluted brackets, and steep gables topped with large finials.

Former Richard Webber Market (#31)
207 East 119th Street is all that remains of the Richard Webber Market, once "the largest retail market in America" (New York Times, 1919). The six-story brick and stone building was designed by John and Bartholomew Walther as a cold storage building for the market in 1895.

First Sharon Baptist Church (formerly East Harlem Presbyterian Church) (#32) 233 East 116th Street is a brick, stone and terra-cotta Gothic Revival Church that was built in 1891. The building was designed by Samuel Adams Warner and originally housed the East Harlem Presbyterian Church.

ARCHITECTURAL RESOURCES: SOUTH OF EAST 116TH STREET
Development Sites 41 and 34

First Spanish United Methodist Church (#33)
According to Place Matters, the First Spanish United Methodist Church located at 163 East 111th Street is an important site in the history of the Young Lords Party—a radical Puerto Rican youth organization modeled on the Black Panthers. In 1969, three years after the church was constructed, the Young Lords repeatedly requested and were denied permission to operate a daycare program out of the First Spanish United Methodist Church. After several tense encounters the group forcibly took over the building and for 11 days used it as a site for health screenings, food programs, poetry readings, and lessons in Puerto Rican and black history. The church continues to serve an active Latino population while other legacies of the Young Lords within the community include establishing El Museo del Barrio and El Taller Boricua.

Kress Building (#34) The former Kress Building located at East 106th Street and Third Avenue operated from ca. 1925 until 1994 and is believed to have been the last Kress store in business in New York. The two-story, brick and terra-cotta clad building features groupings of four-wide windows set within wooden sashes on the second floor with detailed panels above the windows on the first and second floors. a projecting terra-cotta cornice is topped with a parapet with terra-cotta insets. A terra-cotta Kress nameplate is centered on the East 106th Street façade and the Third Avenue façade. In the early 1960s, Harlem community members picketed outside this store because Kress locations in Southern states were operating with segregated lunch counters.

Rezoning Area

Vito Marcantonio House (#35) The four-story Italianate tenement at 231 East 116th Street was built in 1875.

Leonard Covello House (#36) The four-story Italianate tenement at 231 East 116th Street was built in 1875.

204 East 116th Street (#37)
The three-story building at 204 East 116th Street is a Beaux Arts style commercial building constructed in 1924. The limestone-clad façade has a two-story keystoned arch supported by Corinthian columns. Doric pilasters at the corners of the front façade support an architrave, frieze, and modillioned cornice. Above the cornice is a classical attic with a centered cartouche. The building's main entry is centered under the arch with a triangular-pedimented surround.

Former Democratic Club of the Sixteenth Assembly (#38)
The Former Democratic Club of the Sixteenth Assembly is a four-story Italianate tenement with

stucco cladding located at 208 East 116th Street . The building was constructed in 1880 and designed by Charles W. Romeyn.

Park Avenue Viaduct (#39)
The Park Avenue Viaduct was built between 1894 and 1897 when the New York Central and the Hudson River Railroad reconstructed the railroads' main lines to create a higher crossing over the Harlem River, allowing for rail connections to points north. The railroad lines connect to Grand Central Terminal to the south. East-west streets cross below the viaduct, however, and much of the area below the raised portion of the viaduct is occupied by parked vehicles and a garden center.
Potential Construction Related Impact: [Numerous] Construction [projects] will occur adjacent to the resource.

Public School 72 (#40)
Built between 1879 and 1882, Public School 72 was designed by David I. Stagg who served as public school architect for the New York City Board of Education from 1872 to 1886. The school building is a rare example of late 19th-century public school architecture in Manhattan. The four- and five-story red brick Neo-Grec style building has a dramatic entrance and stair towers and classically inspired ornamentation. It is symmetrically massed with a projecting fivestory, five-bay central entrance pavilion along Lexington Avenue. The Neo-Grec ornamentation unifies the four façades of the rectangular-plan building and includes such features as angled and corbelled brick, stone lintels, sills, stringcourses, and quoins.

Study Area

Banca Commerciale Italiana (#41)
The Banca Commerciale Italiana at 2256 Second Avenueis a three-story, stone-clad building with elements of the Art Deco and Moderne styles. The building was designed by Harry R. Allen and built in 1930.

Former Synagogue (#42)
160 East 112th Street is a four-story brick building with an unusual parapet. The building was constructed in 1889 and designed by Alexander I. Finkle as a synagogue for the Congregation Moses Montefiore.

Hook and Ladder 48 (Engine Company 91) (#43)
Hook and Ladder 48 is a three-story, three-bay, red brick and stone building designed by Hoppin & Koen and constructed between 1912 and 1913. It was one of 20 firehouses designed by the firm in the fall of 1910 and has similar design elements including a rusticated stone first floor with segmentally arched vehicle door openings with scrolled keystones, four pairs of brick Doric pilasters, stone entablature, and a low-gabled brick parapet above a simple cornice.

Former Congregation Uptown Talmud Torah Synagogue and School/ Former Commander John J. Shea Memorial School (#44)
Constructed in 1905 for the Congregation Uptown Talmud Torah and designed by architects Bernstein & Bernstein with elements of the Renaissance Revival and Beaux Arts styles, 132-142 East 111th Street served as a synagogue and school. The four-story, six-bay building is clad in tan brick with a rusticated base with a stone cornice separating the base from the upper floors. The recessed original raised-entry is located in the middle of façade with a large stone surround and is flanked by two elongated, arched openings with a Gibbs surround and scrolled keystone. The outer two bays on the second and third floors have Gibbs surrounds with a scrolled keystone while the middle bays have paired windows and a sopraporta with carved stone relief detailing including square Corinthian pilasters, spandrel panels, scrolls, and two triangular pediments with cartouches. The fourth floor windows have simple arched surrounds with Corinthian pilasters. The two-story, four-bay addition on the east side of the building was likely added in 1906 or 1908 and is similarly clad in tan brick. The addition is capped in a metal cornice that aligns with and mimics the stone cornice of the main building. As the neighborhood changed, the congregation

dwindled. Eventually, the building was purchased by St. Cecilia's Church and opened in 1943 as a school annex of that parish with a large number of pupils coming from Puerto Rican families. The school closed and the building is now occupied by the Greater Highway Deliverance Temple and the Harbor Science and Arts Charter School.

New York Public Library—Aguilar Branch (#45)
The Aguilar Branch of the New York Public Library was built in 1904 with funding from Andrew Carnegie and designed by Herts & Tallant. The three-story limestone-clad building is designed in the Neoclassical style with a pair of large Ionic pilasters, prominent entablature and carved frieze, and recessed cast-iron fenestration with paired windows separated by columns.
Potential Construction Related Impact: Construction will occur adjacent to the resource.

Manhattan Odd Fellows Temple (#46)
The former Manhattan Odd Fellows Temple at 105 East 106th Street was designed by Hugo Taussig and constructed in 1928. The 11-story building is designed with a two-story limestone base, with the upper stories clad in brick. Above the first story, the central bay of the base is rusticated with alternating bands of brick and stone, with three arched window openings. Full height piers that extend vertically from street level on the façade are ornamented with polychromed ornament at the second story. The 11th floor has a row of arched windows; above this, the central bay of the building is designed with a gable. The building remained in use as the Manhattan Odd Fellows Temple by the Independent Order of Odd Fellows, a fraternal organization, until the 1940s. It was subsequently used for film-related uses through the 1960s, and as an office building through the 21st century. Recent tenants include the Young Women's Leadership School and Metropolitan Studios, where the Bill Cunningham Show filmed.

Saint Cecilia's Convent (#47)
Designed by Neville & Bagge and completed in 1907, the Romanesque Revival Saint Cecilia's Convent was originally two tenement houses which were converted into the church buildings by Neville & Bagge and the design unified these buildings with the existing Church. The four-story convent has a nearly symmetrical façade with a three-centered arched doorway flanked by fluted Ionic pilasters, a simple entablature, a stone bandcourse, and arched window openings.

Saint Cecilia's Church (#48)
Saint Cecilia's Church was designed by Napoleon Le Brun & Sons and built between 1883 and 1887 in the Romanesque Revival style. One of the earliest congregations established in the area, the church has been in continuous use since its completion. The building is symmetrical and the East Harlem Rezoning 7-20 complex is united through the use of textured brick and terra cotta. The central gable of the church features a high-relief terra-cotta panel depicting Saint Cecilia playing an organ. Below this panel is a projecting portico with three arches, accentuated by alternating brick and foliate terra-cotta voussoirs.

Fire Engine Company No. 53 (#49)
Designed by Napoleon Le Brun & Sons and constructed in 1884, Fire Engine Company No. 53 is a four-story, mid-block firehouse that incorporates elements of the Queen Anne and Romanesque Revival Styles. The cast-iron first floor has decorative pilasters with foliate capitals that incorporate sunflowers and torches. Molded brick panels above the upper floor windows and terra-cotta medallions in the form of stylized sunflowers adorn a frieze and stylized brackets of corbelled brick anchor a dentilled cornice.

28th Police Precinct Station House (#50)
Designed by the architect for the New York City Police Department, Nathaniel D. Bush, and built between 1892 and 1893, the former 28th Police Precinct Station House is a five-story red brick and granite building that combines elements of the Renaissance Revival and Neo-Grec styles. The three-bay façade is articulated as a grid form with continuous piers and intermediate beltcourses. The second through fourth floors have paired round-arched windows set below stone arches in the center bay, and paired segmental-arched windows set below stone lintels on the outer bays.

Former German Evangelical Lutheran Church (#51)

1630 Lexington Avenue was built in 1891 by builders Winkler & Willenbrock and designed by Franklin Baylies for the German Evangelical Lutheran Church. The church and adjoining parsonage were designed in the Romanesque Revival Style and clad in brick. The Lexington Avenue façade is three-bays wide with a central, arched entry and a corbelled roofline. Each of the window openings and main entry are topped with a simple arched brick lintels and terra cotta detailing. A square belfry extends just beyond the roofline at the west side of the façade. The arched windows with tracery on the east façade, and the upper windows on the north façade have simple, geometrical stained glass panes.

La Marqueta, an outdoor and one-story metal and glass enclosure located under the Park Avenue Viaduct was also evaluated pursuant to S/NR-eligibility criteria. However, it was determined not to meet S/NR-Eligibility criteria due to a loss of architectural integrity. The market, constructed in 1934, still retains its original use, but has been highly altered. The Park Avenue Viaduct, which effectively creates the La Marqueta space, is S/NR-Eligible.

Individual Landmarks in East Harlem
Proposed to the New York City Landmarks Preservation Commission
(Priorities indicated by **)

Churches

****Church of Our Lady of Mount Carmel**, 449 East 115th Street
Block 1709; Lot 16
Architect: Lawrence J. O'Connor
Built: 1894-1896
Built in the Romanesque Revival style, the church is named for the Madonna del Carmine, Protectress of Polla, a town in the province of Salerno from which many of East Harlem's Italians emigrated. Although local Italian laborers worked to construct the building, the church's Irish authorities initially relegated Italian parishioners to the basement. One of only four churches in North America with a canonically crowned Marian image authorized by the Congregation for Divine Worship and the Discipline of the Sacraments in the United States of America, OLMC received this designation for its statue of the Madonna from Pope Pius X in 1904, in part because of mistreatment of Italian parishioners by the reining Irish and German "American Catholics." The other churches with canonically crowned statues are in New Orleans and Lake Charles, Louisiana, and Mexico City.

****Church of Our Lady Queen of Angels**, 228 East 113th Street
Block 1662; Lot 35
Architect: William Schickel & Company
Built: 1896
This neo-Romanesque structure is at the center of a complex that also includes a convent, a rectory, and a school. It was constructed for a German congregation at the request of New York Archbishop Corrigan, who appointed to oversee the project Father Bonaventure Frey, co-founder of the Capuchin Franciscan Order in the United States. A NYCHA development, Thomas Jefferson Houses, completed in 1959, eventually surrounded it. As East Harlem's demographics changed, its parishioners were largely Puerto Rican, Dominican, Mexican, and African American. When the Archdiocese of New York closed the church in February 2007, a group of parishioners protested by occupying the church and have subsequently conducted their own services on the sidewalk in front of the building every Sunday.

Church of the Lord Jesus Christ of the Apostolic Faith, 1421 Fifth Avenue (116th-117th)
Block 1622; Lot 1
Architects: Hoppin & Keon
Built; 1911

Probably named for Mount Morris Park, this neo-Georgian structure's facade is well preserved. The building was formerly a series of theaters, in historical order earliest to latest: Mount Morris Theater, Campoamor, Teatro Cervantes, El Teatro Hispano, and Radio Teatro Hispano. It was likely a vaudeville house at first, although it was showing films by 1917. It remained a film house at least until 1936, when the New York Times referred to it as "the principal Spanish-language cinema house in New York."

First Spanish United Methodist Church, 163 East 111th Street
Block 1629; Lot 31
Architect:
Built 1880
Built for Lexington Avenue Baptist Church, this Gothic Structure was the center of a Puerto Rican political movement led by the Young Lords Party in 1969. The Young Lords took over the church, renamed it the "People's Church," and conducted free breakfast programs, clothing drives, and Spanish language classes for 11 days before surrendering to authorities. The occupation of the church is regarded as a milestone in political consciousness in El Barrio.

Holy Tabernacle Church, 407 East 114th Street
Block 1708; Lot 5
Architects: Cady and See
Built: 1905-1906
This structure was built as Jefferson Park Methodist Episcopal Church, an Italian congregation that had begun with open-air services in 1894. The congregation merged with the congregation of Trinity Church on East 118th Street in 1918 and in 1977 became the Upper Madison Avenue United Methodist Church. The structure now serves a Pentecostal congregation.

Asambleas de Iglesia Pentecostal de Jesucristo, 220 East 118th Street
Block 1667; Lot 37
Architect: Henry F. Kilburn
Built: 1880
First German Baptist Church of Harlem, founded in 1874, initially occupied this structure. Now missing its peaked gable, it has been a Pentecostal church since the 1960s.

Christ Apostolic Church of USA, 160 East 112th Street
Block 1639; Lot 46
Architect:
Built:
This modest four-story building housed three successive synagogues before becoming an Apostolic church. The first was Moses Montefiore, which was succeeded by Congregation Ansche Chesed. After that congregation moved in 1908 (first to West 114th Street and 7th

Avenue and then to 100th Street and West End Avenue), Congregation Tikvath Israel moved in and remained well into the 1980s.

Elmendorf Reformed Dutch Church, 171 East 121st Streeet
Block 1770; Lot 33
Built ca. 1884

This congregation dates to 1835, when it was organized as the First Collegiate Dutch Reformed Church in a building at the corner of 121st Street and Third Avenue. Its roots go back to Nieuw Haarlem when it was part of the Dutch Reformed Church at First Avenue and 127th Street in 1768. At its current location since 1884, it was renamed in 1912 in honor of the Reverend Dr. Joachim Elmendorf, its pastor in 1892.

Holy Rosary Church
Block 1806; Lot 32
Architect: Unknown
Built: 1898
This Romanesque structure has a rusticated stone facade detailed by windows and doors with rounded arches and a large rose window in the center of the main bay. The church is composed of three successively shorter bays, the tallest comprising a tower and pinnacle. The parapet of the main, center bay is in a pointed, triangular form with a crucifix at the top. The parish was established in 1884 for the Germans and Irish of the newly-developed neighborhood by the Rev. Joseph A. Byron, who purchased the site of the present church in March 1884. Having learned of a recently vacated and unused church building that had formerly served the parishioners of St. Cecilia's Church in Lower Manhattan, he arranged to have the building dismantled and its materials transported by wagon to the banks of the East River, then floated upstream to East 119th Street, and finally hauled by wagon to the site purchased for Holy Rosary. All through the summer of 1884, parishioners and laborers reassembled old St. Cecilia's to create Holy Rosary.

Former Banks

R.G. Ortiz Funeral Home, 204 East 116th Street
Block 1635; Lot 47
Architect: C.P.H. Gilbert
Built: 1923
Originally the Italian Savings Bank, this structure designed by the architect of the Woolworth Building and inspired by Roman triumphal arches later served as the Farenga Funeral Home. After 1957, when the Farenga Funeral Home relocated to the Bronx, R.G. Ortiz Funeral Home

began operation. Puerto-Rican owned, the Ortiz Funeral Home has found a niche serving Mexican immigrants—in making arrangements to send relatives' bodies back to Mexico.

2256 Second Avenue
Block 1689; Lot 49
Architect: Harry Allen
Built: 1930
This Art Deco structure features the original name, Banca Commerciale Italiana, on its top story on both the Second Avenue and East 116th Street facades. After Banca Commerciale Italiana Trust liquidated its U.S. holdings in 1939, due to increased banking restrictions and declining U.S. trade with Italy, the structure was taken over by Manufacturers Hanover Trust Company. Until its incarnation as a 7-Eleven, the building housed the independent Hudson Valley National Bank.

Schools/Former Schools

Manhattan Center for Science and Math, 280 Pleasant Avenue
Block 1713; Lot 1
Architect: Erik Kebbon
Built: 1941
The former Benjamin Franklin High School was the second location for BFHS, which was East Harlem's first high school and which was formerly located on East 108th Street. Congressman Vito Marcantonio, Mayor Fiorello LaGuardia, and education reformer Leonard Covello, (who also served as the school's first principle) headed the campaign for the new school, which emphasized community education and whose roof was equipped with greenhouses in a nod to the surrounding Italian community. Its most famous alumnus was not Italian, but Irish: Daniel Patrick Moynihan. Designed by Erik Kebbon, architect and superintendent of school buildings from 1938 to 1951, the school closed in the early 1980s and reopened in 1982 as Manhattan Center for Science and Math.

Former PS 102, 2188 Second Avenue
Block 1684; Lot 101
Architect: C.B.J. Snyder
Built: 1912
Designed in English School House Gothic Style, this was one of the few schools to be part of the Urban Reform movement in East Harlem in the early years of the 20th century. Since Summer 2017, the school's Second Avenue wall has hosted a mural by the German artist Case Maclaim, part of the MonumentArt Project sponsored by City Council Speaker Melissa Mark-Viverito.

Retail / Business Establishments

****Ferguson Plumbing,** 207 East 119th Street
Block 1784; Lot 5
Architects: Bartholomew Walther and John Walther
Built: 1895
This well-preserved structure, the construction date of which appears centrally at the third story, was originally Webber Meat Market, built for retail butcher magnate Richard Webber to serve as refrigerated storage. The six-story brick and stone arcaded building features monumental pilasters with Corinthian capitals and a bracketed cornice. A pair of cattle head reliefs grace two roundels on the façade. In recent years, the structure has served as a Davis and Warshaw plumbing supply showroom and is now operated by Ferguson Plumbing. Because of the plethora of new construction in the area, including an 11-story luxury rental building at 181 East 119th Street and a 9-story rental building at 217 East 119th Street, the future of this building is uncertain.

Rao's Restaurant, 455 East 114th Street
Block 1708; Lot 22
The restaurant was established in 1896 by the Rao family in what had been a saloon on the street level of a mixed-use tenement building. The building has undergone extensive renovations, but the interior of the restaurant has remained largely unchanged for 120 years. World-famous for its exclusive clientele (Woody Allen has his own table, as had Frank Sinatra), Rao's is one of the last reminders of the once powerful and populous Italian East Harlem.

Shop Fair Supermarket, 176 East 116th Street
Block 1643; Lot 41
Architect: Benjamin W. Levitan
Built: 1920 or 1922
Designed for owner Morris Borsodi and opened in 1920 (or 1922), this one-story department store was originally the Cosmo Theatre (complete with roof garden). With over 1,000 seats, the theater hosted live shows as well as films. The theater closed around 1983.

Casa Latina Music Store, 151 East 116th Street
Block 1644; Lot 122
Architect: Hendry Devoe
Built: 1870
Constructed as one of eight brownstone-clad row houses, the building is significant as the home of Casa Latina for more than 50 years. Established in 1948 by musician Bartolo Alvarez, Casa Latina moved to this location in 1962. Seven years later, the Rubio family bought the business. It has been owned and operated by Vicente and Christina Barreiro for some 40 years and is the longest continuously operating music store in East Harlem.

The Lee Building, 1825 Park Avenue / 101-103 East 125th Street
Block 1774; Lot 1
Architect:
Built: 1898
The 12-story Lee Building was once the tallest building in Harlem. Originally owned by the Pittsburgh Life Insurance Company, the building was leased in 1913 for 21 years to Lee Brothers Storage & Van. It was purchased in 1979 by Giscombe Realty Group, which in 2011 assembled a restoration team to meticulously restore the pressed metal cornice and parapet as well as masonry and cast iron work on the South and West facades. In 2015, the Lee Building was purchased by Savanna Realty, which says it intends to preserve the building's historic elements.

1922 Third Avenue/176 East 106th Street
Block 1633; Lot 40
Architect:
Built: 1887
This structure, the date of which appears on a shield on the upper story on the East 106th Street side, was once known variously as the Disken Building and Disken Hall (the name Disken also appears on the shield). From the late 19th century to the mid 20th century, the hall (whose address was always listed as 176 East 106th Street) hosted a myriad of local meetings: a steam engineers union, the Ramona, Willowemoc, and Geronimo chapters of the Great Council of the United States of the Improved Order of Red Men, a secret society whose finances were administered by a Great Keeper of Wampum, the Jewish Social Services Association, and the Amelia Relief Society. Currently, the building houses a Kentucky Fried Chicken franchise on the street level and artists' studios on the upper floors.

Residential and Mixed-Use

Taino Towers, 2253 Third Avenue
Block 1787; Lot 1
Architect: Gerard Silverman of Silverman and Cika
Built: 1979
The complex comprises four 35-story towers on 60-story bases. Each tower is named for a different Taino leader: Guarionex, Agueybana, Guanina, and Yuisa. The high-density low-income project was first envisioned in 1965 during the Great Society and War on Poverty era of President Lyndon B. Johnson and is regarded as "the last of its kind." It was completed in 1979 after 14 years of delays and bureaucratic battles between the federal government and the East Harlem Tenants Council, which took over management of the $48.5 million project. The complex's floor-to-ceiling glass walls, rounded corners with balconies, and interlocking duplexes

with high living rooms caused Republican presidential candidate Ronald Reagan to call it luxury housing for the poor.

208 East 116th Street
Block 1665; Lot 46
Architect: Charles W. Romeyn
Built: 1880
This four-story row house became infamous after 1906 as the home of the Pocasset Club of the Tammany organization. Between July 1907 and April 1913 it withstood numerous bombings. In 1950 affiliates of the Pocasset Democratic Club of East Harlem were questioned in New York County court regarding the intermingling of criminals/mafia members and politics. Later, the building housed the offices of the Democratic Club of the Sixteenth Assembly District. Today the building features street-level retail and residences on the upper floors.

Sylvan Court, aka Sylvan Court Mews, Sylvan Place
Block 1770; Lots 75-81
Architect: Unknown
Built: 1880s
The seven two-story brick houses are located at the intersection of the former East Post Road, which connected New York City and Boston, Kingsbridge Post Road, Harlem Road and Church Lane. Sylvan Place is a small, dead-end street running from East 120th Street to East 121st Street, between and parallel to Lexington Avenue and Third Avenue. According to Sylvan Court legend, at least one of the houses was a bordello that served the workers and clients of the now landmarked Harlem Court House across 121st Street.

502 East 118th Street
Block 1716; Lot 48
Built: ca. 1865
Two-story-and-basement Empire Style house with mansard roof, façade much altered. According to a local resident, this house was the home of the Randall family, after whom Randall's Island is named. There was nothing between the house and the river then, and they had a pier to Randall's Island at this, the narrowest part of the East River. John Randall was the creator of the Randall Farm Maps, on which the Manhattan grid plan was based.

City-Owned Properties

East Harlem Health Center, 158 East 115th Street
Block 1640; Lot 147
Architect: Henry C. Pelton
Built: 1937

This Art Deco style brick, lime, and granite structure holds the distinction of being the first city-owned and city-built health facility in Manhattan, and its rooftop playground is said to have been the first constructed by the city. Authorized by Mayor Fiorello LaGuardia in 1935 and funded by the New Deal's Public Works Administration, it was the first step in a 10-year master plan to revolutionize healthcare in Manhattan. Seven other health centers were built in the first year of the program. The two-story rooftop and western annex additions probably date to the 1950s.

Carver Amphitheatre, Carver Houses NYCHA Development, East 102nd Street between Madison and Park Avenues
Block 1608; Lot 23
Architect: M. Paul Freidberg
Built: 1960s
This feature in a the NYCHA development Carver Houses common area originally consisted of a public plaza, a wood-beamed pergola, and stepped platforms to serve as stadium seating for audiences. The amphitheatre was financed by the Vincent Astor Foundation after a 1964 visit by Lady Bird Johnson, First Lady of the United States. Later, Mayor John V. Lindsay established the NYCHA Carver musical presentations, which brought such performers as Wilson Picket, Willie Bobo, the Joe Cuba Sextet, and other popular African American and Latino musicians to El Barrio. Today, a basketball court obscures a large part of the public plaza.

Harlem Art Park
East 120th-121st Streets, Lexington and Third Avenues
Originally this park was part of Sylvan Place, a small road that was closed off for use as parkland. The City of New York acquired the first part of this property, a plot directly behind the Harlem Courthouse, as a site for a public bath in 1929, which never materialized. By 1938, the land had become a popular informal sitting park. The Parks Department acquired jurisdiction over the land in 1945. Sylvan Place was closed off in the early 1980s between East 120th and East 121st Streets to be used as a park by the Casabe Houses, the neighboring senior citizen housing development. On October 30, 1992, about half of the closed off road was assigned to Parks and added to the existing park, doubling the size of the park. An important installation in the Art Park is *Growth*, a 14' x 11' x 9' painted steel sculpture by artist Jorge Luis Rodriguez, the first work of art completed by the Percent for Art program and dedicated in 1985.

The majority of the descriptions above are adapted from the Columbia University Graduate

School of Architecture, Planning and Preservation Historic Preservation Studio II: Spring 2011, David Dunlap's *From Abyssinian to Zion: A Guide to Manhattan's Houses of Worship,* and *East Harlem, Manhattan: A Guide to Historic New York City Neighborhoods,* produced by the Historic Districts Council's Six to Celebrate program. The description of Harlem Art Park is from the Parks Department's website.

THE NEW YORK ACADEMY OF MEDICINE

HEALTHY CITIES.
BETTER LIVES.

Testimony for the City Planning Commission Public Hearing on the Proposed East Harlem Rezoning

August 23, 2017

Kimberly Libman, PhD, MPH
Director for Prevention and Community Development
Center for Health Policy and Programs
The New York Academy of Medicine

The New York Academy of Medicine (the Academy) was founded in 1847 to take on the critical health problems facing New York City at that time, and we continue to advance solutions that promote the health and well-being of people living in cities worldwide. We approach our priority issues of healthy aging, disease prevention, and eliminating health disparities with a deep and long-standing commitment to understanding the complex factors that determine health in cities.

The Academy was appointed to the East Harlem Neighborhood Plan (EHNP) Steering Committee, convened by City Council Speaker Melissa Mark-Viverito, to convene community members to develop recommendations for health and aging in the East Harlem Neighborhood Plan. The Steering Committee created a comprehensive neighborhood plan that not only includes recommendations for rezoning, but also key investments to support the growth of the existing community.

As an EHNP Steering Committee member, The Academy has been engaged in the neighborhood planning process for over two years. We are providing the City Planning Commission this testimony on the potential health impacts of the proposed rezoning, and how they differ from the major findings from the Public Health chapter of the Draft Environmental Impact Statement (DEIS) for the East Harlem Rezoning.

The New York Academy of Medicine
1216 Fifth Avenue | New York, NY 10029

In our role as a member of the EHNP Steering Committee, we conducted a Health Impact Assessment[i] (HIA) to provide information about the potential health effects of the plan's affordable housing and zoning recommendations, and to make this tool available to the East Harlem community during this rezoning process. HIA is a structured process to assess the potential health impacts of a policy, plan, or project, and make recommendations on how to mitigate negative health impacts and to maximize potential health benefits of that policy, plan, or project. Our HIA found that the potential for residential displacement posed a threat to the health of the East Harlem community. The HIA concluded, "To prevent negative health impacts and promote health equity, implementation (of the proposed rezoning in connection to Mandatory Inclusionary Housing) should prioritize maintaining existing affordable housing and building new units, as well as preventing displacement of long-term residents and local businesses."

As stated in the testimony the Academy provided for the Public Scoping Meeting on the DEIS for the East Harlem Rezoning, the current City Environmental Quality Review and State Environmental Quality Review Act (CEQR and SEQRA) frameworks and requirements take a limited perspective on what social and environmental factors affect community health. CEQR's goal with respect to public health is "to determine whether adverse impacts on human health may occur as a result of a proposed project and, if so, to identify measures to mitigate such effects."

Chapter 18 of this DEIS concludes that the Proposed Actions:

- would not result in significant adverse public health impacts
- would not result in unmitigated significant adverse impacts in the areas of air quality, operational noise, water quality, or hazardous materials
- could result in unmitigated construction noise impacts, but it was determined that the construction noise impact would not generate a significant adverse public health impact
- and concludes, "neither the magnitude nor the duration of the construction noise reaches the public health impact threshold."

In our assessment, the Public Health chapter of the DEIS does not address the health impacts of changes to what are commonly known as the broader determinants of health – such as education, employment, discrimination, socioeconomic status, and housing.

We know that residential displacement can negatively impact health. Evidence shows that displacement may cause people to accept affordable but inadequate, substandard, or poorer quality housing. Displacement can result in the disruption of important social support, erosion of social capital, and social cohesion as well as increased transportation costs for a family. We also know that some displaced residents may become homeless, which is itself linked to several negative health outcomes, including increased risk of respiratory infections, infectious diseases, mental illness (particularly among children), hunger, and that the death rates for homeless individuals are several times higher than the general population. Displacement can also lead to high levels of stress, which studies have linked with chronic diseases including heart disease, hypertension, and diabetes. These potential impacts of displacement are not discussed in the environmental impact statement. Similarly, evidence links open space, transportation, and climate change to public health and yet the potential health impacts of changes in these environmental factors are not included in the proposed analysis.

Regarding residential displacement, this DEIS states that, under the Reasonable Worst Case Development Scenario, the Proposed Actions "could directly displace an estimated 27 residents living in 11 DUs (domestic units)," and "would result in the incremental development of 3,488 DUs, well over the 200-unit threshold warranting assessment of potential indirect residential displacement." However, residential displacement is not addressed in the DEIS chapter on Identified Impacts for Mitigation.

In conclusion, we find that DEIS significantly underestimates the potential negative impacts of the proposed rezoning to the health of the East Harlem community, and therefore there are unidentified needs for mitigating adverse impacts of these Proposed Actions on the broader determinants of health in East Harlem.

As currently proposed, the scale of the City Planning rezoning for East Harlem would adversely impact the health and character of this community. The lower density rezoning proposal outlined in the East Harlem Neighborhood Plan achieves a better balance between creating new affordable housing and preserving the existing character of the community.

The Department of City Planning and the Administration must reduce the zoning density on Park and Third Avenues, and make commitments to invest in community priorities identified through the East Harlem Neighborhood Plan.

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[1] Realmuto, L., Owusu, S., Liman, K. (2016). East Harlem Neighborhood Plan Health Impact Assessment: Connecting Housing Affordability and Health. The New York Academy of Medicine. Available at: https://www.nyam.org/media/filer_public/de/46/de46ec8b-ae8f-4dca-a6b2-c7ce3bfb9ffe/healthimpassessfinal2016.pdf

23 de Agosto, 2017

Mi nombre es Wagner Matarrita y soy el padre orgulloso de Nicole Matarrita que assiste a DREAM Charter School. Tambien soy el Vice-Presidente del Concilio de Padres en Acción de DREAM. Vivo en la 110 y Lexington en East Harlem con mi esposa y mis tres hijas. Quise estar aqui para presentar mi testimonio hoy pero desafortunadamente uno de mis empleados no llegó al trabajo y tengo que trabajar por él hoy.

Me siento muy motivado para tener a mi hija en DREAM. Esta escuela es la que yo siempre buscaba. Siempre queria meter a mi niña en una escuela que ofrece una educación excelente. Pensaba que tenia que pagar mucho dinero para inscriber a mi hija en una escuela privada para que reciba una educación de alta calidad. Gracias a dios ella recibe esta educación gratuitamente en DREAM. El objetivo de DREAM es hacer que todos los niños obtengan la mejor educación possible. Apoyo 100% todo lo que pueda sacar esta escuela adelante.

Al respecto a la construccion en la 111 – pienso que es una idea mangifica – no solamente para mis hijas pero para todos los niños del vecindario. La unica forma de tener buenos vecindarios es de tener buenos hijos – empezar a trabajar de los bases. Dream lo ha hecho y lo sigue haciendo con nuestros niños. Les urgo que digan sí a este proyecto tan importante.

Sinceramente,

Wagner Matarrita
DFAC Vice President
245 East 110th St #1C
Ny, Ny 10029
631-276-3101
waframanu@gmail.com

TESTIMONY (2-3 MINUTES ONLY) **[Pick & Choose Points Below]**

- **Name:** RAFAEL A. MATTIS
- **Member of:** ~~VOLUNTEER~~ w/CVH
- **How long you've lived here:** I've lived in the community for 19 years.
- **Where you live:** I live at 1636 LEXINGTON AVE. #17
- **What's your experience with housing and/or jobs in the neighborhood?**
  - CONTINUOUS HARASSMENT & NEGLECT BY the LANDLORD & MANAGEMENT COMPANY. AND I LIVE IN A RENT ~~STABILIZED~~ APARTMENT. ~~FOR~~ EXAMPLES: IT TOOK 11 YEARS AND TWO CEILING
  - **How has this made you feel?** CAVE-INS FOR the LANDLORD TO ADMIT TO & FIX A LEAK IN MY BATHROOM CEILING, ENDING LAST NOV, the LANDLORD & MANAGEMENT COMPANY ~~TRIED~~ HAD PREVIOUSLY ~~TO~~ SUE ME TO Housing COURT FOR 3 FULL YEARS, BECAUSE WE DARED TO FILE A COMPLAINT W/DHCR BECAUSE THEY TOOK OUT the KEY HOLE TO the FRONT DOOR OF the BUILDING & REPLACED IT W/ONE KEY FOB APPARATUS AKA KEY FOB EACH PER APARTMENT. IT TOOK 3 YEARS BUT WE FINALLY WON THAT CASE. prosecuting in addition the costs of the increase condo balance

THIS IS WHY WE NEED:

- **Vote No on an Unjust Rezoning of East Harlem**
- **Neighborhood-Wide Certificate of No Harassment**
- **30% @ 30% AMI ($27,000) & below on future development**
- **40% Extremely-Low-Income Housing and below on Public Land that is Permanently Affordable**
- **$200 Million Dollar down-payment Towards a $1 billion Dollar Need in NYCHA Buildings in East Harlem**
- **30% Local Hiring and Union Opportunities on Public Land**

WE HAVE A MAJOR OPPORTUNITY ON PUBLIC LAND IN THE NEIGHBORHOOD!

- **Public land is for public good.** This land is publicly owned & the city can demand that it truly benefit the neediest people in E. Harlem & in the city.
- **Low-income housing:** we demand 40% of the apartments for the extremely low-income population.
  - Reflect the population in this project and ensure non-profits build here.

    - This building needs to be 100% affordable. That means no market-rate units and the right criteria to make sure low-income people get housed!
- We demand **permanent affordability**, not 30 or 50 years
    - We demand permanent affordability which we know can be done through a community land trust. It's our land and we want to keep it.
- The **jobs** coming out of public land projects must benefit the residents.
    - We demand local hiring targets
    - Local business space should be for local businesses that have been pushed out or are struggling to keep their doors open. We demand affordable business spaces.
    - We demand state certified apprenticeships
- **Rezoning:**
    - We want public land and private land to truly benefit the neighborhood and not push us out!

WHAT WE WANT?

- VOTE NO!
- Why?

_____

_____

_____

_____

_____

_____

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Monday, August 28, 2017 3:11:43 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Andrew Morgan**
Zip: **10035**

I represent:
- **Myself**
- **A local community group or organization**

Details for "I Represent": **I am board president of Maple Plaza HDFC, a middle-income co-op in East Harlem with 155 apartments.**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I urge you to support the East Harlem Neighborhood Rezoning because I see this as our best chance of controlling the development of this neighborhood. While I understand the concerns many of my neighbors have -- notably a desire for a greater percentage requirement for affordable apartments and less up-zoning -- I think the economic reality is that if the city asks for too much, developers will not have sufficient incentive to build. Our MIH requirements should not be higher than those being sought elsewhere in the city or developers will pass us over for better opportunities in other neighborhoods. We (Maple Plaza HDFC) own one of the

properties along Park Ave that is being considered for up-zoning and it would be a significant boon to us if this plan goes through. We are a middle-income HDFC and we are facing the expiration of our 421a property tax abatement starting in 2019. We have quite a few shareholders on a fixed income who would not be able to afford the increased maintenance payments necessary when our property tax kicks in. The passage of this plan could provide us new opportunities to keep our maintenance costs low and allow dozens of our most price-sensitive residents to stay in the neighborhood.

The Municipal Art Society of New York
MASNYC

MAS Comments for the City Planning Commission on the East Harlem Rezoning Proposal and the Draft East Harlem Housing Plan, CEQR No. 17DCP048M, Manhattan, NY

August 23, 2017

Position

The Municipal Art Society of New York (MAS) has a number of critical concerns that we urge the City to address before we can support the East Harlem Rezoning proposal and the East Harlem Housing Plan. As discussed herein, we have recommendations regarding the undercounting of available development sites, potential displacement of area residents, shadow impacts, and the provision and protection of public space as well as broader matters of long-term affordability and preservation of existing dwelling units.

MAS commends City Council Speaker Melissa Mark-Viverito and Manhattan Borough President Gale Brewer for their efforts as Chairs for the East Harlem Neighborhood Steering Committee, which resulted in the *East Harlem Neighborhood Plan* (EHNP). Several of our concerns could be addressed by incorporating the recommendations in the *Neighborhood Plan* and gleaned through the Steering Committee's public engagement process.

Background

The New York City Department of City Planning (DCP) has proposed a series of land use actions, including zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan, that would affect a 96-block area in the East Harlem neighborhood of Manhattan Community District 11. In addition, the Department of Housing Preservation and Development (HPD) has issued a draft *Housing Plan for East Harlem* (*Housing Plan*) that seeks to preserve existing and development new affordable units on City-owned property within the rezoning project area. The six sites identified in HPD's plan would result in an estimated 2,439 affordable units.

Almost 40 percent of East Harlem households have an annual income below $24,500 and the neighborhood as a whole has a median income of $30,973. The addition of approximately 6,000 new residents under the plan to this historically low income area has the potential to drastically change the socioeconomic conditions and character of the neighborhood.

Development Sites, Rent-Stabilized Units & Potential Direct Residential Displacement

MAS finds the Reasonable Worst Case Development Scenario (RWCDS), which frames the evaluation in the Draft Environmental Impact Statement (DEIS), does not accurately represent the most conservative potential development projection under the zoning proposal and thus could affect the accuracy of the socioeconomic conditions evaluation.

According to DCP MapPluto database, the rezoning area has 521 multi-family residential buildings that are underbuilt based on current zoning.[1] This brings to light concerns that by increasing allowable density, the rezoning would put additional redevelopment pressure on these sites. The RWCDS identifies 102 projected and potential development sites, which excludes 66 percent of the aforementioned underbuilt residential buildings.[2] While we acknowledge that there are reasonable arguments for excluding certain underbuilt multi-family buildings, such as lots that are currently under construction, the City's calculation may underestimate future development facilitated by the rezoning.

[1] According to MapPluto 16.2., individual buildings with available Floor Area Ratio (FAR) of at least 3.6 or more. Includes buildings with six or more residential units, and assemblages of buildings with a total of 10 or more residential units.

[2] 230 out of the 521 underbuilt properties (44 percent) are included in the development sites. Several of the development sites include multiple parcels, suggesting that they will be merged under the future with action conditions.

Twenty-eight of the underbuilt properties contain rent-stabilized units registered with the New York State Division of Housing and Community Renewal (DHCR), and another 72 are likely to contain rent-stabilized units that are not registered.[3] This is important because East Harlem is already losing rent-stabilized units at a fairly rapid pace. Between 2007 and 2014, the area incurred a net loss of 5.4 percent of its rent-stabilized housing, and areas affected by the 2003 rezoning have seen a decline of 7.5 percent. Given the socioeconomic conditions of the area, MAS is concerned that the rezoning will exacerbate this trend.

The DEIS states that multifamily buildings with rent-stabilized units are unlikely to be demolished and redeveloped because of the requirement to relocate displaced tenants, and therefore excluded from the RWCDS. MAS agrees in that buildings with rent-stabilized units should not be developed. However, just because these sites are not included in the EIS theoretical analysis does not prevent them from being developed in reality. The draft *Housing Plan* outlines strategies for preserving these affordable units (discussed herein under *Housing Plan for East Harlem*), but MAS believes these measures do not go far enough to ensure that rent-stabilized units would not be lost.

To strengthen the analysis of the DEIS, MAS recommends the RWCDS be amended to include underbuilt properties with rent-stabilized units as part of the selection criteria for development sites. This will provide a better understanding of potential direct residential displacement resulting from the rezoning. At the least, the city should provide an alternative analysis in the DEIS that evaluates these properties.

Indirect Residential Displacement & Rent-Stabilized Units

The DEIS socioeconomic analysis must evaluate an appropriate income band under the MIH program. We question the accuracy of the indirect residential displacement evaluation without an MIH option selected.

While the DEIS asserts, without specifying MIH income bands, that rezoning "would result in new populations with higher average incomes than the existing population…and that the incremental population may be large enough to affect real estate market conditions," it concludes that the rezoning "would not result in significant adverse impacts due to indirect residential displacement." MAS questions the validity of this conclusion without a full analysis of a specific MIH option. We counter that the rezoning could exacerbate existing market-rate forces, and without the proper preservation mechanisms for existing housing, lead to the displacement of a significant number of low-income residents.

As is the case with many rezonings that affect low-income communities, we maintain that the housing options under the current MIH income bands are out of reach for the majority of East Harlem households. According to the *Housing Plan*, 38 percent of the households in Community District 11 have an income that is less than 30 percent of the AMI ($24,500 for a three-person household). Meanwhile, the deepest affordability option under MIH would require that 20 percent of the residential floor area be affordable to households earning 40 percent of AMI ($32,640 for a three-person household).

Given this gap and the need for establishing targets for low and moderate AMI bands that accurately reflect neighborhood median incomes, the *Neighborhood Plan* recommended, as does MAS, that at least 20 percent of the affordable units should be at or below 30 percent of AMI.

There are 308 buildings with rent-stabilized units in the project area registered with the DHCR and an additional 135 are likely to have rent-stabilized units that are not registered.[4] Although many of these buildings are not considered underbuilt, and owners might not have the incentive to demolish and redevelop these properties, they may be inclined to deregulate stabilized units or even illegally convert them into market-rate.

[3] Henrick, Chris, 2014, *Am I Rent Stabilized*? Graduate Thesis Studio, Parsons MFA Design & Tech, http://chenrick.carto.com/tables/all_nyc_likely_rent_stabl_merged/public (last accessed June 9, 2017)
[4] *ibid*

Because the DEIS does not evaluate potential impacts from illegal conversions of rent-stabilized to market-rate units and that the outlined strategies from the *Housing Plan* cannot guarantee that these units will be preserved, we recommend that the socioeconomic conditions analysis in the FEIS evaluates indirect residential displacement that takes into account illegal conversions and loss of rent-stabilized units.

Open Space
According to the DEIS, the rezoning area is significantly below the City's planning goal for passive and active open space (0.50 and 2.0 acres per 1,000 residents, respectively). Despite the additional approximately 6,000 residents and 1,723 workers expected under the proposal and the added demand on the limited existing open space resources in the project area, the DEIS concludes that no significant indirect adverse impacts would occur because the increase would not exceed the 5 percent CEQR threshold.

Because of the limited amount of open space in the project area, MAS urges the City to pursue options for improving existing and creating new open space to accommodate the demands of the existing and future population of the project area. To improve area open space, MAS suggests that the DCP integrate the recommendations in the *Neighborhood Plan*. In addition, based on the the City-owned and Leased Properties dataset (COLP), 49 sites[5] comprising a total of almost four acres within the rezoning study area are City-owned and classified as having "no current use." Given the significant amount of underutilized property, we recommend that DCP examine these sites as potential locations for new park space. Moreover, given their relative concentration towards the northern section of the rezoning boundaries (between 122nd - 126th streets and 3rd – Park avenues), MAS encourages the city to examine the potential of creating an integrated network of park space.

As part of the open space inventory, the DEIS identifies the 5.86-acre East River Esplanade between 96th Street and 125th Street within ¼-mile of the project area. Although it is included in the inventory, the DEIS does not address the condition of the East River Esplanade or the limited access residents and workers in the project area have to it. For example, between 96th and 125th streets there are only four entry points to the esplanade (Stanley Isaacs Playground, Playground 103, Jefferson Park, and 120th street).

Since the DEIS uses the acreage of the esplanade in its open space ratio calculations and the amount of open space in the project area is less than the city average, we urge the city to commit to enhancing access to the East River Esplanade through improved wayfinding, signage, pedestrian bridges, new entry points, expanded bike lanes, and enhanced landscaping.

More importantly, in its current state, the East River Esplanade is in dire need of repair and maintenance. The 2014 CIVITAS East River Vision Plan, funded by the New York Community Trust and New York City Council, identified numerous issues including, but not limited to, deterioration of the structure, sinkholes, poor condition of the Pier 107 pavilion, a lack of basic amenities such as restrooms, poor upkeep, and the separation of pedestrian and bike lanes. The East River Esplanade is also a vital link in the East River Greenway. Based on these conditions, we urge the city to commit to addressing the necessary repairs and upgrades to this important resource.

Unmitigated Shadow Impacts
Although the DEIS shadow analysis concludes that the rezoning would result in significant shadow impacts on El Catano Garden, Jackie Robinson Garden, and Eugene McCabe Field, no mitigation measures are proposed for these resources. Given the limited open space in the area, we urge the City to examine design changes that eliminate or greatly reduce shadow impacts on these resources and create new open space in the area, as recommended in the *Neighborhood Plan*.

[5] COLP (2014 v2 042315). According to the *Housing Plan*, 31 of these sites will be developed into affordable housing. The remaining 18 are concentrated between 122nd and 126th streets.

Zoning District Density

According to the EHNP, the community recommended an R9 or R9A zoning district to add more affordable housing units while preserving the neighborhood's character. However, the proposed East Harlem Corridors Special District zoning text amendment designates areas along Third and Park Avenues as R10, allowing for smaller floorplates for towers, which would likely increase the height of buildings while reducing the viability of affordable housing production. Therefore, MAS encourages DCP to reconsider the R10 designation and special bulk, setback, and height regulations currently proposed under the zoning text amendment, and adopt R9 or R9A districts as recommended by the EHNP.

Rezoning Boundaries

The EHNP recommended that the rezoning boundaries include properties that stretch further south, in some cases to the upper East 90s. However, under the DCP proposal, the boundary excludes the areas south of East 104th Street. These areas have been rising in value due to their proximity to the Upper East Side as well as existing and proposed train lines. Moreover, close to a thousand rent-regulated dwelling units[6] have been lost between East 96th and 104th streets of within a span of eight-years (between 2007 and 2014).

The EHNP stated that additional density as well as affordable housing opportunities could be spread over a larger area, which would reduce the necessity of R10 buildings along 3rd and Park Avenues. Moreover, the pressure to build luxury housing north of East 96th Street might be tempered by mandatory inclusionary housing. As such, MAS echoes comments made by Manhattan President Gale Brewer that the current and potential market attraction to this area warrants its inclusion within the rezoning boundaries to create preservation districts and institute mandatory housing requirements for new development.

Housing Plan for East Harlem

Preservation of Existing Affordable Units

MAS believes that many of the preservation strategies outlined in HPD's *Housing Plan (*released May 1, 2017) have great potential for success. However, the most promising ones have yet to be implemented. Because the rezoning is likely to move forward before the *Housing Plan*, MAS contends that the City does not have the mechanisms to effectively prevent the loss of existing affordable housing units, which will be more pressing with the significant amount of development expected under the rezoning.

According to the draft *Housing Plan*, 75 percent of East Harlem homes are rent-stabilized, rent-controlled, and/or receive some form of governmental assistance that limits the amount of rent that can be charged. The stated priority of the *Housing Plan* is to protect residents who want to remain in East Harlem.
To achieve this goal, HPD aims to maintain affordable units in their portfolio by proactively informing owners about financial incentives the City can provide. The *Housing Plan* also outlines a number of forward thinking strategies that we find worth pursuing, including the implementation of community land trust models, expansion of legal representation for tenants, and execution of the "certificate of no harassment."

While these ideas have great potential, we recognize that they are for the most part in exploratory phases or will be included as pilot programs. Therefore, we strongly urge the City to employ these preservation strategies in concert with the rezoning. Furthermore, we would like to see the final version of the *Housing Plan* include examples of projects in which preservation incentives for affordable housing have been successfully implemented in light of significant development and deregulation pressures.

[6] Total number of lost rent stabilized units is 878, distributed across 77 buildings located between East 96th and 104th streets. Krauss, John, 2015, Whither Rent Regulation, http://blog.johnkrauss.com/where-is-decontrol/ (last accessed August 16, 2017)

Development of New Affordable Units
According to the *Housing Plan* draft, the City will prioritize development of over 2,400 affordable units on City-owned properties involving six different projects.

Although the City has committed to deeper levels of affordability for the following projects: Lexington Gardens II, Sendero Verde (SustaiNYC), and MTA Bus Depot sites, where at least 20 percent of all units will be set aside for households earning up to $24,480 for a three-person family (30 percent of AMI), the plan doesn't specify income bands for the remaining 80 percent of units. MAS concurs with the *Neighborhood Plan* recommendations to maximize deep levels of affordability and target income bands that reflect the neighborhood median income. Furthermore, we encourage the City to ensure that the units created on City-owned property at the Sendero Verde development would be permanently affordable.

Additional Recommendation
To increase transparency and aid public oversight, MAS recommends that DCP make public all its mapping and GIS data related to the proposal. This includes shapefiles for the project and study areas, potential and projected sites, and other pertinent files. Making this data accessible will encourage more informed recommendations by the public.

Conclusion
We reiterate that our support for the rezoning and housing plan is conditioned upon the incorporation of our recommendations in the proposal and FEIS evaluation. Given the current socioeconomics of the area and huge influx of new residents and workers expected with the rezoning, we want to ensure that all potential opportunities for preserving existing and creating new affordable housing have been explored and that the neighborhood's character will be maintained.

Thank you for the opportunity to provide comments on this critically important proposal.

UNION SETTLEMENT

NEW YORK CITY PLANNING COMMISSION

PUBLIC HEARING ON THE
SENDERO VERDE – EAST 111TH STREET REZONING
(ULURP Application Numbers C 170361 ZMM, N 170362 ZRM, C 170363 HAM, C 170364 PQM, C 170365 ZSM, C 170366 ZSM, and C 170367 ZSM)

TESTIMONY OF DAVID NOCENTI

EXECUTIVE DIRECTOR
UNION SETTLEMENT

August 23, 2017

Chairperson Lago, Vice Chair Knuckles and City Planning Commissioners, my name is David Nocenti, and I am the Executive Director Union Settlement in East Harlem. Thank you for providing the opportunity to testify today regarding the proposed Sendero Verde project.

Union Settlement, which was established in 1895, is the oldest and largest social service provider in East Harlem, offering a broad array of education, wellness and community-building programs to the community. Union Settlement's services include early childhood education, youth afterschool and summer programs, college prep, job readiness, adult education, mental health counseling, senior centers, Meals on Wheels, small business development and more. We currently assist over 10,000 individuals every year from more than a dozen locations in East Harlem, and our programs are designed to support the needs of every generation and culture.

Union Settlement is proud to be a partner in the Sendero Verde project, which will create 655 new units of affordable housing, create over 140,000 square feet of community facility space, and ensure that local residents will continue to be able to access and utilize the site, primarily by setting aside a substantial area for the existing community gardens.

The touchstone for our position is the East Harlem Neighborhood Plan, which was developed by a broad and diverse group of community stakeholders who were convened by Speaker Melissa Mark-Viverito, Manhattan Borough President Gale Brewer and Community Board 11 to consider the possible implications of the proposed rezoning of East Harlem. The result of that effort was the East Harlem Neighborhood Plan – a bottom-up, consensus-based articulation of the needs and objectives of the neighborhood, including detailed recommendations that would help achieve a collective vision for the neighborhood's future.

Although the East Harlem Neighborhood Plan did not include specific zoning recommendations for this site, it set forth certain principles to be used to guide future re-zonings, and the Sendero Verde project is largely consistent with the goals that the plan sought to achieve. Most notably:

- 100% of the housing to be constructed is affordable housing, with no market-rate units;

- There are six tiers of affordability, including 20% of the units being set aside for individuals earning no more than 30% of AMI;

- 40% of the units are permanently affordable, and the other 60% will be affordable for between 40 and 60 years;

- At least 50% of the units will be set aside for residents of Community District 11;

- The site sets aside space for the relocation of the four existing community gardens, and makes the courtyard space accessible to the public;

- Jonathan Rose Companies and L+M Development Partners have created a comprehensive local hiring plan which will include not just hiring goals, but also a commitment to provide free OSHA training to local residents seeking to work on the project;

- The project includes over 140,000 square feet of community facility space which will be used to offer a wide variety of educational, health and social services to local residents;

- This project will set a precedent for new development in East Harlem through its pursuit of Passive House certification, utilizing a design that will minimize the need for heating and cooling, greatly improving its energy efficiency for a greener standard in New York affordable housing; and

- The development team is working to incorporate work by local artists on potential art walls and publicly accessible spaces throughout the site.

With respect to Union Settlement's participation in the project, we intend to operate a vibrant multi-use community facility at the site. In particular, we will occupy approximately 11,000 square feet of space, and will provide services to local seniors in the morning, afterschool programs for children in the afternoons, and activities for teens in the evenings.

As noted above, Union Settlement has been in the community for over 120 years, and we have a wealth of experience in providing much-needed services to the low-income residents in the neighborhood. We currently oversee four senior centers in local NYCHA developments and a Naturally Occurring Retirement Community (NORC) program in the nearby Franklin Plaza

apartments, and also have multiple contracts with the New York City Department of Youth and Community Development to provide afterschool and summer programs for elementary, middle and high school students. Most of our services are provided in NYCHA facilities, all of which are over 50 years old, and we are excited about the opportunity to expand our services into a new and modern facility.

Finally, we are proud to be joining with project partners DREAM, Mt. Sinai and the YMCA. These are trusted non-profits with decades of experience offering high-quality services to low-income communities, and we very much look forward to collaborating with them at the Sendero Verde site, and are sure that our collective programs will provide unparalleled benefits to local residents.

Thank you again for the opportunity to express Union Settlement's strong support for this project, and I would be happy to answer any questions you have.

UNION SETTLEMENT

NEW YORK CITY PLANNING COMMISSION

PUBLIC HEARING ON THE
EAST HARLEM NEIGHBORHOOD REZONING
(ULURP Application Numbers C 170358 ZMM, N 170359 ZRM,
N 170359(A) ZRM, and C 170360 HUM)

TESTIMONY OF DAVID NOCENTI

EXECUTIVE DIRECTOR
UNION SETTLEMENT

August 23, 2017

Chair Lago, Vice Chair Knuckles, and City Planning Commissioners, my name is David Nocenti, and I am the Executive Director Union Settlement in East Harlem. Thank you for providing the opportunity to testify today regarding the proposed East Harlem rezoning.

Union Settlement, which was established in 1895, is the oldest and largest social service provider in East Harlem, offering a broad array of education, wellness and community-building programs to the community. Union Settlement's services include early childhood education, youth afterschool and summer programs, college prep, job readiness, adult education, mental health counseling, senior centers, Meals on Wheels, small business development and more.

We currently assist over 10,000 individuals every year from more than a dozen locations in East Harlem, and our programs are designed to support the needs of every generation and culture. Union Settlement is also the third-largest employer in East Harlem, with over 400 employees – many of whom were born, raised and/or live in East Harlem – who work with scores of volunteers to provide local residents with the skills, tools and education they need to build better lives for themselves and their families.

Based on our long 122-year history in East Harlem, and our deep knowledge of the needs of the residents of this community, I am here to express my grave concerns about the rezoning proposal that is before you today.

As you know, over two years ago Speaker Melissa Mark-Viverito convened a broad and diverse group of community stakeholders to consider the needs of the community in the context of the potential rezoning. Led by the Speaker, Manhattan Borough President Gale Brewer, Community Board 11 and a host of other partners, that broad coalition undertook an exhaustive and inclusive process which allowed for input from a broad array of interested individuals and entities.

Union Settlement was proud to play a significant role in this process – I served on the Steering Committee, was the Chair of the Small Business, Workforce Development and

Economic Development Subgroups, and Union Settlement staff member participated in multiple other subgroups and community meetings.

The result of that two-year effort was the East Harlem Neighborhood Plan – a bottom-up, consensus-based articulation of the needs and objectives of the neighborhood, including detailed recommendations that would help achieve a collective vision for the neighborhood's future.

Unfortunately, the rezoning proposal before you today contravenes many of the tenets and principles set forth in the East Harlem Neighborhood Plan. Most notably:

- The East Harlem Neighborhood Plan spread a modest rezoning over a larger area to minimize adverse impacts, while City Planning's proposal excludes wide swaths of the East Harlem from its scope, and as a result packs high-density development into a concentrated area that will completely change the character of those portions of the neighborhood.

- A large number of East Harlem residents live on very low incomes – the median household income is about $30,000, and 37% of residents live in poverty. As a result, the East Harlem Neighborhood Plan supported reasonable up-zonings that would maximize the benefits of the City's Mandatory Inclusionary Zoning program. The Department of City Planning's proposal, in contrast, goes beyond those reasonable limits, and also misses many opportunities to provide for creation of affordable housing in other areas of East Harlem.

- The rezoning proposal fails to adequately take into account East Harlem's existing conditions – rising rents, residential and commercial displacement, tenant harassment, lack of public open space, higher incomes coming to the neighborhood, schools that are over capacity, poor conditions of school facilities, multiple public health issues, high asthma rates, over-crowded subway stations, dangerous intersections, multiple sanitation facilities, and overall disinvestment in this community for decades. As a result, the proposed rezoning will exacerbate, rather than ameliorate, these conditions.

- The Health Impact Assessment conducted by the New York Academy of Medicine demonstrated significant adverse health conditions in East Harlem, including a life expectancy 9 years shorter than other neighborhoods on the East Side, and there currently is no commitment to implement the many East Harlem Neighborhood Plan recommendations that would help to address those adverse health conditions.

As noted above, I served as the Chair of the Small Business, Workforce Development and Economic Development Subgroup, and so I also want to speak about that topic as well. The

Subgroup and the Steering Committee identified five priority issues that needed to be addressed, and made specific recommendations for actions that should be taken in conjunction with any rezoning. In particular:

1. Requiring local hiring in public and publicly subsidized development: NYC's contracts with developers utilizing public land or receiving public subsidies must require the developers to: (a) participate in the HireNYC program; (b) utilize specified East Harlem workforce development organizations for hiring; (c) prioritize interviews of candidates referred by those organizations; and (d) set targets for the percentage of candidates hired through those organizations. In addition, the contracts must contain liquidated damages in the event that the developers do not participate in HireNYC, do not utilize the designated East Harlem workforce development organizations, do not prioritize interviews of candidates referred by those organizations, and/or do not make good faith efforts to meet the established hiring targets.

2. Funding local job placement and career training services: NYC should issue a competitively bid RFP to provide funding for one or more organizations to provide job placement and career training services to East Harlem residents.

3. Opening a satellite Workforce 1 Center in East Harlem: NYC should open a satellite Workforce 1 Career Center in East Harlem.

4. Paying prevailing wages in private development: NYC should provide incentives to developers utilizing private land to pay the prevailing wage or living wage (whichever is the industry standard) for both construction jobs and permanent jobs on the project.

5. Encouraging local purchasing; NYC should issue a competitively bid RFP to provide funding for one or more organizations to encourage East Harlem businesses and nonprofits to purchase goods and services from East Harlem businesses.

Unfortunately, while there have been some fruitful discussions about some of these areas, at this time there is no firm commitment to fully implement the above recommendations, and we cannot endorse a rezoning proposal with these crucial areas being left unaddressed.

* * * * *

In sum, I fully support the recommendations set forth in the East Harlem Neighborhood Plan, and also fully support and reiterate the specific objections to the current rezoning proposal, as set forth in the submission of the East Harlem Neighborhood Plan Steering Committee. As

stated by the Steering Committee, it is still possible to achieve a balanced approach that plans for the current needs of East Harlem's existing low-income households, as well as the future impacts of growth in a strengthening real estate market, and I hope that the City Planning Commission and the Mayor will partner with the Steering Committee to achieve this shared goal.

Thank you again for the opportunity to provide Union Settlement's feedback on the proposed rezoning, and I would be happy to answer any questions you have.

Presentation to the City Planning Commission
Emily Parkey, Director of Family Engagement, Community and Government Affairs at DREAM
Regarding the Sedero Verde Project in East Harlem
Wednesday, August 23, 2017

Good afternoon. I am Emily Parkey, Director of Family Engagement, Community and Government Affairs at DREAM (formerly Harlem RBI), a 25+-year-old community based organization headquartered in East Harlem, New York. DREAM's mission is to provide inner-city youth with opportunities to Play, Learn and Grow. The organization uses the power of teams to Coach, Teach and Inspire youth to recognize their potential and realize their dreams. DREAM provides academic, enrichment and sports programming to more than 2000 East Harlem and South Bronx youth during after-school and summer hours, in addition to opening a pre-K to 9th grade charter school in 2008 for now more than 600 scholars in the East Harlem community. DREAM Charter School works tirelessly to prepare students for high-performing high schools, colleges and beyond through a rigorous academic program that develops critical thinkers, who demonstrate a love of learning, strong character and a commitment to wellness and active citizenship.

As a proud, long standing and deeply commitment member of the East Harlem community for more than two decades, DREAM has forged strong partnerships with community agencies such as Union Settlement, Mt. Sinai Adolescent Health Center, Children's Aid Society, CUNY & SUNY colleges, and corporate partners, Major League Baseball and New York Yankees. These partnerships have proven to be highly effective and instrumental in promoting positive outcomes for the DREAM community including increased academic success in the form of grades, test scores, college acceptance and matriculation, strong family support of student achievement and the avoidance of risky behaviors including falling into the justice system and teen parenthood.

Before opening DREAM Charter School in 2008 in a temporary space provided by DOE, DREAM recognized the need to find a permanent home that welcomed, celebrated, honored and inspired our community of scholars and youth. As a result, DREAM forged what has quickly become one of our most valued partnerships with Jonathan Rose Companies to create the East Harlem Center for Living and Learning – an innovative, mixed-use community facility that provides East Harlem families with the educational, health and economic resources to lead empowered lives. The project includes a beautiful

school building that inspires learning, 89 units of low-income housing and a public park for community members. Jonathan Rose Companies commitment to the community landscape of East Harlem as evidenced by their significant financial support, backing and partnership in negotiating and acquiring the development site of this project, has cemented DREAM's ability to solidify 25 plus years of work in the community to provide children and families with the resources they need to realize their dreams. Most poignantly, the father of the family now living above the office of DREAM's Executive Director, Rich Berlin, was once a participant, and his daughter now attends DREAM Charter School. It is this community and sense of support that partners like Jonathan Rose and Companies want to infuse into their work to create such a unique and innovative fixture in the community.

When Jonathan Rose and Companies approached DREAM last year about signing onto the Sendero Verde project on East 111th Street to expand our footprint and services in East Harlem, we very quickly signed on knowing the transformative power of a renewed partnership. DREAM is living, breathing proof that Jonathan Rose Companies is incredibly relentless and creative in creating buildings and spaces that serve, inspire and motivate communities.

Sincerely,

Emily Parkey
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Ny, Ny 10029
646-398-4886
eparkey@wearedream.org

PICTURE THE HOMELESS

September 5, 2017

To the Commissioners of the New York City Planning Commission:

We are writing as members of Picture the Homeless, and as currently homeless or formerly homeless New Yorkers who have been directly affected by the city's rising rents and failed housing policies, to register our opposition to DCP's efforts to rezone East Harlem and other low-income and predominantly minority neighborhoods throughout the city.

East Harlem has been disproportionately affected by homelessness, and for many years has led the borough of Manhattan in annual entries to the family shelter system. Even those who are not entering shelter have been torn from the community where they were born and raised and displaced throughout the city and beyond.

We agree that this neighborhood is in serious need of new affordable housing, but Mandatory Inclusionary Housing simply does not meet the local need. Nearly 40% of East Harlem residents earn under 30% AMI, and will not benefit directly from Mandatory Inclusionary Housing. While DCP's analysis assumes that these residents are secure in rent-stabilized, subsidized or NYCHA housing we know this is simply not the case. Over 7,000 extremely low-income households in this community are paying over 50% of their income in rent, and at grave risk of displacement and homelessness. We also know that many more residents will face displacement as existing regulated housing expires and existing rent-regulated building owners are incentivized to push out existing tenants in order to maximize profits. We are disturbed by the existing patterns of deregulation of rent-stabilized housing citywide--a loss of over 150,000 units in just 15 years--and worry that this rezoning will seriously destabilize existing rent stabilized housing in East Harlem.

We cannot support a plan that incentivizes the displacement of people of extremely low-income from our community and into homelessness. Instead we are asking for substantive investments in creating housing for the nearly 18,000 East Harlem households who will not benefit from MIH, and for thousands more who have already been displaced. Moreover, we are committed to fighting for permanent affordability for our neighborhood, which has suffered from a major loss in affordable housing units due to expiring subsidies, through the use of innovative and proven models like community land trusts and mutual housing associations.

Rezoning will not solve this crisis, but there are real solutions that the city can make immediately to help truly address the neighborhood's affordable housing crisis. Here are the suggestions of our housing campaign to HPD and the Department of City Planning, for measures that could actually improve the lives of people facing displacement, and those already displaced:

1. Prioritize the development of extremely low-income housing—including housing for households at 10%, 15%, and 20% of the area median income in all East Harlem development opportunities. Guarantee that a minimum of 40% of all new housing units are dedicated to housing and rehousing extremely low-income and homeless community members.
2. Distressed and public property in East Harlem—including public vacant land, properties in third party transfer program, long-term AEP buildings, distressed HDFCs, and land and buildings in the city's tax lien sale—should be preserved and developed in partnership with the East Harlem/El Barrio Community Land Trust. The CLT will ensure that these properties are preserved as affordable housing--including deeply affordable housing--for 99 years or longer.

3. Develop an effective strategy for targeting warehoused vacant property, beginning with passage of the Housing not Warehousing Act (Intros 1034, 1036, and 1039) and including options such as eminent domain and negotiated sale of existing warehoused and vacant property.
4. Implement a Certificate of No Harassment Policy in East Harlem and citywide, including a cure that meaningfully disincentives tenant harassment, and requires owners who harass tenants to build at least 1/3 of their units as deeply affordable housing for extremely low-income and homeless New Yorkers following a demolition.

We believe that these policies will create a more effective preservation and development strategy that addresses the local need. We hope that you will support us in opposing a rezoning that threatens to further displace East Harlem's community and culture and exacerbate homelessness, while providing little benefit in return for neighborhood residents.

Sincerely

Picture the Homeless Housing Campaign.

Acacia Network
ROOTED IN THE COMMUNITY SINCE 1969

Acacia Network Sendero Verde Testimony
August 23, 2017

Lymaris Albors, MA
Chief of Staff to the CEO
VP Business Development
Representing Raul Russi, CEO

Good afternoon, my name is Lymaris Albors, Vice President for Business Development and Chief of Staff to Raul Russi, Acacia Network CEO. I am here today representing Raul, the Acacia Board, and as Latina woman with a strong commitment to preserve the heritage and the culture of our community. I am also here as part of the development team of Sendero Verde and as a community partner for the project.

If Raul were here today, he would begin his testimony by telling all of you that he is "un jíbarito del barrio de Apeadero" a rural neighborhood in Patillas. Puerto Rico that is only accessible by foot. If you visit his office in the Bronx, he will show you a photo of his childhood house - a small wooden house with a zinc roof in the middle of 30 acres of mountain land. He would describe to you the mango and orange trees, pineapples, green plantains, and sugar cane. He would go on to say that Apeadero had no electricity or running water, but he remembers having a happy childhood, surrounded by his extended family and living off the land. He would also describe to you the day he landed in Buffalo, New York, and how and why he never moved back to his beloved Apiadero.

Raul's story is no different than that of the many Puerto Ricans and Latinos who since the 40's and 50's have made East Harlem their home. He, like many of us, came here mostly for economic reasons, searching for the American Dream and with a conviction that we will go back to our island and our countries of origin. Hence, there was no need to invest in a property here. Unfortunately, as many of us know, once you are here, you struggle to make it, to find affordable housing, and provide for our families. A five year plan, becomes a 10 year plan and a 30 year plan, and you never go back to Apiadero or Manatí, in my case.

Sendero Verde, the approximately 650 units of affordable housing that will include community facility space, a DREAM charter school, a YMCA, Mt. Sinai Health Care Facility, Union Settlement services, as well as retail space, will be located between Park and Madison Avenues and East 111th and 112th Streets. These lots have been part of the fabric of the Latino community for almost as long as the community has been there. Acacia Network's deep roots in the community will ensure that the design and the services in this important project reflect the community needs, rich culture, and enhance the project design to echo and embrace the many elements that have made East Harlem home for many of us. As part of the development team, we are working closely with the design team, and our ideas and feedback have been incorporated into the design and the community space, including a space for art and culture. We recommended Gonzalo Cruz, a Latino Top notch architect with deep understanding of the history and contributions of the community gardens in the neighborhood and with cultural sensitivity and knowledge for open spaces, plazas and paths. We believe he will be an asset to the design team and the community gardens. Our intent

is to also enhance the workforce development initiatives for this project and work closely with other local organizations.

As part of my role, I attend all the development meetings, and I can attest to the commitment of the team to develop a high quality, affordable housing project for the community. Every element of the design is carefully assessed. Efficiency and quality are at the top core values of the team, and they are committed to develop the best affordable housing project possible. It is for this reason that we at Acacia are very pleased to testify in support of this ULURP application for the proposed.

Acacia Network was created for purpose of protecting the inheritances of the Puerto Rican Latino community and to be a partner with our neighbors as we build the communities of the future. In 2002, Raul became the CEO of Basics, Inc., a multi-service South Bronx agency. In 2009, the first substantial affiliation of Basics Inc. and Promesa Systems, Inc., another non- profit organization based in the Bronx, was completed, and the dream of Acacia Network became a reality. **Both, BASICS Inc. and Promesa, Inc. had been well established and deeply rooted in the communities of the South Bronx and East Harlem since the late 60's** providing important substance abuse and health services primarily to the Latino Community. **The East Harlem Council for Community Improvement, Inc.** a long-standing pioneer nonprofit human services provider founded in 1979 in El Barrio, became part of the Basics-Promesa network of affiliates, and, for better than 20 years, continues to be part of this network. In 2015-2016 the Institute for the Puerto Rican and Hispanic Elderly, Inc., (IPR/HE) affiliated with the Acacia Network. The Institute began it programs in East Harlem in the late 70's operating several senior centers and programs in El Barrio, which are now within the Acacia Network and serving hundreds of families in East Harlem. In 2016,we broke ground on the development of 179 affordable housing units and 10,000 square feet of commercial space for – **The Acacia Gardens Housing Complex** on 120th Street and First Avenue, right next door to the East Harlem Multi-service Center. Currently, we are targeted to develop **Virginia House** a 64 unit senior housing project serving low income and formerly homeless seniors located at 128 East 112th Street. Another long standing East Harlem organization, Greenhope became part of the Acacia family, and for the past four years we have an integral partner of the efforts to revitalize La Marqueta and La Placita.

Today, we are the leading Latino integrated care non-profit in the nation with offices in New York City, Buffalo, Albany, Orlando, and Puerto Rico. We incorporate over 60 legal entities, oversees over 70 programs, and employs over 3,000 employees. Acacia touches the lives of over 73,000 people a year. Acacia honors the Latino pioneers that worked to make sure that the underserved Latino community had access to culturally competent, bilingual quality services. Our mission ensures that we continually reinvest in our communities through innovative programming, employment opportunities, quality management, and program expertise. Our Network and affiliation approach to working with community-based organizations has been applauded by many stakeholders at the Federal, State, and City level.

Sendero Verde is well positioned to truly create "A Community of Opportunity" and will provide an opportunity to strengthen the quality of life and address the profound needs of our workers, families, and children, and we believe our contribution, coupled with the expertise of the development team, will yield great results and create affordable housing for those that have been here and will be here and their families.

Those, like many of us, never return home.

URBAN JUSTICE CENTER

COMMUNITY DEVELOPMENT PROJECT

Comments to the City Planning Commission and
on the Draft Environmental Impact Statement for the East Harlem Rezoning
August 23, 2017

Good afternoon. My name is Paula Segal. I am speaking today as an Attorney in the Equitable Neighborhoods practice of the Community Development Project (CDP) at the Urban Justice Center. CDP works with grassroots groups, neighborhood organizations and community coalitions to help make sure that people of color, immigrants, and other low-income residents who have built our city are not pushed out in the name of "progress." We work together with our partners and clients to ensure that residents in historically under-resourced areas have stable housing they can afford, places where they can connect and organize, jobs to make a good living, and other opportunities that allow people to thrive.

Today, we are here with our collaborators from the Pratt Center for Community Development and the Association for Neighborhood and Housing Development to reinforce the remarks of Community Voices Heard, our partners in East Harlem. With those residents, we urge the City Planning Commission to heed the advice of the Borough President and the Community Board and vote NO to stop the irresponsible up-zoning of East Harlem.

I will focus the rest of my remarks today on the inadequate Draft Environmental Impact Statement (DEIS) that the Department has produced as documentation of the impacts of the proposed action. The DEIS incredibly fails to include the Detailed Socioeconomic Assessment that the CEQR Technical Manual requires sponsors of land use actions that will drive significant neighborhood changes to perform. Detailed analyses are required any time that an action will do any one of the following:

- whenever a proposed project will directly displace more than 500 residents,
- whenever a project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood,[1] and
- whenever the average income of the directly displaced population is markedly lower than the average income of the rest of the study area population.[2]

If all the sites where direct displacement will become inevitable after an up-zoning were properly counted in the DEIS, the number of residents likely to be so displaced would be much more than 500; the DEIS achieves its low count by excluding

[1] CEQR Technical Manual Sec. 200

[2] CEQR Technical Manual Section 321.1

all buildings of six units or more, relying on illusory and fictional protections for residents of all these apartment buildings as a reason to leave them out of the count. The luxury development that is a prerequisite for the application of the Mandatory Inclusionary Housing (MIH)[3] on a per-project basis will bring markedly different uses, development and activities to what is now a predominantly Black and Hispanic low income[4] neighborhood; this difference alone is sufficient to require a Detailed Assessment. The income disparity between those slated to be displaced versus those who will be able to remain and to move in similarly triggers the same requirement.

A Detailed Socioeconomic Assessment is not a mere exercise. Such an an assessment is required because it will "allow the lead agency to understand the potential for, and extent of, a significant adverse impact *to a level that allows appropriate mitigation to be considered.*"[5]

Without a detailed analysis, it is impossible for the Department to show how it arrived at its determination of what mitigations are needed in the face of significant adverse impacts that the proposed change will have on the neighborhood. The City's description of MIH, a program that cannot serve the majority of the area's current residents as a "mitigation," belies the paucity of analysis that has been done to understand the impact and develop a plan appropriate to that impact.

The proposal before you today does not include mitigations necessary to ensure that low income residents of East Harlem are not swept aside to make room for wealthier, and whiter, residents.[6] Such mitigations are not only required by law, they are imperative to operationalizing our shared vision of an equitable New York City. No rezoning of East Harlem can be done without a detailed assessment and the development of appropriate mitigations.

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[3] MIH requires the developers of unregulated market-rate rental buildings to include some units that are available only to prospective renters who meet one of three sponsor-selected income requirements. These units will be rent stabilized at prices that those renters can afford. The options are designed to serve people who are dramatically much wealthier than current East Harlem residents; even the one that serves the lowest income residents fails to serve the 43% of the East Harlem community making less than 30% AMI. The bulk of income-tested units under all three MIH options is reserved for families of three making over $100K per year, a population markedly different than the current population of the area where the zoning changes are proposed.

[4] Median household income for Community District 11 (CD11) is less than $31,000. (ACS 5-Year, DP03); only 34% of households make more than $50,000 a year. (ACS 5-Year, B19001).

[5] CEQR Technical Manual Sec. 330

[6] Appropriate mitigations could include (1) **implementation of a citywide "Certificate of No Harassment" program,** (2) **commitment for NYCHA repairs in East Harlem,** (3) **requiring that 30% of all new residential units built on private land be permanently designated for households making 30% AMI or below** and (4) **requiring that 40% of all new residential units built on public land be permanently designated for households making 30% AMI or below and the rest be rent stabilized to be affordable to New Yorkers making more, but not more than 165% AMI,** as Community Voices Heard has called for.

Testimony of Rahn Wade, SEIU 32BJ
East Harlem Rezoning
City Planning Commission, Public Hearing, August 23, 2017

Good morning. My name is Rahn Wade. I am a member of the 32BJ Executive Board. I am here today testifying on behalf of my union regarding the East Harlem rezoning and the Sendero Verde project.

Over 1,200 32BJ members live in East Harlem, and over 700 32BJ members work in the neighborhood. These men and women maintain, clean, and provide security services in market-rate and affordable residential buildings. The well-paying building service jobs they hold allow their families to live, work, and succeed in his city.

One of my top priorities for the rezoning is making sure that quality jobs get created in East Harlem. East Harlem is a diverse community of working people like me. I know many of my neighbors are struggling with low wages or unemployment. People are seeing their rent increase while their wages stay the same.

New development that includes affordable housing for a mix of incomes and creates jobs that pay decent wages is the only way working people will be able to continue to live in East Harlem. The Sendero Verde development can offer this as can the East Harlem rezoning.

In her recommendation, the Borough President noted disappointment among East Harlem Neighborhood Plan committee members that the rezoning does not yet address concerns about the quality of jobs it will create. There are three things the CPC can demand to make sure these concerns are addressed:

1. A guarantee from the City that any developer—including those at Sendero Verde--receiving public subsidies or building on public land will be required to pay the prevailing wage.

2. A guarantee from private developers that they too will pay the prevailing wage in their industry.

3. A local hiring plan that prioritizes offering job placements to East Harlem residents.

All of these recommendations are in the East Harlem Neighborhood Plan. We believe they should be in the final neighborhood rezoning.

Thank you.

ASSOCIATION FOR NEIGHBORHOOD & HOUSING DEVELOPMENT, INC

ANHD
50 Broad Street, Suite 1402
New York, NY 10004
Tel: (212) 747-1117

TESTIMONY OF CHRIS WALTERS, AT THE EAST HARLEM REZONING CITY PLANNING COMMISSION AND DRAFT ENVIRONMENTAL IMPACT STATEMENT PUBLIC HEARING

August 23, 2017

Good afternoon. My name is Chris Walters and I am the Rezoning Technical Assistance Coordinator for the Association for Neighborhood and Housing Development (ANHD), one of several technical assistance providers for Community Voices Heard. ANHD is a membership organization of neighborhood based housing and economic development groups, with a mission to ensure flourishing neighborhoods and decent, affordable housing for *all* New Yorkers.

I'll be testifying today on the residential displacement impacts we believe are of concern in the proposed rezoning of East Harlem, and specifically on problems with the methodology that DCP uses in evaluating those impacts.

In evaluating the impacts of residential displacement the DEIS excludes all buildings that have 6 or more units from its analysis, on the false assumption that tenants in those buildings are rent stabilized and so free from displacement risks. This assumption is wrong on two levels – one in assuming that all multiunit buildings *are* rent stabilized and two, assuming that rent stabilized tenants are free from displacement pressure. These false assumptions lay the foundation for the Department's underestimation of the displacement impacts of the proposed rezoning.

The direct residential displacement analysis is based on the DEIS' Reasonable Worse Case Development Scenario, which identifies soft sites for projected development. Yet this Development Scenario excludes all sites where multiunit buildings are currently located, based on the erroneous conclusion that "the required relocation of rent-stabilized units" will make development of these sites unlikely. This means the City assumes that any building with 6 or

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New York, NY 10004
Tel: (212) 747-1117

more units is rent stabilized. This is simply not true. In Community District 11 hundreds of buildings with 6 or more residential units, totaling over 8,000 units, have left rent stabilization entirely, to say nothing of those buildings which were never rent stabilized to begin with. Tenants in these buildings, whether formerly stabilized or not, can be evicted anytime their lease is up; landlords can demolish these buildings at their discretion or sell to a developer who will. The upzoning proposed for East Harlem will strongly encourage this to happen.

Furthermore, there is no guarantee that rent stabilized households are themselves free from displacement risk. In theory, these residents are protected from displacement because of the right to a lease renewal and limits on a rent increase. But in reality rent stabilized tenants face a wide range of harassment tactics or legal loopholes used to drive them out of their homes, especially where there is a financial incentive to do so. In East Harlem, for example, there are close to 5,000 households that are currently paying a preferential rent, households that, again, DCP does not take into account when considering displacement pressures. But as land values and rents increase following the rezoning, what's to stop a landlord from raising the rent to a level that might force these tenants out?

If the DEIS included multiunit buildings in its Reasonable Worst Case Development Scenario and both direct and indirect displacement analysis we believe the findings for displacement impacts would be significant, requiring a Detailed Socioeconomic Assessment. We request that the Final Environmental Impact Statement include multiunit buildings in its analysis to achieve a more accurate picture of the displacement impacts this proposed rezoning may have on East Harlem and its residents. No rezoning should move forward until this assessment has been made.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Friday, August 25, 2017 1:17:48 AM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Omar Arias**
Zip: **10026**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I do not believe DCP cares at all about affordable housing. They care about pleasing the wealthy and bringing midtown vibes to a vulnerable neighborhood. The community is already on edge with landlords raising rents and offering to buy residents in order to get them out of the building for higher paying tenants. More 20+ foot towers do not belong in Harlem and no "incentive" will be enough to justify culture shifts as has happened in gentrified neighborhoods like Williamsburg. Local residents are not visiting these planning meetings to voice their concern. This is an immigrant population, a low income population that needs good services without any strings attached like new buildings they will never afford to live in. Let's be real, what good are 20 or 30 units of affordable housing when 100s will get displaced.

None of these agencies understand what it's like to have these jobs and struggle to live in this neighborhood. Do not rezone East Harlem. What outreach has been done to even make residents aware of this? I can ask everyone I know who lives in East Harlem and I can guarantee you 90% will not know about the plans to rezone.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Saturday, September 09, 2017 9:57:27 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Eva Chan**
Zip: **10128**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I support rezoning of east Harlem because there are too many run down buildings and the population density does not support enough businesses to open shops. Especially 116 street corridor is dilapidated, full of trash and closed storefronts. The 20% low income housing in high rise development should absorb most people to be displaced. It is not clear to me why the people to be displaced do not prefer a better environment overall for their children?

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170361 ZMM - SENDERO VERDE – EAST 111TH STREET
Date:	Friday, August 25, 2017 2:46:53 PM

Re. Project: **C 170361 ZMM - SENDERO VERDE – EAST 111TH STREET**

- Application Number: **C 170361 ZMM**
- Project: **SENDERO VERDE – EAST 111TH STREET**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Paul Ferrer**
Zip: **10029**

I represent:
- **Myself**

Details for "I Represent": **I live across the street and face the block in question**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I have attended the East Harlem Zoning Imaging sessions and while it seems that it was a chance to gather our opinions, it was also a chance to explain through a zoning group exercises how tall a building would need to be in order to be affordable across different income ranges. While I am saddened by the loss of the views and light, I support the development of the lot; however, the height of the project alongside Madison and 112th are characteristically out of scale with the neighborhood. The placement of the tallest building would make more sense alongside the already dead Park Avenue and still be able to offer desirable park views. More modestly sized buildings alongside Madison and 112th would relate to the existing street scape. I welcome all other parts of this project but oppose the

dramatic heights of the buildings. I support Gale Brewer's objections of this project.

NYC CPC ULURP No. 170359 (A) ZRM Proposal Testimony Against the East Harlem Rezoning Plan

Submitted by Roger Hernandez, Jr. on August 23, 2017

The East Harlem community never invited this MIH QZM Amendment Proposal, and does not support it.

This proposal is a horrifyingly displacement plan of East Harlem's poor masked as a Trojan Horse being pushed by the NYC Administration of Mayor William de Blasio. In fact, the CB11 voted against this plan (with 2 abstentions) in November of 2015, and again in 2017. Manhattan Borough President Gale A. Brewer does not support this plan, and now it is NYC CPC's prerogative to kill this gentrification plan.

East Harlem's 181,236 majority of residents live mostly with incomes of less than $50,000.00 (see Exhibit Figure 3-3 of the East Harlem Rezoning DEIS Report), with a Median Household Income of $36,064.00 (Table 3-4) that makes this area decidingly poor and vulnerable. That is quite remarkable for a special vibrant community viewed as The Working Man's Manhattan by Columbia U. School of Architecture, Planning and Preservation, 2011. Kindly put this plan to rest with your rationale considerations.

Under the worst case scenario, The Mayor's Rezoning action will escalate the burden against East Harlem's low income population by establishing 70% of the total available housing for households earning more than $78,300.00 (Table 3-8, pg. 3-22 of the DEIS Report) Ironically this plan is being *waxed* as a "Mandatory Inclusionary Housing Plan" for East Harlem while it actually does not present any level of "affordability" for its own residents, nor is it "mandatory", as it is actually "exclusionary"- discounting a majority of East Harlem's families, friends and neighbors because of their own low income status. This aggressive targeting of East Harlem's current residents is viewed as a racist ploy to displace Latino and African Americans out of Manhattan, and out of New York City. How could it be viewed otherwise?

NYC Governmental policy after WWII created the legislative conditions that allowed landlords diminishing profits to cut back on the necessary maintenance and operations to preserve affordable housing, creating NYC's slums during the 1950's leading to the total deterioration of its vital affordable housing stock. That was deplorable. It was our nation's inner city Community Based Organizations (CBOs) of the 1960's that forced governmental action to rehabilitate our communities' with vital financial assistance that was sucked out by fleeing landlords and more so by progressive legislation and proactive agency personnel committed to NYC's future supporting its neighborhoods it's communities, and moreover its residents. That was a hard lesson that we will not soon forget.

Mayor Edward I. Koch created an ambitious 10 year $5.1 Billion plan in 1985 converting derelict properties to build and rehabilitate 252,000 low and moderate-income housing units, now viewed as NYC's affordable housing stock of today was successful because of its private/ public partnership with local community nonprofit housing organizations who advocated, built and now manage this affordable housing resource. NYC's public funds were used effectively by its community based nonprofit entities. Economically depressed slums soon became home to hard working families who rebuilt NYC's communities of color with a diversity of ethnic flavors catering to its vibrant pulse, becoming great again.

Now, Mayor WdB is proposing a $48 Billion Plan geared to Private For Profit Developers to build 250,000 apts. that will rent for more than 75% of household median incomes within communities too poor to be able to afford to participate in his big plans. Not for profit housing groups are not invited to participate based on the high degree of public land being gifted to few developers connected to the Mayor's administration. This is a rip off of precious public funds now being offered to the profitable NYC private real estate industry to savor the vibrant healthy communities created by our not for profit CBOs. The premise of all this proposed exorbitant NYC public money and relaxed zoning to create structures three times larger than now, has exacerbated a speculative market that is now way out of control. Proposed government policy has created this awkward economic/ legislative condition- again. What have we learned since WWII? How can we support legislation that is not geared for us and is designed to fail us?

Builders

Dream of displacing a poor Low Income Neighborhood

East Harlem

Higher Rents and Fewer TRULY affordable apartments

Rezoning

racist scam

PROPOSAL

elbarriounite.org (212)427-0555

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Thursday, August 31, 2017 1:47:46 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **George Janes**
Zip: **10128**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **other**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **Yes**

I have attended or will attend the City Planning Commission's Public hearing on this project: **Yes**

Additional Comments:
I have two comments for the so-called Alt A text amendments that were dated August 4, 2017 (Tech Memo 001) First, I believe that there is a mistake. A 175 foot height limit is proposed for East 122 to 124 Street on Third Avenue in a C4-6 district. Residential development in a C4-6 District can achieve 12 FAR and a 175 foot height limit is just too low to accommodate the floor area. Further, all of the height limits proposed do not come with the number of stories limit that typically accompanies height limits (e.g. 175 feet or 17 stories.) The very real concern with this Third Avenue site is that the 175 height limit without a constraint on stories will encourage eight foot floor-to-floor heights, which is too low quality units. All the height limits in the Alt A text should be accompanied by limits on number of stories as well, as is

done elsewhere in the zoning resolution. Second, while this may not be an error in the Alt A text, the 215 foot height limit in the M1-6/R10 district proposed on Park Avenue is unfortunate. If light manufacturing uses locate here as the zoning allows, they would likely require higher floor-to-floor heights, which means that the 215 foot height limit becomes a disincentive for locating M uses in this area. While there may not currently be much of a market for such uses, a 215 foot height limit in this MX zone with 12 FAR available all but ensures such uses will locate elsewhere. MX uses and the constraints of the viaduct call for a more flexible building envelope, not one that is more constrained. Thank you, George Janes george@georgejanes.com

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Thursday, August 24, 2017 7:22:35 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Larry Lawrence**
Zip: **10035**

I represent:
- **Other**

Details for “I Represent”:

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
The United States is a prime example of a capitalist country. Under capitalism, companies live by the profit motive. They exist to make money, that is all what counts--people do not count, just profits. In the end the rezoning will happen and people get hurt. Why pretend listening to concerns? Just implement the rezoning.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Saturday, September 02, 2017 8:43:20 AM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Hai Nguyen**
Zip: **10029**

I represent:
- **Myself**

Details for "I Represent": **Live at 1810 third ave**

My Comments:

Vote: I am **in favor**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
IPlease approve this plan. We all know income diversification prevents problems. I think sky rises will make the neighborhood safer and schools better. When there is income isolation (i.e. Upper east side vs east Harlem) you have the social problems you have now. If you look at Washington square park there are housing developments and rent control units next to sky rises. There are lots of shops and restaurants and now it is a very desireable place to live unlike 20 yrs ago. When poor students are segregated from rich students in schools the kids don't experience the other side of life. It is better when students commingle. The schools where the entire student population is in poverty tend to do worse and have more gangs and drop outs. Diverse social economic schools do better. I don't understand the fear some east

harlemnites have about being pushed out since many units will be rent control and stabilize. There will just be more communal amenities for all to share. Things don't get build for free and people need to be realistic.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Tuesday, August 29, 2017 6:11:40 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Michelle Nguyen**
Zip: **10035**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project?
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project:

Additional Comments:
Please keep East Harlem natives in East Harlem.

Testimony on Proposed Rezoning of East Harlem
Submitted by Marina Ortiz, August 23, 2017

However "participatory" the planning process may appear, encouraging massive increases in the number of high-priced properties in low-density and low-income communities of color like East Harlem/El Barrio is the antithesis of "inclusionary." Real estate is all about the money. Developers are primarily concerned with what tomorrow's market will bear, not the people who live here today.

Decent and permanently affordable housing is a human right. It is that fundamental truth that is moving people throughout the city and the world to fight racist rezoning policies and challenge the destruction of our beloved neighborhoods.

- Both the East Harlem Neighborhood Plan AND the current rezoning plan are middle-class housing plans. The "community" planning process was skewed and overtly politicalized. Neither plan reflects the actual needs of our community.
- Even at the lowest annual Area Median Income being offered (30% AMI = $32,000), rezoning would provide ZERO apartments for those who truly need affordable housing and would exclude our homeless population entirely.
- There are generous state and local subsidies already in place that offer financial incentives for developers to include "affordable" units in their developments. There's no need to hand over huge city-owned lots, community gardens, ball-fields, and NYCHA lawns and playgrounds to private developers. Why especially reward vacant property owners who've warehoused buildings all along 3rd Avenue and neglected our needs for over 40 years by telling them the sky's now the limit?
- Up-zoning to allow 30-35 story market-rate buildings will destroy the very fabric of what has historically been an affordable, tenement community serving immigrants and low-income people of color.
- Black and Latinx East Harlem residents will lose their precious cultural legacy and political leverage if either of these rezoning plans are approved.
- There are no legally binding assurances in place or any commitment from the city or any developer with regards any of the community's concerns.

- The city has made no provisions to address school overcrowding, loss of sunlight, construction pollution, sanitation, traffic and other environmental issues that will seriously impact the quality of life in East Harlem.
- The city's estimate that only a handful apartments will be lost is a fallacy and proof that the City does not intend to honor ANY of our concerns.
- East Harlem was already rezoned in 2003 to allow higher density buildings and encourage developers to build "affordable housing." Rezoning to allow higher buildings will only encourage more landlords to tear down tenements, harass tenants, and find ways to remove units from rent stabilization.

East Harlem was founded as an affordable haven for low-income people. Most of the immigrant groups that settled here, *elected* to leave. But, poor black and brown residents don't really have that privilege. We have nowhere else to go.

- Being displaced at the rate of 4- or even 3-to-1 through 20-25% set-asides is violent.
- Urban renewal programs (i.e., "ethnic cleansing") is violent!
- Encouraging massive increases in the number of high-priced properties in low-income communities and calling it "desegregation" is violence!

Rezoning is not the answer. Encouraging mass construction of thousands of market-rate units that will likely remain vacant is not the solution. Catering to the real estate industry rather than people in need will not end the housing crisis. You will only exacerbate the problem.

We are an incredibly creative city. We can find solutions to homelessness by making permanently affordable housing a priority. We can keep families together and help our children raise their families around the corner instead of being forced into a shelter or even a jail.

This nation was founded on the violent displacement of people of color. We cannot let that practice continue. Please find it in your hearts to do the right thing and say NO to ANY rezoning!

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Friday, August 25, 2017 9:24:36 AM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Raniel Perez**
Zip: **10029**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
This rezoning plan will make it even harder to live in East Harlem. The community is already struggling to make ends meet and rezoning would lead to more residents struggling. It'll make East Harlem residents have to leave the comfort of the neighborhood they have grown to know and love. There's absolutely no way that a rezoning doesn't displace current residents and that can and will lead to more homeless residents. This rezoning plan is not in favor of the current residents and those are the people the city should worry the most about.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Friday, August 25, 2017 6:06:14 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **NANCY PERKINS**
Zip: **10029**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information? **No**

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
First of all, to have approved the construction of the 68-storey building at East 96th St, first approved by Comm. Bd 11, is a betrayal of the neighborhood. It will be the tallest building on the East Side between 56th and 96th Streets. The building will cut out light for many (but they're only poor people in the projects) and overhang a huge area, deprive residents of a park for several years during construction and congest the neighborhood and infrastructure terribly. The new subway will be mobbed at rush hour with many residents of the building's 1,000 units packing the trains. Three schools in one building is also too many. What about school buses jamming 96th and surrounding streets. 96th leads to the FDR Drive! Next, the Mayor's plan for the rezoning of E. Harlem is corrupt. His campaign funds come from real estate and

they've already bought up the available properties here. Many on Community Board 11 have skin in the game as well and will profit from rezoning. The proposed rezoning will ruin the neighborhood, throwing up buildings much too tall for a decent living-environment, adding way too much density for existing services, forcing out small businesses, and worst, removing people from their homes. The rent guidelines do not provide for the poorest people in the City. There are very pretty apartment buildings here contributing to the area's charm, that have been warehoused for decades, their owners waiting for their big payday, when the zoning would change. Those houses should be rehabbed instead of razed, and the flavor of El Barrio should be preserved with her inhabitants in place and not in homeless shelters! Thank you for studying this matter, crucial for all East Harlem residents and business owners. Sincerely, Nancy Perkins

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From: joseph.sanderson@gmail.com [mailto:joseph.sanderson@gmail.com] **On Behalf Of** Joseph Sanderson
Sent: Wednesday, April 26, 2017 12:55 PM
To: Olga Abinader (DCP) <OABINAD@planning.nyc.gov>
Subject: Comment re East Harlem Rezoning DEIS

Dear Ms. Abinader,

I frequently visit East Harlem, and I am writing to express my support for the proposed rezoning, and to convey my comments on ways that the proposed rezoning could further mitigate transportation and housing impacts.

Firstly, the DEIS indicates that some significant bus and subway impacts are likely, but that they would be negated if the Second Avenue Subway is completed in East Harlem. In the FEIS and rezoning text, I urge the City to consider ways to leverage the new development that the rezoning will allow to fund that extension. For example, all buildings upzoned as a result of the rezoning will likely increase their market value. By including a special assessment district in the rezoning plan to recapture that value and dedicate it to transportation improvements such as the Second Avenue Subway and bus improvements, the rezoning could provide a funding source for those improvements.

Secondly, the FEIS and eventual rezoning should consider ways to use transfers of development rights to achieve important policy goals. For example, the MTA owns large amounts of land in East Harlem, including the Metro North Viaduct, 125th Street Station, and bus depots and garages. By ensuring that those facilities are able to transfer excess development rights to other projects either in East Harlem or elsewhere in Manhattan, the City can again provide funding for transit improvements in East Harlem.

Similarly, allowing NYCHA buildings in East Harlem to broadly transfer their development rights could enhance funding for affordable housing improvements.

Thirdly, the FEIS should consider the possibility of including additional incentive floor area and height for buildings that provide additional affordable housing or that fund a pre-selected menu of transit and public realm improvements. This has worked well elsewhere, and can work in East Harlem too.

Sincerely,

Joseph M. Sanderson

-----Original Message-----

From: PortalAdmin@doitt nyc.gov
Sent: 06/15/2017 09:14:39
To: <sbladmp@customerservice.nyc.gov>; <formtest@doitt.nyc.gov>
Subject: < No Subject >

From: rasanford@aol.com (Richard Sanford)
Subject: Message to the Mayor

Below is the result of your feedback form. It was submitted by
Richard Sanford (rasanford@aol.com) on Thursday, June 15, 2017 at 09:14:39

This form resides at
http://www nyc.gov/html/static/pages/officeofthemayor/contact.shtml

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<APP>CUSTOM
<ISSUE>VIEWS</ISSUE>
<MSG>East Harlem has a beautiful social network and attracts people to its community for its personal touch. Gentrification, over-sized monstrous buildings and disregard for the local flavor of a community is quickly destroying our city. NO gentrification of East Harlem. Let the local people decide how they want to live their life!

You have already destroyed most of Manhattan and downtown Brooklyn turning it into one over priced monstrosity ever day. Stop the insanity! </MSG>
<FIRST>Richard</FIRST>
<MIDDLE>A</MIDDLE>
<LAST>Sanford</LAST>
<ADDR1>1180 Ocean Parkway 4C</ADDR1>
<CITY>Brooklyn</CITY>
<STATE>NY</STATE>
<ZIP>11230</ZIP>
<COUNTRY>United States</COUNTRY>
<PHONE_B>718-951-7341</PHONE_B>
<EMAIL>rasanford@aol.com</EMAIL>
</APP>

REMOTE_HOST: 69.114.202.40, 165.254.0.199
HTTP_ADDR: 69.114.202.40, 165.254.0.199
HTTP_USER_AGENT: Mozilla/5.0 (Windows NT 10.0; WOW64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/43.0.2357.130 AOL/9.8 AOLBuild/4346.2019.US Safari/537.36
REMOTE_USER: null

****

Hi I am Ray Tirado due Lived in Spanish harlem, was born in Mt Sinai hospital & Never left... and I would Like to Continue to Live in my barrio, which is all I Ever KNOWN. As far as LandLord Harrasement I am currently being harassed and pushed out! Ive seen the Landlords HAnd book 1st HAND ... First they Start with not picking the trash - so the Stench can Stay in building, then they stop Sweeping & Mopping Next the boiler steps working IN the winter time, then NO hot water then NO Electricity Some of things get Restore & others DON't, Ive been Enduring these practices for some time NOW, & can go with these forms of Harrassment but time is short... we at Commuinty VOCIES heard would Like for this Committee w~~ant~~ to on build the Right way

Don't give this Public Land to Profit organizations

Lets the NON Profit get a crack at this

~~Please~~ I've seen where they build with

Community living, Union work, and affordable

bility ... ISN't this what we want!!!

~~Lets build us not~~

Let us not Let gentrification lead

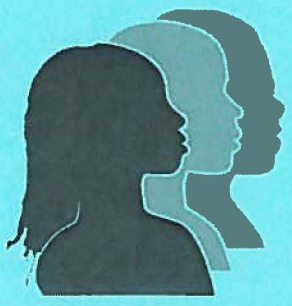
into Harrassment where harlem Residents

are being displaced, to the Ranks

of the Homeless

Show us you care for us & the

true tale of Cities can Exist together



COMMUNITY VOICES HEARD

Fighting for our families, our communities & ourselves

PLATFORM

- Vote No on an Unjust Rezoning of East Harlem
- Neighborhood-Wide Certificate of No Harassment
- 30% @ 30% AMI ($27,000) & below on future development
- 40% Extremely-Low-Income Housing and below on Public Land that is Permanently Affordable
- $200 Million Dollar down-payment Towards a $1 billion Dollar Need in NYCHA Buildings in East Harlem
- 30% Local Hiring and Union Opportunities on Public Land

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Thursday, August 31, 2017 9:13:12 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Tara Tonini**
Zip: **10035**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am apposed to the East Harlem Rezoning.

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Tuesday, August 29, 2017 4:47:28 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Kaitlin Tyrrill**
Zip: **10453**

I represent:
- **Myself**
- **A local community group or organization**

Details for "I Represent": **Myself, as a resident of East Harlem, and Community Voices Heard, as a participant.**

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am opposed to the current plan because it does not take into account the real needs of most of the long-term residents of East Harlem. Affordable housing is not low income housing. "The plan would produce 4,500 market-rate and luxury apartments, and about 1,500 apartments "affordable" to those that make an average $50,000 a year. Most residents of El Barrio make less than $33,000 a year. This plan would lead to mass displacement of families without anywhere else to go!"

From:	Public Hearing Comments (Do not reply)
To:	Calvin Brown (DCP); Diane Mccarthy (DCP); Christopher Lee (DCP); Olga Abinader (DCP)
Subject:	Comments re: C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING
Date:	Thursday, August 24, 2017 1:47:44 PM

Re. Project: **C 170360 HUM - EAST HARLEM NEIGHBORHOOD REZONING**

- Application Number: **C 170360 HUM**
- Project: **EAST HARLEM NEIGHBORHOOD REZONING**
- Public Hearing Date: **08/23/2017**
- Borough: **Manhattan**
- Community District: **11**

Comments on the Draft Environmental Impact Statement received by the 10th calendar day following the close of the public hearing will be considered by the lead agency.

Submitted by:

Name: **Sophia Weissmann**
Zip: **10029**

I represent:
- **Myself**

Details for “I Represent”:

My Comments:

Vote: I am **opposed**

Have you previously submitted comments on this project? **No**
If yes, are you now submitting new information?

I have attended or will attend the City Planning Commission's Public hearing on this project: **No**

Additional Comments:
I am opposed to the rezoning plan because it does not provide ANY affordable housing options for the majority of people currently living in East Harlem.

8/7

Petition to the City Planning Commission and City Council

Reject the Rezoning Plan for East Harlem!

East Harlem/El Barrio residents reject the Mayor and the Speaker's rezoning plans, which are middle-class and luxury housing plans that do not reflect the neighborhood's needs. We demand that the City Planning Commission and City Council unconditionally reject De Blasio's rezoning plan, as Manhattan Borough President Gail Brewer has.

"Up-zoning" to allow 30-35 story buildings, mostly of market-rate apartments, will destroy the very fabric of what has historically been an affordable community serving immigrants and low-income people of color.

East Harlem residents will lose their precious Black and Latino cultural legacy if the City's racist rezoning plan is approved. Long-time residents will be replaced by upper-class residents at the rate of 3-1 or even 4-to-1 for every new development. The landlords will become even more aggressive to force out existing tenants. Small businesses and street vendors will also be displaced. The only winners will be slumlords, developers and speculators.

There is a real housing emergency in East Harlem. To end displacement, we demand:

- A new housing plan, developed from within the neighborhood, with 100% affordability for the existing residents.
- Using the area's many empty buildings and lots to expand public housing.
- Strengthening tenant rights and services to stop landlords' abusive displacement strategies.

Name EVAN BROWN	Address 10029
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Name Jessica Crawford	Address 10029
Phone 347-884-3441	Email
Name Jasen Martinez	Address 10454
Phone (917)224-6868	Email
Name	Address
Phone	Email
Name	Address
Phone	Email

Petition circulated by People's Congress of Resistance and Justice Center en El Barrio

RETURN ALL PETITIONS TO:
Justice Center en el Barrio; 1637 Park Ave, NY, NY 10029

Note: The petition, as submitted at the CPC public hearing, contained approximately 900 signatures.

8/7

Petition to the City Planning Commission and City Council

Reject the Rezoning Plan for East Harlem!

Say NO to the plan to "up-zone" 96 blocks of East Harlem to allow 30-35 story buildings, mostly of market-rate apartments. This will destroy the fabric of what has historically been an affordable community serving immigrants and low-income people of color.

The Mayor's rezoning plan is a middle-class and luxury housing plan that will serve developers and speculators, not the neighborhood's needs.

To end displacement, we demand:

- A new housing plan, developed from within the neighborhood, with 100% affordability for the existing residents.
- Using the area's many empty buildings and lots to expand public housing.
- Strengthening tenant rights and services to stop landlords' abusive displacement strategies.

Name	Beverly Stewart	Zip code	10463
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Name	Nina Jaggi	Zip code	10016
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Name	Charrisa Curbelo	Zip code	10035
Phone	914 495 0484	Email	
Name	Jalen Belle-Walker	Zip code	10039
Phone	917-701-7171	Email	JBelleWalker123@gmail.com

Petition circulated by People's Congress of Resistance and Justice Center en El Barrio

RETURN ALL PETITIONS TO:
Justice Center en el Barrio; 1637 Park Ave, NY, NY 10029

Note: The petition, as submitted at the CPC public hearing, contained approximately 900 signatures.