



CITY PLANNING COMMISSION

October 27, 2010 / Calendar No. 20

C100453HAM

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

- 1.) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 706-712 East 9th Street (Block 378, Lot 10) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2.) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate development of a five-story building with approximately 45 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

Approval of three separate matters is required:

1. the designation of property located at 706-712 East 9th Street (Block 378, Lot 10) as an Urban Development Action Area; and
2. an Urban Development Action Area Project for such area; and
3. the disposition of such property to a developer selected by HPD.

The application for the Urban Development Action Area designation and project approval and disposition of city-owned property was submitted by the Department of Housing Preservation and Development (HPD) on June 10, 2010.

Approval of this application would facilitate the development of a five-story building, providing approximately 45 residential units, including one unit for a live-in superintendent, as well as 10,000 square-feet of community facility space, under the HPD's Supportive Housing Loan Program.

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

The project area consists of underutilized vacant property that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed in order to induce the correction of these substandard, insanitary, and blighting conditions. The project activities would protect and promote

health and safety and would promote sound growth and development. The project area is therefore eligible to be an Urban Development Action Area and the proposed project is therefore eligible to be an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law.

BACKGROUND

The Department of Housing Preservation and Development (HPD) is seeking an Urban Development Action Area Project (UDAAP) designation, project approval, and disposition of city-owned property for a site located at 706-712 East 9th Street (Block 378, Lot 10) to facilitate the development of a five-story building, providing approximately 45 residential units, including one unit for a live-in superintendent, as well as 10,000 square-feet of community facility space, under the HPD's Supportive Housing Loan Program. The site is located in the East Village neighborhood of Manhattan within Community District 3. The site is split between two zoning districts, an R7A district mapped along Avenue C and an R8B district mapped over the midblock; it is entirely within an existing C1-5 commercial overlay district. The maximum allowable FAR under both zoning district designations is 4.0, for both residential and community facility development.

The project site is a 100-foot wide lot on the south side of East 9th Street between Avenue C and Avenue D. The site is currently occupied by an existing four-story building, which is currently vacant. The proposed project would be developed under HPD's Supportive Housing Loan Program and involves the rehabilitation of the existing four-story building and the construction of a one-story rooftop addition; the proposed overall FAR is approximately 3.48. The building would provide permanent housing in approximately 45 dwelling units which would be permanently affordable to individuals earning up to 60% of Area Median Income (AMI); approximately 20% of all units would be permanently affordable to individuals earning up to 40% of AMI. The project will also include one residential unit for a live-in superintendent and approximately 10,000 square feet of community facility space at the ground floor and basement levels.

Land uses on the subject block and in the surrounding neighborhood are generally residential, with low- and mid-rise multi-family apartment buildings, tenements and rowhouses. Ground-floor local retail uses are located along the north-south streets. Adjacent to the project site, to the south, is a facility for the New York Police Department, used by the New York City Housing

Authority service (Police Service Area 4). Areas east of Avenue D and above East 10th Street, one block to the north, are generally characterized by large-scale, multi-tower housing developments. Tompkins Square Park is located one block to the west. A public pool, bath house and school building are located one block to the north, on East 10th Street. A number of smaller community gardens are also located nearby, as well as a range of other small-scale community facilities. The site is close to a number of bus routes that run along the avenues and East 9th Street. The 1st Avenue Station of the L subway line is located on East 14th Street and First Avenue, about a 10-minute walk from the site.

ENVIRONMENTAL REVIEW

This application (C100453HAM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 10HPD029M. The lead agency is the Department of Housing Preservation and Development.

After a study of the potential impact of the proposed action, a Negative Declaration was issued on July 7, 2010.

Uniform Land Use Review

This application (C100453HAM) was certified as complete by the Department of City Planning on July 12, 2010, and was duly referred to Community Board 3 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 3 held a public hearing on this application on July 12, 2010, and on July 27, 2010, by a vote of 38 in favor and 0 opposed, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application on September 9, 2010.

City Planning Commission Public Hearing

On September 15, 2010 (Calendar No. 2), the City Planning Commission scheduled September 29, 2010, for a public hearing on this application (C100453HAM). The hearing was duly held on September 29, 2010 (Calendar No. 13).

There were seven speakers in favor of the application and no speakers in opposition.

Representatives of HPD, the project architect, and representatives of each of the three intended joint-partnership project sponsors spoke in favor of the project. A representative of the Manhattan Borough President's office reiterated the Borough President's support for the proposal, and a representative of Manhattan Community District 3 reiterated its Board's support for the proposal.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the approval of this application for an Urban Development Action Area designation and project approval, and the disposition of city-owned property, is appropriate.

This application would facilitate the redevelopment of an existing, vacant four-story building, including the construction of a new one-story rooftop addition, and which would provide approximately 45 units of permanently affordable housing for formerly homeless individuals and low-income single adults. The project will also provide approximately 10,000 square feet of community facility space.

The return of this vacant lot to productive use would eliminate its blighting influence on the neighborhood and would enable this city-owned property to be developed with uses that would serve the needs of Manhattan Community District 3 and the City of New York.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and

WHEREAS, the Department of Housing Preservation and Development has recommended the designation of property located at 706-712 East 9th Street (Block 378, Lot 10), as an Urban

Development Action Area; and

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

THEREFORE, BE IT FURTHER RESOLVED, that the City Planning Commission after due consideration of the appropriateness of the actions, certifies its unqualified approval of the following matters pursuant to the Urban Development Action Area Act;

- a. the designation of property located at 706-712 East 9th Street (Block 378, Lot 10) as an Urban Development Action Area; and
- b. an Urban Development Action Area Project for such area; and

BE IT FURTHER RESOLVED, the City Planning Commission, pursuant to Section 197-c of the New York City Charter, that based on the environmental determination and the consideration described in this report, the application of the Department of Housing Preservation and Development for the disposition of property located at 706-712 East 9th Street (Block 378, Lot 10), Community District 3, Borough of Manhattan, to a developer selected by HPD, is approved.

The above resolution (C100453HAM), duly adopted by the City Planning Commission on October 27, 2010 (Calendar No. 20), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,

ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,

RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN

SHIRLEY A. MCRAE, KAREN A. PHILLIPS, Commissioners

Community/Borough Board Recommendation

file

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C100453HAM**
CEQR # **40HPD29M**
Community District No. 03 Borough: Manhattan
Community District No. 03 Borough: Manhattan
Project Name: **706-712 East 9th Street**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

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

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 706-712 East 9th Street (Block 378, Lot 10); as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 4) pursuant to Section 197-c of the New York City Charter for the disposition of such property, to a developer to be selected by HPD;

to facilitate development of an five-story building with approximately 46 units, to be developed under the Department of Housing Preservation and Development's Supportive Housing Loan Program.

Applicant(s):

Department of Housing Preservation and Development
100 Gold Street
NY, NY 10038

Applicant's Representative:

Miriam Gonzalez
Department of Housing Preservation and Development
100 Gold Street
New York, New York 10038

Community Board No. 3 Borough: **Manhattan**

Borough Board

Date of public hearing: **7-12-2010**

Location: **UNIVERSITY SETTLEMENT, SPEYER HALL
184 ELDRIDGE ST., NEW YORK, NY 10002**

Was a quorum present? YES NO

A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.

Vote adopting recommendation taken: **7-27-2010**

Location: **1.5.131
100 HESTER ST., NEW YORK, NY 10002**

RECOMMENDATION

Approve

Approve With Modifications/Conditions

Disapprove

Disapprove With Modifications/Conditions

Explanation of Recommendation-Modification/Conditions (Attach additional sheets if necessary)

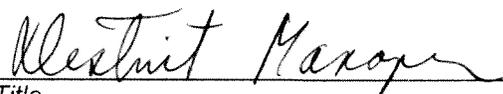
CITY PLANNING COMMISSION
2010 AUG 10 PM 3:20
PT OF CITY PLANNING

Voting

In Favor: **38** Against: **0** Abstaining: **0**

Total members appointed to the board: **49**


Community/Borough Board Officer


Title

Date **August 6, 2010**

v.012006w

* Indicates application was certified by the CPC pursuant to Section 197-C(c) of the City Charter.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

September 9, 2010

Recommendation on
ULURP Application No. C 100453 HAM – 706-712 East 9th Street
by the Department of Housing Preservation and Development

PROPOSED ACTION

The Department of Housing Preservation and Development (“HPD”) seeks designation of a City-owned property located at 706-712 East 9th Street (Block 378, Lot 10) as an **Urban Development Action Area** (“UDAA”) and an **Urban Development Action Area Project** (“UDAAP”). HPD also seeks approval of the **disposition** of said lot to Phipps Houses, participating in a joint venture with University Settlement and Loisaída, Inc., to facilitate the rehabilitation of a four-story vacant building for affordable supportive housing¹ and community facility uses in Manhattan Community District 3.

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 enterprise 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 Urban Development 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 Area Act].

Section 197-c of the New York City Charter (“Charter”) mandates that the disposition of all City-owned real property is 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

¹ The zoning classification of the housing component is community facility with sleeping accommodations.

197-c, Section 1801 paragraph J of the Charter limits HPD to the disposition of residential real property.

PROJECT DESCRIPTION

HPD seeks designation of City-owned property located at 706-712 East 9th Street as a UDAA and UDAAP and approval for the disposition of said property in order to facilitate the rehabilitation and enlargement of a vacant building into a supportive housing development with community center space. The disposition site is located on the block bounded by East 8th Street, Avenue D, East 9th Street, and Avenue C. The subject building, a City-owned property, has been vacant for approximately three years and was formerly used by the New York City Administration for Children’s Services as a daycare center. The immediately surrounding area consists of predominantly residential multi-family buildings including New York City Housing Authority developments. Other surrounding land uses include residential, mixed-use commercial/residential, institutional, open space, local commercial, transportation/utility and parking uses, a small number of industrial lots, and a large number of vacant lots.

Phipps Houses, as lead developer, proposes to renovate an existing four-story building and construct a one-story addition. The proposed project would conform to the requirements of the existing R8B zoning district.² The proposed development will be approximately 73 feet, 11 inches in height and will contain 35,938 SF of zoning floor area. The building would contain supportive and affordable housing units, residential amenity space, supportive services program space, and a community center.

The development will contain 44 affordable housing units and one two-bedroom unit for the building’s on-site superintendent. The residential development will serve homeless young adults and young adults aging out of the foster care system or otherwise at risk of homelessness. For the units specifically funded by the New York/New York III program (“NY/NYIII”), this target population would also have a diagnosis of serious and persistent mental illness (“SPMI”). The majority of the apartments will be studio units, with one-bedroom units representing the balance. Forty of the residential units will be NY/NYIII units, with 12 one-bedroom units set aside for young single adults with a child. The remaining four units, which are studios, would also be available to the supportive housing’s target population (though no specific SPMI diagnosis would be required to be placed in these units). All the development’s units, with the exception of the superintendent’s apartment, would be targeted to households earning 60 percent or less of the Area Median Income (“AMI”). Based on the target population, it is anticipated that the residents’ household incomes would be far below 60 percent of AMI. Tenants will be able to access residential amenities, including laundry room facilities, a tenant storage room, and approximately 2,338 SF of accessible open space. The project would receive financing through HPD’s Supportive Housing Loan Program and low-income housing tax credits.

University Settlement, a community-based organization with a long history in the Lower East Side, will be providing supportive services to the tenants of the development. The Door, a subsidiary of University Settlement specializing in addressing the needs of youth populations, will screen and assess potential tenants for all the units before residency is granted. The Door

² The project site is located within an R8B/C1-5 zoning district, with a small portion within an R7A/C1-5 district.

has committed to a community preference for the residential units. University Settlement will develop an individual plan for each resident and will provide on-site services, including: life skills workshops, workplace preparation workshops, small-group counseling, computer classes, legal rights seminars, and health care seminars and screenings. Additional health and nutritional counseling, as well as mental health counseling opportunities, as needed, will be provided off site at The Door and at University Settlement's Consultation Center. These supportive services will be funded by the New York/New York III program, which is administered by the New York City Department of Health and Mental Hygiene.

The project also includes 5,362 SF of community space on the ground floor and cellar level. The community facility space will be the headquarters for Loisaída, Inc., which is a local community-based organization that provides services to the residents of the Lower East Side. The organization currently provides a range of services, including after school programs, youth development, and promotion of adolescent health through pregnancy and HIV prevention programs. The services are provided free of charge to all participants, who are from families whose incomes are no greater than 60 percent of AMI.

The developer intends to incorporate energy-efficient and environmentally sustainable elements into the building. These elements will meet HPD's new threshold requirement of Enterprise's Green Communities Certification for projects receiving low-income housing tax credits. Some energy-efficient and environmentally sustainable elements include: Energy Star appliances, high efficiency lighting and lighting fixtures; water-conserving plumbing fixtures; energy-efficient heating and cooling systems; and low-VOC paints, adhesives and sealants.

COMMUNITY BOARD'S RECOMMENDATION

At a Full Board meeting on July 27, 2010, Manhattan Community Board 3 recommended approval of the application by a unanimous vote of 38 in favor.

BOROUGH PRESIDENT'S COMMENTS

The proposed development proposal would result in a mixed-use building that will contain affordable and supportive housing as well as community center space. The development is consistent with surrounding land uses and represents a vastly superior use of land compared to existing conditions. Development of this site would not only eliminate blight, but would also promote the sound growth that is necessary to obtain the UDAA and UDAAP designations.

The creation of affordable and supportive housing opportunities in this area is a highly appropriate use of City-owned land. The proposed housing will address both a local and citywide need. Phipps Houses has a demonstrated capacity for developing and managing affordable housing in the City. In addition, University Settlement/The Door is a community-based organization that has a long history in the neighborhood and focuses on providing specialized services to the young adult population that would be served by the supportive housing component of the development project. Both organizations' proven capacity and experience will ensure that the proposed development will benefit the neighborhood. Further, the proposed development will provide space for Loisaída Inc. to return to its long-time location

and to continue to provide programming and services to community members and, in particular, children from low-income families.

Furthermore, the developer has made a commitment to include energy-efficient and green building elements in this affordable and supportive housing development, which will contribute to environmentally sustainable development within the neighborhood.

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed development meets the required findings for UDAA and UDAAP designation and is an appropriate disposition of City-owned property.

The Manhattan Borough President therefore recommends approval of ULURP Application No. C 100453 HAM.

A handwritten signature in black ink, appearing to read "Scott M. Stringer", written over a horizontal line.

Scott M. Stringer
Manhattan Borough President