



**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 199-207 Elizabeth Street a.k.a 222-230 Mott Street (Block 493, Lot 30), as an Urban Development Action Area; and
  - b) an Urban Development Action Area Project (UDAAP) for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer selected by HPD

to facilitate development of a building containing approximately 123 affordable housing units, community facility and open space.

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The application for the Urban Development Action Area designation and UDAAP project approval and disposition of City-owned property was submitted by HPD on November 5, 2018. On March 5, 2019, while in public review, the application was revised to only seek disposition of City-owned property. Approval of the application would facilitate the development of a mixed-use building with 123 affordable senior housing units, office space for nonprofit organizations, and approximately 6,700 square feet of publicly accessible open space at 199-207 Elizabeth Street/222-230 Mott Street (Block 493, Lot 30) in the Special Little Italy District (Preservation Area A) in Manhattan Community District 2.

**BACKGROUND**

HPD is seeking the disposition of City-owned property located at 199-207 Elizabeth Street a.k.a 222-230 Mott Street (Block 493, Lot 30), in Manhattan. The City acquired the project site as part of a larger zoning lot (a.k.a. Block 493, former Lot 41) through deed and condemnation between

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the period of late 1800s and early 1900s. A public school was constructed and occupied the site until around the 1970s. In 1981, the City conveyed the southern portion of former Lot 41 to Little Italy Restoration Association (LIRA) to build a mixed-use development containing commercial spaces and 151 residential units. The unimproved part of former Lot 41 (currently Lot 30, also the project site) remained under City-ownership, and was to be used as a public recreational area by LIRA pursuant to a temporary license agreement between the City and LIRA. In 1991, the project site was leased to a neighboring property owner at 209 Elizabeth Street (Block 493, Lot 21) on a month-to-month basis by the predecessor agency of the Department of Citywide Administrative Services (DCAS). The lease specified that the premises be used for “storage of sculpture and any as of right use”, and that the tenant must vacate upon 30 days written notice from the City. In 2012, former Lot 41 was subdivided into two lots: current Lot 41, which contained the LIRA building, and the project site (current Lot 30), which was comprised of the vacant, unimproved, and City-owned portion of the original lot. In 2013, the project site was identified as a future affordable housing site. In 2016, HPD issued a competitive Request for Proposals (“RFP”) to develop affordable housing for seniors and publicly accessible open space on the project site. A development team comprised of Pennrose, RiseBoro Community Partnership and Habitat for Humanity NYC was designated in December 2017. In 2018, DCAS transferred the jurisdiction of the project site to HPD.

Until recently, the lessee of the project site used it as a private outdoor sculpture garden accessible via the gallery building on his neighboring property. In 2013, the project site was made intermittently open to the public as a community green space by Friends of Elizabeth Street Garden, a volunteer-based not-for-profit group formed to advocate for the continued use of the site as green space. In 2016, Elizabeth Street Garden, Inc., a separate nonprofit organization headed by the son of the neighboring property owner, lessee of the project site, was incorporated.

The project site (Block 493, Lot 30) is located within the Special Little Italy District, established in 1977 (N 760061 ZRM) with the objective to protect and enhance the unique residential and regional shopping character of the area known as Little Italy. The Special Little Italy District is defined by for subareas: Area A – Preservation Area, Area A1 – Mulberry Street Regional Spine,

Area B – Houston Street Corridor, and Area C – Bowery, Canal, and Kenmare Corridors. Area A, in which the project site is located, carries the most restrictive set of regulations among the four subareas, and prescribes special controls on use, bulk, streetscape, and landscaping. The proposed project complies with the Special Little Italy District zoning regulations.

The project site is an L-shaped through-lot, and measures approximately 20,110 square feet. It fronts on Elizabeth and Mott streets, between Spring and Prince streets. The Elizabeth Street frontage is 136 feet and the Mott Street frontage is 80 feet. The proposed development on the site would consist of a seven-story mixed-use building with approximately 123 affordable, LGBTQ-friendly studio units for seniors, one unit for a super, ground-floor retail, office space for nonprofit organizations, and approximately 6,700 square feet of publicly accessible open space.

The proposed seven-story elevator building would total approximately 74,342 square feet (3.72 FAR), and rise to a total height of 74 feet and 8 inches. The building would have a 10-foot setback on the seventh floor facing Elizabeth Street, designed to include a green-roof system, and a rear terrace on the roof of the second floor for residents' recreational use. The proposed building is expected to achieve passive house standards by orienting building massing to achieve maximum south-facing fenestration, installing high-performance, triple-layered windows, and using continuous insulation through the building's entire envelope without any thermal bridging. The building would also implement solar panels and cogeneration for heating and power generation.

The 123 units of senior housing, of which 30 percent would be allocated to formerly homeless seniors, would be affordable subject to a 60-year regulatory agreement, which upon expiration could be extended. There would be an exercise room and bike storage in the cellar, a multi-purpose lounge room on the second level, and a laundry room on each floor.

The proposed development would also include approximately 6,700 square feet of publicly accessible open space, directly accessible from Mott Street and through a covered public entryway from Elizabeth Street. As currently proposed, the publicly accessible open space would be open from 9 am to 5 pm, seven days a week year-round. The final design, programming, maintenance

and operation of the publicly accessible open space would be shaped by the Special Little Italy District landscaping requirements, community input gathered in a participatory design process led by the applicant team, as well as ongoing discussions with the Department of Parks and Recreation (DPR).

The surrounding area is generally developed with four- to seven-story mixed-use buildings consisting of ground-floor retail and residential uses above in predominantly old-law tenements. The immediate area surrounding the project site is a shopping and dining district, while taller, mixed-use buildings can be found on the wider thoroughfares of the Bowery, and Kenmare and Chrystie streets. Immediately south of the project site is a seven-story residential building with about 150 units. The Bowery is one block to the east and Lafayette Street is two blocks to the west, both of which are active retail corridors. A prominent landmark in the surrounding area on the Bowery is the New Museum, a modern design building that rises 174 feet and eight stories at the intersection of Prince Street. A 19-story hotel is located on the Bowery at Delancey Street.

The area is served by several public open spaces. DeSalvio Playground is one block south and west of the project site and is currently being improved by DPR. The Chrystie Street median provides a significant open space resource, extending for seven blocks between East Houston and Canal streets, serving as a planted open space with a bi-directional bicycle greenway, seating, bathrooms, basketball courts, soccer fields, and play areas. The nearby Liz Christy Community Garden, on East Houston Street between the Bowery and Second Avenue, was founded in 1973, establishing the first community garden in New York City. The First Street Garden, also on East Houston Street, on the eastern side of Second Avenue, converted a derelict building lot into an open art space in 2008, relying on emerging architects, community and cultural groups for programming and art displays. Both of these green spaces are City-owned and managed by DPR.

The project site and the surrounding area are also well-served by transit. A stop for the number 6 subway line is two blocks west of the of the site, and a stop for the R and W lines is two blocks to the west. The J and Z lines are available one block east and one block south of the site and access to the B, D, F and M lines is available two blocks north and three blocks west of the site. The M1

bus line provides north-south service north of Grand Street, traveling northbound on Lafayette Street and southbound on Broadway. The M55 travels south on Broadway to the Staten Island Ferry terminal, and the M103 line provides north-south service along the Bowery. East-west connections on Houston Street are available via the M21.

### **ENVIRONMENTAL REVIEW**

This application (C 190184 HAM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 18HPD105M. The lead agency is HPD. After a study of the environmental impacts of the proposed action, a Negative Declaration was issued on November 9, 2018.

### **UNIFORM LAND USE REVIEW**

This application (C 190184 HAM) was certified as complete by the Department of City Planning on November 13, 2018, and was duly referred to Manhattan Community Board 2 and the Manhattan 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 2 held a public hearing on this application (C 190184 HAM) on January 14, 2019 and adopted a resolution recommending disapproval on January 24, 2019 by a vote of 30 in favor, seven against and four abstaining.

### **Borough President Recommendation**

The Manhattan Borough President considered the application (C 190184 HAM) and, on February 26, 2019, issued a recommendation to approve the application with the condition that the applicant:

1. Make a more serious effort to design the building in order to generate at least 30% more open space than currently designed. This should be done in a way that does not compromise

the number of affordable units currently planned for the site and does not require breaking the height cap of the special district;

2. Require permanent affordability of all housing units;
3. Require all community facility space within the building provide services to the community in perpetuity;
4. Enter into an agreement with DPR so that the public open space is mapped as parkland and managed by DPR; and
5. Continue community engagement and participatory design to ensure the open space will reflect the needs of the surrounding community.

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

On February 27, 2019 (Calendar No. 5), the City Planning Commission scheduled March 13, 2019 for a public hearing on the application (C 190069 HAM). The hearing was duly held on March 13, 2019 (Calendar No. 36).

The applicant team and an additional 14 people spoke in favor of the application, and 19 people testified in opposition.

The applicant team, representatives from HPD and the selected development team, spoke in favor of the application, providing an overview of the proposed development, the history of the site, site planning rationale, the building program, affordability levels of the senior housing units, and ongoing coordination with other relevant City agencies.

A housing advocate testified in favor, noting that seniors' housing needs are sometimes invisible and neglected. A representative from the Cooper Square Land Trust and Cooper Square Mutual Housing Association cited statistics to highlight the severe shortage of senior housing, the increase in mobility of seniors in elevator buildings, and Community District 2's responsibility in contributing to expanding housing opportunities in general. The executive director of Cooper Square Committee expressed support for the proposed development, noting that while the Little Italy neighborhood is underserved by open space, the lack of affordable housing is a more severe

crisis and that the proposed development presents a rare opportunity to create a substantial amount of senior housing. The architect for the proposed development testified in favor, providing an overview of the participatory design process for the publicly accessible open space. He noted that the participatory design process started in winter of 2018, and as of the date of the hearing, the design team invited 900 groups to four design meetings, which generated hundreds of unique ideas. He stated that the design team continues to collect feedback and conduct an online survey. A representative from SEIU 32BJ appeared in favor. The Manhattan Borough President spoke in favor of the proposed development, and reiterated the conditions in her recommendation. The executive director of the Stonewall Community Development Corp expressed support for the proposed development, emphasizing the severe and dire housing needs of seniors and that opportunities to provide affordable housing to seniors in the LGBTQ community are especially rare. A representative from University Settlement, a social service institution, spoke about the need for senior housing, senior services and eviction prevention. The executive director of Interfaith Assembly on Homelessness and Housing spoke in favor, especially because the proposed development would provide affordable units for formerly homeless seniors who could spend their twilight years in safety and security. A representative from Open New York, a pro-development housing advocacy group, expressed support for the proposed development as a step forward to address the city's housing shortage, housing inequity, and senior homelessness. A resident in a development by RiseBoro Community Partnership, a housing, education and health nonprofit and co-developer for the proposed development, spoke about his personal experience living in supportive housing and expressed concerns about the insecurity of vulnerable New Yorkers who do not have such support. A Lower East Side resident suggested that every community should offer up gardens to housing, especially for people suffering from homelessness. A representative from Habitat for Humanity NYC, a nonprofit that builds and preserves affordable homes and co-developer for the proposed development, underscored that the proposed development would provide both much needed affordable senior housing and consistent public access to open space. A representative from HPD testified separately in favor and provided additional background information on 388 Hudson Street, another City-owned site in Community District 2 that has been identified as an alternative site for housing by supporters of the current community green space.

A local resident and her daughter testified in opposition, speaking about the need for open space for the community, especially children growing up in the neighborhood. Three other residents of the surrounding neighborhood raised concerns about the lack of high quality open space in the neighborhood. Two supporters of the current community green space stated that the need for open space in this part of the city outstrips the need for housing. A volunteer with the Friends of Elizabeth Street Garden spoke about events and programming of the space, noting that inconsistent access to the space is largely due to its heavy reliance on volunteers. A representative of Elizabeth Street Garden, Inc. spoke about the history of the space, current programming, and the organization's vision. He confirmed that the space first opened the gate to the greater community in 2013 and that hours of operation are influenced by the availability of volunteers. A resident of the neighboring LIRA building stated that neighbors rely on the space for recreation and wellbeing, and raised issues with the participatory design process. A representative for a New York State Assembly Member expressed concerns that the need for housing and the need for open space are being pitted against one another and asked that the City more seriously explore the site at 388 Hudson Street as an alternative housing site. Two attorneys representing Elizabeth Street Garden Inc. raised objections to certain technical aspects of the proposed development's environmental review documents and zoning analysis. A representative from the Friends of Elizabeth Street Garden raised issues regarding the history of the site and the proposed development's zoning compliance, and expressed support for mapping the site in its entirety as parkland. A resident of the Two Bridges neighborhood expressed support for the community green space and the Friends of Elizabeth Street Garden. A representative from the Alliance for a Human-scale City, an informal coalition of community organizations and civic groups, stated that open space and housing needs should not compete and that the site at 388 Hudson Street needs to be studied as an alternative housing site. A representative from Community Board 2 reiterated the Board's resolution. A representative of a City Council Member from Brooklyn spoke in opposition, noting that living around nature should not be a luxury. A SoHo resident raised issues regarding technical aspects of the environmental review documents. An architect raised questions about the proposed development's zoning analysis and suggested that the development team should have worked with the supporters of the current community green space for future programming. There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes the application for disposition of City-owned property (C 190184 HAM) is appropriate. Subsequent to certification, HPD revised the application to eliminate a request for UDAAP designation and project approval, but retained the request to dispose of the site. The deletion of the UDAAP designation and change in statutory authority does not materially alter the nature of the project, and does not require additional review.

The proposed development will improve a vacant, underutilized City-owned site that lacks consistent public access with a total of 123 affordable senior housing units, office space for nonprofit organizations and retail space, while reserving about one third of the site to provide approximately 6,700 square feet of publicly accessible open space. The proposed development will provide new affordable, LGBTQ-friendly senior housing options in this transit-rich, service-abundant neighborhood; house over 30 formerly homeless seniors, anchor nonprofits that serve seniors and the community; contribute to retail continuity and active streetscape; and enhance opportunities for open space and recreation.

The Commission acknowledges that for approximately the past six years volunteers from around the Nolita neighborhood activated a site that had long been underutilized, benefiting a local community that desires more open space. The Commission also recognizes that the City is experiencing a severe housing crisis and confronting the challenges of an aging population and homelessness. The Commission commends HPD and the development team for striking an appropriate balance between housing and open space needs on the project site. The Commission is also aware that 388 Hudson Street, another City-owned site in Community District 2, is being explored as a potential future site for housing and publicly accessible open space.

The Commission applauds the development team's commitment to permanent affordability beyond the 60-year regulatory agreement in the proposed development. The Commission is pleased that the development team has pursued a participatory design approach for the publicly accessible open space, and that the team continues to collect community input for its design. The Commission is, however, disappointed that the proposed hours of operation of the publicly

accessible open space are 9 am to 5 pm, which are inadequate compared to those of city parks or privately owned public spaces. The Commission notes, for example, that Sara D. Roosevelt Park, which is two blocks east of the proposed development, is open between 6 am and 10 pm; and that privately owned public spaces across the city are either open to the public 24 hours a day throughout the year, or between 7 am and 10 pm (April – October) or 8 pm (November – April). The Commission is aware that HPD and the development team are currently engaged in discussions with DPR to ensure design quality and public access, as well as effective operation and maintenance of the publicly accessible open space. The Commission strongly encourages HPD and the development team, as part of these discussions, to explore ways to expand the hours to match those of city parks and privately owned public open spaces in the surrounding area.

## **RESOLUTION**

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

**THEREFORE, BE IT FURTHER RESOLVED**, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the disposition of City-owned property located at 199-207 Elizabeth Street a.k.a 222-230 Mott Street (Block 493, Lot 30) in Community District 2, Borough of Manhattan is approved (C 190184 HAM).

The above resolution (C 190184 HAM), duly adopted by the City Planning Commission on April 10, 2019 (Calendar No.9), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES**, *Esq.*, *Vice-Chairman*

**DAVID BURNEY**, **ALLEN P. CAPPELLI**, *Esq.*, **ALFRED C. CERULLO, III**,  
**MICHELLE R. de la UZ**, **JOSEPH I. DOUEK**, **RICHARD W. EADDY**, **HOPE KNIGHT**,  
**ANNA HAYES LEVIN**, **LARISA ORTIZ**, **RAJ RAMPERSHAD**, *Commissioners*

**ORLANDO MARIN**, *Commissioner*, recused

Carter Booth, *Chair*  
Dan Miller, *First Vice Chair*  
Susan Kent, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Keen Berger, *Secretary*  
Erik Coler, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

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January 25, 2019

Marisa Lago, *Chair*  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Maria Torres-Springer, *Commissioner*  
Dept. of Housing, Preservation & Development  
100 Gold Street  
New York, NY 10038

Dear Chair Lago and Commissioner Torres-Springer:

At its Full Board meeting on January 24, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**Resolution to Deny the City's Application for the Disposition of City-Owned Land and UDAAP Designation for the Proposed Haven Green Development on the Elizabeth Street Garden site and in Support of Permanently Saving the Garden and Building Substantially More Senior Housing at an Alternative Site, Only If the Garden is Saved in Its Entirety**

*Re: ULURP Application 190184 HAM for 199-207 Elizabeth St./ 222-230 Mott Street, Block 493, Lot 30, 20,000 sq. ft. through lot from Elizabeth Street to Mott Street between Spring and Prince Streets*



## Introduction:

1. Community Board 2's standing position supports a permanent public park at Elizabeth Street Garden, a heavily used and unique public green open space in a neighborhood the city defines as "underserved" by open space;
2. Nearly 6 years ago, CB 2 discovered that Elizabeth Street Garden was designated as offsite affordable housing for seniors outside the "foot print" of the large 2012 Seward Park Mixed-Use Development Project (now Essex Crossing) located entirely within CB 3, even though the Garden is entirely located within CB 2. CB 2 was never notified or consulted despite hundreds of public meetings between 2008 and 2012 focused on the Essex Crossing project.
3. CB 2 agrees with the need for more Senior AH and offered an Alternative Site -- a city-owned gravel-filled lot promised to CB 2 as a park nearly 20 years ago that could accommodate four to five times as much Senior AH -- but *only if* the Garden is preserved *in its entirety*, a similar win-win park and housing switch that Mayor de Blasio and Speaker Corey Johnson made in Chelsea;
4. Despite four CB 2 resolutions<sup>1</sup> in support of saving the Garden and significant support from city-wide, state and federal elected officials, the city and Council Member Chin have refused to consider the Alternative Site nor any other options proposed by the community as alternatives to this plan of destroying the Garden;
5. Since June 2018, CB 2's Elizabeth Street Garden Working Group has held three public hearings, each attended by more than 250 people who have overwhelmingly supported saving the Garden and building more Senior AH at the Alternative Site;
6. The Applicant's Proposed Development will cover nearly 70% of the Garden site, a portion by a one-story building, and leave behind a tiny-shadow-filled privately-owned open space that fails to meet the RFP's stated goal to recreate the Gardens current features;
7. The Proposed Development is flawed because it a) creates significant adverse environmental impacts, including the reduction of open space by more than 2% in an underserved neighborhood, b) relies on the designation of a beautiful, heavily-used and unique green open space as "blighted," c) sells a city-owned educational asset for \$1 for non-permanent affordable housing and d) because a major portion of this site was dedicated by its owner, the Public School Society, in 1822 to use for educational purposes in perpetuity, and because the City took title to the property in 1853 subject to that restriction, the Garden should and must be preserved as educational parkland or be otherwise rededicated to permanent public use as an educational garden; and,
8. CB 2 believes that the best solution will be to save Elizabeth Street Garden in its entirety and build affordable housing at the Alternative Site at 388 Hudson Street, preserving much needed open space and building more Senior Affordable Housing – both needed in our community.

## Whereas:

1. CB 2 is reviewing an application by the NYC Department of Housing Preservation & Development (HPD) to dispose of city-owned land and designation of the site as "blighted" so that Pennrose, RiseBoro and Habitat for Humanity (the Development Team) can construct a mixed-used project consisting of Senior Affordable Housing (Senior AH), retail and below market office space (the Proposed Project) on the site of Elizabeth Street Garden;

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<sup>1</sup> CB 2 passed four resolutions in support of saving Elizabeth Street Garden in its entirety on January 23,

2. Elizabeth Street Garden (ESG or the Garden) is a heavily used open space in an area that has almost none and is part of the only Lower Manhattan neighborhood that the city defines as “underserved” by open space;
3. The Garden has nearly a 200-year history as a public space:
  - a. The Public School Society built Public School No. 5 on a major portion of the Garden site in 1822 and dedicated its use for educational purposes in perpetuity, and in 1853, the city took title to the property subject to this restriction;
  - b. The school was rebuilt and expanded in 1903 and 1927, torn down in the 1970s and in 1981, the city sold 65% of this expanded school site for \$275,000 for 151 units of Section 8 affordable housing and the remaining site was to be maintained “exclusively for recreational use;”
  - c. In 1991, Elizabeth Street Gallery leased this site and created a beautiful garden; and,
  - d. In 2013, local park advocates sought to create more green space in the park-starved Little Italy neighborhood, approached CB 2, and with consent of the lessee of the Elizabeth Street Garden, opened the Garden to the public;
4. Only after being approached by the park advocates in summer 2013, CB 2 discovered that Council Member Margaret Chin had negotiated a non-public side-letter agreement with the city dated September 27, 2012 stating that the Garden site was “suitable” for affordable housing after the city “reviewed” her “recommendations,” all in conjunction with the 2012 Seward Park Mixed-Use Development Project (now Essex Crossing), even though:
  - a. The Garden is located in CB 2 and the very large Essex Crossing is located entirely in Community Board 3;
  - b. Neither the city nor Council Member Chin held any public meetings concerning the Garden site despite extensive public meetings associated with the Essex Crossing project;<sup>2</sup> and,
  - c. Council Member Chin never informed Community Board 2 that she supported developing Senior AH on this offsite location despite discussing and sharing her recommendations with the city prior to September 2012;
5. From 2013 to 2016, CB 2 held four public hearings where overwhelming support was for saving the Garden, and CB 2 passed four resolutions in support of permanently preserving the Garden in its entirety as an open space, under the jurisdiction of NYC Department of Parks and Recreation (NYC Parks);
6. Having recognized the significant importance of the Garden, in 2015, CB 2 identified a DEP owned water tunnel site which has been designated as future parkland for nearly 20 years, and realized this would be a better alternative on which to build Senior AH; CB 2 decided to offer support for this alternative city-owned site for Senior AH, notably *only if* ESG is preserved *in its entirety*; note that this is a significant sacrifice for CB2’s park starved community; the alternate site is located less than one mile from ESG, at 388 Hudson Street at Clarkson (the Alternative Site), which:
  - a. Could produce four to five times as much Senior AH than the ESG site if it were built to the FAR permitted in the adjacent Special Hudson Square District;
  - b. But because it was promised as open space nearly 20 years ago after the NYC Department of Environmental Protection (DEP) completed its work for Water Tunnel

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<sup>2</sup> The Economic Development Corporation and Community Board 3 list public documents and meetings at <https://www.nycedc.com/project/essex-crossing-development-seward-park> and <http://www.nyc.gov/html/mancb3/html/landuse/landuse.shtml>.

No. 3. CB 2 supports use of the Alternative Site for Senior AH *only if* ESG is permanently saved *in its entirety*, a similar win-win park and housing switch that Mayor de Blasio and Speaker Corey Johnson made in Chelsea, funding both a new park on West 20th Street and 234 units of affordable housing on a larger city-owned site two miles north.

7. In 2016, recognizing the importance of building more Senior AH in “high opportunity” neighborhoods, CB 2 also supported the development of 178 units of Senior AH as part of the 550 Washington Rezoning;
8. Council Member Chin and Mayor de Blasio’s administration, through Deputy Mayor Alicia Glen, have refused to consider the Alternative Site, nor other alternatives presented by the community, thus passing up the opportunity to increase Senior AH by four to five times and save ESG;
9. Nearly every city, state and federal elected official in Lower Manhattan who represent the Garden -- Rep. Jerrold Nadler; Rep. Nydia Velazquez; State Sen. Brad Hoylman; State Sen. Brian Kavanaugh; Assemblymember Deborah Glick; Assemblymember Yuh-Line Niou; NYC Comptroller Scott Stringer; Former NYC Public Advocate Letitia James -- publicly supports saving ESG and, instead, developing affordable housing on the Alternative Site, a win-win for all parties involved;
10. In 2018 and 2019, the Elizabeth Street Garden Working Group (Working Group) held three public meetings, each attended by more than 250 people, and, while many citywide housing advocacy groups spoke in favor of the project, almost all local residents and business owners from the district supported saving 100% of the Garden; and furthermore,
11. CB 2 requested an Environmental Impact Statement (EIS) in lieu of of an Environmental Assessment Statement (EAS), which would have examined in depth several environmental issues in depth and allowed CB 2 to hold public scoping meetings; however, this request was rejected in spite of HPD’s insistence that it wanted full and transparent community input;

### Open Space

12. The Proposed Development provides 6,700 square feet of privately-owned publicly-accessible open space that will be substantially covered in shadows for most of the day year-round due to a) its awkward L-shape, b) shadows from the 7-story Proposed Development and c) lack of southern sunlight blocked by the adjacent building and the mature trees in its courtyard (Shaded Open Space);
13. The Proposed Development fails to achieve the objectives of the RFP, which states “HPD recognizes that the space has become an important neighborhood amenity, as community members have come to value the lawns, trees and gardens as beautiful open space....[and so]...This public open space should, to the greatest extent possible, re-create current features such as lawns, trees, walks, and planting and seating areas with a variety of sun and shade conditions, and also to provide for continuation of current educational and recreational programs and events”;
14. The Proposed Development and presented renderings a) falsely attempt to classify the Breezeway as “open space,” even though it is not “unobstructed from the sky,” b) do not include required ADA circulation paths, which when added, will further significantly reduce any space for a grassy lawn, nor c) provide access from both Mott and Elizabeth streets, nor d) include any legitimate operating plans and policies for the Shaded Open Space, resulting in a number of unanswered questions regarding public access times and methods, rules regarding

- smoking and leashed pets, etc., as well as legal and management structure and because of these unanswered questions, meaningful community input on the Open Space will come after ULURP when the community will have no leverage;
15. Because a major portion of this site was dedicated by its original owner, the Public School Society, in 1822 to use for educational purposes in perpetuity, and because the City took title to the property in 1853 subject to that restriction, the Garden should and must be preserved as educational parkland or be otherwise rededicated to permanent public use as an educational garden;
  16. The Garden is located in the only Lower Manhattan neighborhood that the NYC Parks Department defines as “underserved” by open space<sup>3</sup> with an open space ratio of 0.13 acres of open space per 1,000 residents, well below the community district median of 1.5 acres per 1,000 residents and the city goal of 2.5 acres per 1,000 residents; and furthermore, CB 2 has one of lowest open space ratios in NYC at 0.60 acres per 1,000 residents, and Little Italy and SoHo have only 0.07 acres per 1,000 residents or 3 square feet per person -- about the size of a subway seat;
  17. The Proposed Development would destroy 100% of the Elizabeth Street Garden and result in a loss of nearly 70% of the existing open space in the new configuration, a substantial loss in a community and neighborhood so underserved by open space that even a 1% decline in open space is significant and should at least result in substantial further analysis and completion of an of an EIS under City Environmental Quality Review (CEQR);
  18. The EAS open space analysis is flawed because a) many of the open spaces in the ½-mile study area are not in excellent condition, none are gardens that are open year round and nearly all are 100%-paved, and b) it ignores the significant non-residential population that visits the neighborhood daily -- more than 111,000 by subway alone<sup>4</sup> -- and should include an analysis of the impact of the combined residential and non-residential population on open space in a ¼-mile study area; and,
  19. Because the Garden is a green open space and the only majority pervious open space in the ½ and ¼ mile study area, removing this pervious land cover and replacing it with a building and impermeable surfaces will generate stormwater runoff and runs counter to the city's own work as well as state and federal initiatives to reduce and mitigate stormwater runoff.

### Land Use

20. The Proposed Project does not meet Urban Development Area Act requirements that the city-owned Garden site is a “slum or blighted” or “in deteriorated or deteriorating condition” and therefore should not be eligible to be designated as UDAA and UDDAP as defined under Article 16 of the State General Municipal Law;
21. The Development Team made the following design decisions that increase lot coverage, reduce the land available for public open space and fail to achieve the RFP’s stated goal for the project to “to the greatest extent possible, re-create current features”:

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<sup>3</sup> See CEQR Technical Manual, Chapter 7, page 7-4 at <https://www1.nyc.gov/site/oec/environmental-quality-review/open-space-maps-manhattan.page> and view the map of the Underserved Neighborhood of NoHo at [https://www1.nyc.gov/assets/oec/technical-manual/2014\\_ceqr\\_tm\\_open\\_space\\_map\\_noho.jpg](https://www1.nyc.gov/assets/oec/technical-manual/2014_ceqr_tm_open_space_map_noho.jpg).

<sup>4</sup> Estimates based on MTA average rides compiled by the SoHo Broadway Initiative, at <http://sohobroadway.org/about-our-district/>.

- a. Voluntarily designating enormous floor area (12,885 sq. ft. or 14%) to community facility use -- including 11, 200 sq. ft. of office space for Habitat for Humanity (or any future office tenant) -- that does not generate a zoning bonus and as a result reduces the income generated per square foot on the ground floor, increases the lot coverage needed to subsidize affordable housing, and reduces land available for public open space;
- b. Including inefficient lot coverage for the one-story portion of the building;
- c. Incorporating a large "breezeway" that substantially reduces available space for income generation, instead of designing a much narrower access to the open space from Elizabeth Street, that also would be more consistent with neighborhood character and not create the management challenge of a large indoor publicly accessible space;
- d. Choosing not to seek changes to the SLID requirements, such as i) modification of the requirement for the setback above 65 feet that currently reduces the number of units on the 7th floor, which would not have required a special permit and ii) and special permits or text changes to increase floor area and add additional stories;
- e. Choosing an inefficient "T" shape for the full height portion of the building;

### Quality of Life

22. Community members expressed concern about the loss of 70% of the current Garden site, its proposed replacement with a Shaded Open Space that would lack green space, make it nearly impossible to replicate the 200 free public programs held annually, and eliminate the Garden's current high concentration of trees and other flora that are essential to a healthy lifestyle, citing a recent article in the NY Times, *The Secret to Good Health May Be a Walk in the Park*, Dec. 3. 2018, which states, "[p]arks are the key to good public health and to the environmental health of cities...[and] research has shown that community green spaces can reduce violent crime; counter stress and social isolation, especially for older adults; improve concentration for children with attention deficit disorder; enhance relaxation; and promote self-esteem and resilience."
23. The Proposed Project only provides small studio apartments of one size (370 sq. ft.) for single occupancy seniors, excluding applications from couples, partners, seniors with caregivers or children and does not specify if it would permit pets, an important companionship role for seniors.
24. The Development Team stated that the rent from retail tenants would subsidize the affordable apartments, and therefore, they would seek tenants able to pay the highest market price and, as a result, the retail spaces may not offer amenities for the residents of the development such as groceries, affordable food options, toiletries, medical needs etc.

### Transportation

25. Habitat for Humanity will be moving its main office from the Financial District to this residential neighborhood, taking up 11,200 sf of the building space on both the ground (1st) floor and the cellar;
  - a. Services will therefore be offered to a broader constituency than just on-site residential -- to "low and moderate-income New Yorkers across the city."
  - b. Such services to the greater community will entail visits and activities from out of the neighborhood, and other projects that will generate both more pedestrian and vehicular traffic + mass transit (subway & bus) use, as well as truck traffic (deliveries)

26. On-site retail also will generate more transportation impacts, especially in terms of deliveries as well as pedestrian activity from users coming from outside the neighborhood.
27. Even if these extra trips (or some of them) meet the threshold for no further analysis in peak hours based on the Technical Manual, no analysis of their impact as it affects this particular small neighborhood context (with small streets and in the heart of a very active community) has been done nor has mitigation been explored for handling these changes and the needs they create (which would be done in an EIS). For example, as the EAS Full Form for the NYC City Environmental Quality Review (CEQR) states: "It should be noted that a lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour."

**Therefore be it resolved that:**

1. Community Board 2 unequivocally denies this application as presented because it fails to properly meet the stated goals of the RFP;
2. CB 2 reiterates its longstanding position that Elizabeth Street Garden remain wholly intact;
3. CB 2 encourages the city to reconsider the Alternative Site at 388 Hudson Street because it could support four to five times more Senior AH and preserve ESG, but because 388 Hudson Street was promised for a park nearly 20 years ago, CB 2 supports switching 388 Hudson from park to affordable housing use *only if* the Garden is preserved *in its entirety*;
4. The EAS is insufficient and ignores many legitimate and significant environmental issues, and therefore CB 2 urges the City Planning Commission to vote to reopen the process and start anew with an EIS; and,
5. Even in light of everything in this resolution and the enormous public support to preserve Elizabeth Street Garden, should the city move forward, over the objection of CB 2, the proposal must be modified as follows so that it is fully responsive to the Request for Proposals:
  - a. Public open space of at least 65% of the lot, on the ground floor, forever open to the sky, designed with sufficient sunlight, green grass and trees to re-create features from the existing Garden;
  - b. A NYC Parks Department management agreement so that the public open space is mapped as parkland and managed and designed under Parks Department standards;
  - c. At least 30% one-bedroom apartments for the residential units;
  - d. Alternative plans that maximizes an environmentally friendly public garden space and reduces the office space footprint of Habitat for Humanity;
  - e. Modification to increase the maximum building height to no more than 100 feet in order to substantially increase the amount of public open space; and,
  - f. Modified design of the building façade to better reflect the SLID goal of retaining neighborhood character and its location within the Chinatown and Little Italy Historic District on the National Register of Historic Places.

Vote: Passed, with 30 Board members in favor; 7 Board members in opposition (T. Connor, J. Liff, E. Ma, R. Sanz, S. Sartiano, S. Smith, C. Sullivan); and 4 abstentions (A. Brenna, G. Silvera Seamans, A. Zeldin, K. Ryder).

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Carter Booth, Chair  
Community Board #2, Manhattan



David Gruber, Chair  
Chair, Elizabeth Street Garden Working Group  
Community Board 2, Manhattan

TC/jt

c: Hon. Nydia Velasquez, Congresswoman  
Hon. Jerrold Nadler, Congressman  
Hon. Brian Kavanagh, State Senator  
Hon. Brad Hoylman, State Senator  
Hon. Yuh-Line Niou, Assembly Member  
Hon. Deborah Glick, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Margaret Chin, City Council Member  
Hon. Scott Stringer, City Comptroller  
Hon. Letitia James, New York State Attorney General  
Sylvia Li, Dept. of City Planning



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**Gale A. Brewer, Borough President**

February 26, 2019

## **Recommendation on ULURP Application No. C 190184 HAM, HPD Haven Green Senior Housing, by Department of Housing Preservation and Development**

### **PROPOSED ACTIONS**

The New York City Department of Housing Preservation and Development (“HPD” or “the applicant”) and its proposed development team of Pennrose, RiseBoro Community Partnership (“RiseBoro”), and Habitat for Humanity NYC (“Habitat NYC”) (collectively, the “Development Team”), seek the approval of a land use action to facilitate the proposed development of a seven-story, mixed-use affordable housing project at 199-207 Elizabeth Street (the “development site”) in NoLIta, Manhattan Community District 2. The development site is located on Block 493, Lot 30.

Pursuant to Article 16 of the General Municipal Law of New York State, HPD seeks designation of City-owned property as an Urban Development Action Area (“UDAA”) and approval for the project as an Urban Development Action Area Project (“UDAAP”). In addition, pursuant to Section 197-c of the New York City Charter, HPD seeks approval for the disposition of said property to the Development Team, who will develop and also manage all aspects of the building.

### **PROJECT DESCRIPTION**

The development site, Block 493, Lot 30, is an unimproved city-owned lot bounded by Spring Street to the south, Prince Street to the north, Mott Street to the west and Elizabeth Street to the east. The site is an L-shaped through lot, approximately 20,110 square feet in area with 136 feet of frontage on Elizabeth Street and 80 feet of frontage on Mott Street. The lot is located in a C6-2 district and is on a narrow street.

HPD seeks to develop an 82,120 square foot building that will contain 77,600 zoning square feet of residential floor area, 11,200 square feet of community facility floor area, and 4,400 square feet of commercial floor area. The proposed development will be located on City-owned land at 199-207 Elizabeth Street, which is presently vacant land that is leased by an adjacent property owner. The proposed building will be seven-stories tall, approximately 75 feet in height, with a street wall of approximately 115 feet. There will also be approximately 6,700 square feet of green space that will be open to the public, accessible on Elizabeth Street via a covered breezeway and on Mott Street via a gated entrance.

## **C 190184 HAM HPD Haven Green Senior Housing**

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The residential portion of the building will consist of 123 studio apartments for seniors and 1 two-bedroom superintendent's unit. All of the units will be for households earning 60% of Area Median Income (AMI) or below. Thirty-seven units will be set aside for formerly homeless households earning less than 30% AMI; 35 units will be for households earning 30% AMI; 25 units will be for households earning 40% AMI; and 26 units will be for households earning 60% AMI.

The community facility floor area will consist of office space for Development Team member Habitat NYC. The organization will move from their current location into the building and run their daily operations from the site. Additionally, conference room space that is part of the community facility portion of the building will be made available to the community for meetings and events.

The ground-floor retail space along Elizabeth Street will be partitioned into small-scale storefronts. The retail spaces will be leased at market rates, and revenues generated will contribute to the operation of the overall development.

The proposed development will be built to Passive House construction standards. Passive House is a method of construction that uses extensive insulation and highly efficient building systems, which results in a very small amount of energy needed to properly cool, heat, and ventilate the building. The project will also implement solar energy panels and cogeneration to generate energy for heating and power, which will result in reduced strain on our energy grid.

### *Background*

According to the applicant, the City of New York, on June 12, 1981, conveyed part of Lot 41 on Block 493, to the Little Italy Restoration Association ("LIRA") for the development of a mixed-use development containing low income residential units and commercial space. The unimproved portion of this lot (now known as Lot 30), remained under City ownership and was planned as a public recreational area to be managed by LIRA, pursuant to a license agreement.

In February 1991, the unused portion of the lot was leased to a neighboring property owner (209 Elizabeth Street, Block 493, Lot 21). The lot was leased to a private party on a month-to-month basis by the New York City Department of Citywide Administrative Services ("DCAS"). The lease specifies that the premises shall be used for "storage of sculpture and any as-of right use." The lease stipulated that the tenant must vacate upon 30 days written notice from the City.

In October 2012, Lot 41 was subdivided into two lots: Lot 41, containing the LIRA building, and Lot 30, the development site. The City identified the site in 2013 as a future affordable housing site; in 2016, HPD issued a competitive Request for Proposals ("RFP") to develop affordable housing for seniors, including an open space on the development site that would be open to the public. HPD designated the Development Team in December 2017.

*Area Context*

The development site is located in the NoLiTa neighborhood, Community District 2 in the Borough of Manhattan. The surrounding area consists of four- to seven-story residential buildings that are predominately old-law tenements, which generally lack elevators, with ground floor retail. Taller, mixed-use buildings can be found on the surrounding wider streets of Bowery, Kenmare, and Chrystie streets.

The predominant zoning in the surrounding area is C6-2, with M1-5B and C6-1 zoning areas nearby. The development site is located within the Special Little Italy District (“SLID”), Preservation Area “A.” This designation supersedes C6-2 bulk requirements and allows for a maximum 4.1 FAR with a maximum height of seven-stories or 75 feet (whichever is less). The SLID requires a minimum 10-foot setback at six stories or 65 feet (whichever is less), and limits lot coverage to 60%. The development site is also within the Chinatown and Little Italy Historic District on the National Register of Historic Places. The development site is within two blocks of several New York City landmark-designated buildings in the area including Old St. Patrick’s Cathedral (264 Mulberry Street), Fourteenth Ward Industrial School building (256 Mott Street), Young Men’s Institute (222 Bowery), and the Bowery Mission (227 Bowery). The development site is also located within a FRESH (Food Retail Expansion to Support Health) eligible area, where financial and zoning incentives are offered to encourage the development of markets providing fresh food. There are two medical centers very close to the to the development site. Judson Health Center (34 Spring Street) is approximately 500 feet from the development site and Cabrini Medical Center (179 Mulberry Street) is approximately 0.2 miles (1,054 feet) from the development site.

The development site is near open space such as DeSalvio Playground, located 528 feet from the development site. The playground is currently undergoing renovation and will be reopened soon. The development site is also near the Chrystie Street median, which extends seven blocks from East Houston to Canal Street. The median includes planted open space with a bicycle greenway, seating, and Sara Roosevelt Park, which has play areas, ball courts and fields. The development site is located 0.2 miles (1,056 feet) from the park. The development site is also near two community gardens owned by the City of New York and managed by New York City Department of Parks and Recreation. Liz Christy Community Garden, the first community garden in New York City, is located on East Houston between the Bowery and 2<sup>nd</sup> Avenue, approximately 0.3 miles (1,584 feet) away from the development site. First Street Garden, located on 1<sup>st</sup> Street and 2<sup>nd</sup> Avenue, is also 0.3 miles from the development site.

The development site and surrounding area is well-served by public transit. The Spring Street 6 train station is located two blocks west of the development site. The Prince Street R & W train station is located five blocks west of the development site. The Bowery J & Z train station is located two blocks southwest of the development site. The Broadway-Lafayette B/D/F & M train

station (also the Bleecker Street 6 train) is located two blocks north and three blocks west of the development site. This train station also has wheelchair accessible access to the trains via elevator. The M1, M21, M55, and M103 buses also provide transit options in the area.

### **Proposed Actions**

The applicant seeks the following approvals to facilitate the proposed development:

1. Designation of City-owned property as an Urban Development Action Area (“UDAA”) and approval for the project as an Urban Development Action Area Project (“UDAAP”)
2. In addition, the applicant seeks approval for the disposition of said property to the Development Team, which will also manage all aspects of the development

### **COMMUNITY BOARD’S RECOMMENDATION**

At its Full Board meeting on January 24, 2019, Manhattan Community Board 2 voted to recommend disapproval with conditions of the application by a vote of 30 in favor, 7 opposed and 4 abstentions.

### **BOROUGH PRESIDENT COMMENTS**

As New York City grows and changes, land use pressures become more acute. Access to open green space and access to safe affordable housing for our most vulnerable populations are two of the most pressing issues in our city. As land becomes scarce, addressing these problems becomes more difficult.

Lack of adequate open green space and housing are not only issues of land use but of public health. Access to open space provides opportunities for physical activity and social interaction, which contributes to better health outcomes for residents<sup>1</sup>. Homelessness can create or exacerbate chronic mental and physical health conditions.<sup>2</sup> The lack of housing that accommodates the limited mobility of seniors can contribute to isolation and reduced access to services that could allow them to live more independently. Rising costs of living also burden seniors, who are often on fixed incomes. Seniors should not be subject to choosing housing over food and medication due to rising rents.

According to New York City’s City Environmental Quality Review (CEQR), New York City’s optimal open space goal is 2.5 acres of open space per 1,000 residents, including 0.5 acres of passive open space and 2.0 acres of active open space. The area in which the development is

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<sup>1</sup> Gies, Erica. “The Health Benefits of Parks: How Parks Help Keep Americans and Their Communities Fit and Healthy” [http://cloud.tpl.org/pubs/benefits\\_HealthBenefitsReport.pdf](http://cloud.tpl.org/pubs/benefits_HealthBenefitsReport.pdf)

<sup>2</sup> [http://www.nhchc.org/wp-content/uploads/2011/09/Hln\\_health\\_factsheet\\_Jan10.pdf](http://www.nhchc.org/wp-content/uploads/2011/09/Hln_health_factsheet_Jan10.pdf)

being cited has been acknowledged as an area that is underserved by open space, with presently 0.153 acres per 1,000 residents.<sup>3</sup>

There is a senior housing crisis in this city. There are over 100,000 seniors on waiting lists for senior housing and the average wait for a unit on these lists is seven years.<sup>4</sup> According to a May 2018 report from the New York City Department for the Aging (DFTA), the population of New York City residents aged 60 and over will grow from 1.25 million in the year 2000 to 1.86 million by 2040.<sup>5</sup> Additionally, according to the February 15, 2019 Department of Homeless Services (DHS) daily report, 60,965 adults and children were in shelters throughout our city. This is unacceptable. As our senior population increases, we must allocate more resources - both land and subsidy - to the development of quality affordable housing that accommodates the needs of an aging population.

Given the needs for both accessible green open space and affordable housing, it is imperative that we seek solutions that will address both issues. The Elizabeth Street Garden, in the five years since the proposed development was announced, has grown to become a cherished community resource as an accessible open green space. However, there is a growing need for affordable housing throughout the city and especially within Community Board 2, which has only seen 93 units of affordable housing built since 2014.<sup>6</sup> While it is not ideal, we must compromise and find a solution that addresses the need for affordable housing while preserving as much public open space as possible.

Haven Green will create 123 affordable housing units for seniors earning no more than 60% of area median income. Thirty-seven of these units will be set-aside for formerly homeless New Yorkers coming from the shelter system, earning less than 30% of area median income.

The seven-story building will have elevators, providing a much-needed amenity that will allow seniors, who often have mobility issues, to live more independently. Developing a building in an area that is well-served by public transit will enhance the lives of the residents, allowing them to travel to medical appointments with ease.

Haven Green will also provide 6,700 square feet of green open space. This is considerably less than the current Elizabeth Street Garden site and will decrease the open space ratio to 0.149 acres

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<sup>3</sup> Haven Green Environmental Assessment Statement:

<http://www.nyc.gov/html/mancb2/downloads/pdf/bulletinboard/Haven%20Green%20Environmental%20Assessm%20Statement.pdf>

<sup>4</sup> <https://www.politico.com/states/new-york/city-hall/story/2016/02/the-senior-housing-crisis-031725>

<sup>5</sup> <https://www1.nyc.gov/assets/dfta/downloads/pdf/reports/Plan2025-092018.pdf>

<sup>6</sup> Housing New York Map:

<https://www.arcgis.com/apps/webappviewer/index.html?id=192d198f84e04b8896e6b9cad8760f22>

per 1000 residents.<sup>7</sup> However, the open space that will remain is still significant and will provide access to the public, consistent hours of operation, and community-led programming to ensure public green space for the entire community.

The building will meet Passive House construction standards, which will result in a more efficient building that consumes less energy and has lower maintenance and utility costs. RiseBoro has extensive Passive House experience and has committed to sustainable construction with their existing and future projects. Low maintenance costs can ensure sustained affordability over the life of developments; we should continue to support affordable housing developers who build sustainably.

In addition to housing, services will be provided on site for building residents and also to the community as a whole. Habitat NYC's office will also occupy 11,200 square feet in the building, more than half of which will be located in the cellar of the building. This is consistent with other affordable housing developments within the city where non-profits occupy community facility space for their operations. Habitat NYC's mission is to build and preserve owner-occupied homes throughout New York City. Habitat NYC, RiseBoro, and SAGE will also provide assistance with entitlements and benefits, wellness activities, and other educational programming such as computer classes and homeownership education. These organizations have decades of experience in housing development, advocacy, and providing a vast array of services that benefit the communities in which they operate.

We have met with the Elizabeth Street Garden and Friends of Elizabeth Street Garden. I appreciate all they have done in the past few years to make the garden a valuable community asset, providing much needed open space programming, as well as attracting visitors from around the world. Their efforts to preserve the garden in its current state have garnered widespread support and through community organizing and engagement they have been able to galvanize the neighborhood around this important community asset. I have received 3,097 emails regarding the garden and I understand the need for open space in this particular area. The applicant is also well aware of this and I believe they should continue to work towards a building that maximizes the amount of open space and the number of units that can exist on the site in order to meet both needs for open space and affordable housing. This may impact other uses and programming in the building, but must be considered as the need for open space in this area is critical.

There have been other City-owned sites offered up as alternates to the Elizabeth Street Garden site. Unfortunately, our housing crisis and growing senior population do not allow for an either/or scenario: we must build permanently affordable housing wherever feasible while also

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<sup>7</sup> Haven Green Environmental Assessment Statement:

<http://www.nyc.gov/html/mancb2/downloads/pdf/bulletinboard/Haven%20Green%20Environmental%20Assessment%20Statement.pdf>

maximizing open space on these sites for additional public benefit. There have also been recommendations to increase the amount of open space via a follow-up zoning text amendment that could allow for a height increase. However, breaking the height cap in the Special Little Italy District in this instance may lead to increased community tensions without achieving a workable compromise.

As City-owned land become scarcer, it is imperative that we maximize community benefits when we transfer our resources for private development. It is not enough that Haven Green will provide affordable housing for 60 years while maintaining some open space for the community. We need to ensure that these benefits are retained permanently. I believe the only way this can be achieved is by mapping the open space around Haven Green as parkland and requiring that the New York City Department of Parks and Recreation manage the space to ensure public access. The housing units should also be permanently affordable; the land disposition agreement, regulatory agreement, and all other relevant legal documents should require that Haven Green remain an affordable housing development serving low-income seniors and formerly homeless in perpetuity.

Additionally, the community facility space should always be tenanted by a not-for-profit that performs community development and local services, as does Habitat NYC. This should also be memorialized in the land disposition agreement, regulatory agreement, and all other relevant legal documents. This space should never be rented to for-profit community facility uses.

### **BOROUGH PRESIDENT'S RECOMMENDATION**

**Therefore, the Manhattan Borough President recommends approval with conditions of ULURP Application No. C 190184 HAM provided that the applicant:**

- 1. Make a more serious effort to design the building in order to generate at least 30% more open space than currently designed. This should be done in a way that does not compromise the number of affordable units currently planned for the site and does not require breaking the height cap of the special district;**
- 2. Requires permanent affordability of all housing units;**
- 3. Requires all community facility space within the building provide services to the community in perpetuity;**
- 4. Enters into an agreement with the New York City Parks Department so that the public open space is mapped as parkland and managed by the Parks Department; &**
- 5. Continues community engagement and participatory design to ensure the open space will reflect the needs of the surrounding community.**



Gale A. Brewer

Manhattan Borough President