

Borough President Recommendation

City Planning Commission
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Application #: **C 190434 ZMM, C 190435 ZSM, C 190436 ZSM**

Docket Description:

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

1. eliminating from within an existing R7-2 District a C1-4 District bounded by West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th, and a line 100 feet northwesterly of Fifth Avenue;
2. eliminating from within an existing R8 District a C1-4 District bounded by a line midway Central Park North and West 111th Street, Fifth Avenue, Central Park North, a line 100 feet northwesterly of Fifth Avenue and its southwesterly prolongation;
3. changing from a R7-2 District to a C1-9 District property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, a line midway between Central Park North and West 111th Street, and a line 200 feet northwesterly of Fifth Avenue; and
4. Changing from an R8 District to a C1-9 District property bounded by a line midway between Central Park North and West 111th Street, Fifth Avenue, Central Park North, and a line 200 feet northwesterly of Fifth Avenue and its southwesterly prolongation

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-851 of the Zoning Resolution to modify the street wall location requirements of Section 35-64 (Special Tower Regulations for Mixed Buildings); and to modify the tower lot coverage requirements, tower floor area distribution requirements, and height and setback requirements of Section 23-651 (Tower-on-Base), in connection with a proposed mixed-use on property located at 5 West 110th Street (Block 1594, Lots 30 and 41), in a C1-9 District.

IN THE MATTER OF an application submitted by La Hermosa Christian Church pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive the number of required off-street parking spaces required by 36-33 and 25-23, in connection with a proposed mixed-use development on property located at 5 West 110th Street (Block (1594 Lots 30 and 41), in a C1-9 District.

COMMUNITY BOARD NO: 10

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

Jul A. Brewer

August 23, 2018

BOROUGH PRESIDENT

DATE



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BOROUGH OF MANHATTAN
THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

August 23, 2019

**Recommendation on ULURP Applications C 190434 ZSM, C 190435 ZSM, C 190436 ZSM
5 West 110th Street – “La Hermosa” by La Hermosa Christian Church**

PROPOSED ACTION

La Hermosa Christian Church (“Applicant”) submits this application pursuant to Section 197-c of the New York City Charter, seeking approval of four land use actions to facilitate a 33-story mixed-use development containing approximately 231,865 zoning square feet (zsf), comprised of 37,678 zsf dedicated to community facility uses, and 194,187 zsf of residential use located at 5 West 110th Street (Block 1594, Lots 30, 40, 41, a portion of 42, and a portion of 29) in the Borough of Manhattan, Community District 10 (CD 10). The land use actions are:

- 1) Zoning Map Amendment to rezone the Project Area from R8/C1-4, R7-2, and R7-2/C1-4 to a C1-9 zoning district;
- 2) Zoning Text Amendment to map a Mandatory Inclusionary Housing (MIH) Area on the Project Site;
- 3) Special Permit to modify bulk regulations pursuant to ZR § 74-851; and
- 4) Special Permit to waive parking requirements pursuant to ZR § 74-533.

Pursuant to ZR § 74-851, in C1-9 Districts, the City Planning Commission (CPC) may permit modifications of height and setback regulations for developments or enlargements containing residences, provided the following findings are made:

- a) That the resulting site plan affords better placement of the buildings on the zoning lot with improved arrangement of open space and improved access of light and air for the dwelling units; and
- b) That the site is adjacent to or opposite a permanent space comprising an area of at least three acres such as a park, public place, waterfront, wharf property, wharves or docks, and that the resulting placement of the buildings will not unduly obstruct access to light and air in the street or on adjacent zoning lots.

The CPC may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area. However, the provisions of Section 74-851 do not apply to Quality Housing buildings.

Pursuant to ZR § 74-533, the CPC may permit waiver of, or a reduction in, the number of required accessory off-street parking spaces for dwelling units in a development or enlargement that includes at least 20 percent of all dwelling units as income-restricted housing units as defined in ZR § 12-10, provided that the CPC finds that such waiver or reduction:

- a) Will facilitate such development or enlargement. Such finding shall be made upon consultation with the Department of Housing Preservation and Development (HPD);

- b) Will not cause traffic congestion; and
- c) Will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable, including the availability of parking spaces for such uses.

Additionally, the CPC may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In evaluating these land use actions, the Office of the Manhattan Borough President (MBPO) 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 the 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, the MBPO must consider whether the amendment is appropriate and beneficial to the community and consistent with the goals of the MIH program.

BACKGROUND

La Hermosa is a house of worship and community center located in a 3-story building at 5 West 110th Street on Frawley Circle and West 110th Street. The property includes the church and a small parking area. The property is owned by La Hermosa, and according to the Applicant, the church has been operating there since 1960.

According to the Applicant, La Hermosa's existing building is in a state of disrepair. Among many issues, the heating and cooling systems often do not function and the roof needs repair. As such, they have been unable to provide community services, host other community organizations, and program events. The congregation asserts that they cannot afford the costs for building maintenance and repairs. The Project is thus seen as an opportunity for La Hermosa to create a modern church facility and establish an endowment for the church.

SITE DESCRIPTION

The Project Area covers the eastern portion of Block 1594 up to a depth of 200 feet west from Fifth Avenue, and is bounded by West 110th Street to the south, Frawley Circle and Fifth Avenue to the east, and West 111th Street to the north. It is comprised of lots 30, 40, 41, a portion of Lot 42, and a portion of Lot 29. The proposed Development Site encompasses lots 30 and 41 only.

The Project Area is split between four zoning districts, R8, R7-2, R8/C1-4, and R7-2/C1-4. The R8 district runs the length of the southern half of the Project Area. R8 districts are high density residential districts that permit residential and community facility uses with a maximum Floor Area Ratios (FARs) of 7.2 and 6.5 respectively. The R7-2 district runs the length of the northern half of the Project Area. R7-2 districts permit medium density residential buildings and community facility uses with a maximum residential FAR of 3.4 up to 4.0 for Quality Housing buildings, and a maximum FAR of 6.5 for community facility uses. A C1-4 commercial overlay is mapped the length of the eastern portion of the Project Area at a depth of 100 feet west from Fifth Avenue. It permits retail and office space with a maximum FAR of 2.0.

As previously noted, lots 41 and 30 will be merged to form one zoning lot, with Lot 41 being the Development Site. According to the Applicant, the merging of the two lots creates a total lot area of 20,015 zsf. Both lots contain 3-story houses of worship; Lot 41 is the current location of La Hermosa

Church, and there is no plan to redevelop Lot 30.

AREA CONTEXT

Land Use and Building Typology

The Project Area is located in the neighborhood of Harlem in Manhattan CD10. The area immediately surrounding the Project Area is characterized predominantly by 5 and 6-story residential buildings. There are also several high-rise residential buildings ranging in height from 19 to 34 stories. Sitting directly across the street and east of the Project Area is the Schomburg Plaza, a residential development consisting of two 34-story octagonal towers on Duke Ellington Circle, and an 11-story building on Madison Avenue. South of Schomburg Plaza is a 19-story mixed-use building containing the Africa Center and residential uses. The New York City Housing Authority (NYCHA) King Towers development consisting of ten 13-story residential buildings is located one block north of the Project Area. The Taft Houses, a NYCHA development that consists of nine 19-story residential buildings, is located one block northeast of the Project Area. Retail uses are concentrated along Fifth Avenue. These uses include a restaurant, a check cashing facility, a deli, several day care facilities, and a beauty salon.

Open Space Assets

There are several open space assets within the immediate vicinity of the Project Area. Duke Ellington Circle is passive use open space located on Fifth Avenue, immediately south and southeast of the Project Area. Central Park is across the street, south of the Project Area. A mix of active and passive uses are located within the park; the Charles A. Dana Discovery Center, the Harlem Meer, and the East 110th Street Playground are all located less than a block away from the Project Area.

Educational and Cultural Institutions

There are several educational and cultural institutions near the Project Area. P.S. 185 (Pre-K - 5th Grade), Harlem Link Charter School (Pre-K to 5th Grade), and Harlem Academy (Grades 1-8) are all located one block north. El Museo del Barrio, Museum of the City of New York, and Mt. Sinai Hospital are all located approximately six blocks south along Fifth Avenue.

Zoning

As previously noted, the Project Area is located on a block that contains a mix of zoning districts. The surrounding area is predominantly zoned R7-2, a medium density residential zoning district with a FAR of 4.0 and maximum building height of 80 feet if built to Quality Housing standards. The north side of Central Park North, between Fifth Avenue and Adam Clayton Powell Boulevard is zoned R8, a height factor zoning district which has a maximum FAR of 7.2. A C1-9 district is located immediately east of the Project Area. A C1-9 zoning district is a high-density residential district with a maximum residential and community facility FAR of 10.0, or 12.0 with inclusionary housing. Commercial uses have a maximum FAR of 2.0. New developments in C1-9 regulations can be built pursuant to height factor, Quality Housing, or tower-on-base regulations.

Special Parks Improvement District

A Special Parks Improvement Area District is mapped along Fifth Avenue between 110th and 59th Streets. Designated in 1973, the Special Parks Improvement District was established to, “preserve the unique character and architectural quality of the residential sections of Fifth and Park Avenues and to foster park, playground, special landscaping, sidewalk, tree planting and mall improvements in this general area.”¹ The district prescribes use, street wall location and height, building height, and bulk

¹ CP-22240, City Planning Commission Report available at <https://www1.nyc.gov/assets/planning/download/pdf/about/cpc/19730228.pdf>.

regulations. A building located in the Special Parks Improvement District cannot exceed 19 stories or 210 feet, whichever is less.

Milbank-Frawley Urban Renewal Area & Plan

The Milbank-Frawley Urban Renewal Area (URA) and Plan was adopted in 1994, was last revised in 2003, and expires in 2034. It delineates residential, commercial, public, and semi-public uses for lots in the plan area. It is a spin-off of the Milbank Frawley Circle Urban Renewal Area which was established in 1967 as part of the Harlem Model Cities program. During the period between 1965 and 1980 the city experienced a wave of disinvestment and housing abandonment in low-income communities. 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. The Milbank-Frawley Urban Renewal Plan included a large portion of Fifth Avenue near the current Project Area. It sought to mitigate the physical and socioeconomic effects of property abandonment and demographic changes resulting from “white flight.”

Sendero Verde²

On August 17, 2017, the City Planning Commission voted to approve the rezoning of “Site 25A” in the Milbank-Frawley URA, Block 1617, bounded by Madison Avenue, East 111th Street, Park Avenue, and East 112th Street in order to facilitate the development of three mixed-use buildings encompassing 718,447 zsf of floor area, containing approximately 655 income-restricted residential units, 40 percent of which, or approximately 262 units, will be permanently affordable.

Schomburg Plaza Rezoning

In 1972, the CPC voted to approve the rezoning of Block 1616, Lot 1, “Site 23” in the Milbank-Frawley URA, from R7-2 to C1-9 to facilitate the development of Schomburg Plaza. Schomburg Plaza is a Mitchell-Lama apartment complex at the northeast corner of Central Park consisting of twin, 35-story octagonal towers, and one rectangular mid-rise building on Madison Avenue.

Transportation Resources

The Project Area sits between three subway lines. The 6 subway line, E. 110th Street Station is located one block east at East 110th Street and Lexington Avenue. The 2 and 3 subway lines are available at the 110th-Central Park North station located one block west at West 110th Street and Lenox Avenue. The B and D subway station is two blocks west from the Project Area at West 110th Street and Frederick Douglass Circle. There are also several bus lines nearby. The M2, 3, and 4 bus lines travel south along Fifth Avenue, and west along West 110th Street.

PROJECT DESCRIPTION

According to the Applicant, the existing 3-story church building on Lot 41 will be demolished and replaced with a 33-story mixed-use building containing residential and community facility uses. The Proposed Development will contain a total of 231,865 zsf with 37,678 zsf (4-stories) dedicated to church at the base of the building. The building will have a total FAR of 12.0. The church entrance will be located on West 110th Street and Duke Ellington/Frawley Circle. The remaining 194,187 zsf will be dedicated to residential use.

The residential portion of the Proposed Development is expected to contain a total of approximately 160 units. Pursuant to MIH Options 1 and 2, a minimum of 25 percent of the residential floor area will contain permanently affordable housing.

² Sendero Verde and Schomburg Plaza are located in Manhattan CD 11

In a meeting with my staff, the Applicant presented a preliminary unit mix as follows:

Table 1. Preliminary Unit Mix

Type	Market-Rate Units	Income Restricted Units
Studio	5% (5)	25% (12)
1-Bedroom	46% (51)	25% (13)
2-Bedroom	18% (20)	50% (25)
3-Bedroom	31% (34)	0% (0)
Total	100% (110)	100% (50)

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on June 5, 2019, CB 10 passed a resolution declining to support this application. On April 10th, April 18th, and May 16th CB10’s Land Use Committee Meeting met with the church and their advisors regarding this project. At the May 16th meeting, the Land Use Committee voted 7 in favor of the application, 1 opposed, and 0 abstentions. The Land Use Committee vote was made conditional upon several terms.³ At the full board meeting 2 voted in favor, 28 opposed, and 1 abstained.

BOROUGH PRESIDENT’S COMMENTS

When I issued a recommendation in support of the MIH program, my biggest concern was that the affordable housing requirement might not justify the additional density to be realized by developers. A project like the one proposed in this application is exactly the type of project that I feared: a significant upzoning at a prime location that does not provide adequate benefits to justify the increase in bulk and height. For the reasons expressed below, I am recommending disapproval of Land Use Application Nos. C 190434ZMM, C 190435ZSM, N190433ZRM, 190436ZSM.

The Applicant has tried to justify the height and bulk of the Proposed Project by comparing it to nearby projects, Schomburg Plaza and Sendero Verde⁴. However, the programmatic elements of those projects differ significantly from this one, and it is their programmatic elements that justify their scale. Schomburg Plaza and Sendero Verde were a part of a public policy initiative involving every level of government. The goal was comprehensive physical and socioeconomic improvements to the country’s most impoverished neighborhoods. As noted above, the two sites are located in the Milbank-Frawley URA. Together they will contribute over 1,000 units of middle-income and low-income housing along with amenities that directly address community needs.

110 of 150 units in the Proposed Project will be market-rate. By contrast, Sendero Verde is a 100% income-restricted development with a 60 year regulatory period. At 718,447 total zsf, the Sendero Verde development is three times the size of the current Proposed Project. However, it is expected to produce

³ Community Board Recommendation to ULURP No. 190434 ZMM, available at https://labs-zap-supporting-documents.sfo2.digitaloceanspaces.com/comments/190434_M10.pdf

⁴ The Manhattan Borough President’s Recommendation to ULURP Application Nos. C 170361 ZMM, etc., Sendero Verde – East 111th Street is available at <https://www.manhattanbp.nyc.gov/wp-content/uploads/2019/07/2017-08-02-FULL-SCAN-MBP-Recommendation-re-Nos-C-170361-ZMM-et-al-Sendero-Verde-East-111th-Street.pdf>

more than four times the number of total units (655 units), and more than five times the number of permanently affordable units (262 units). One would expect the unit count to parallel the difference in total zoning square footage, but it doesn't. The primary source of this disparity is the number of market-rate units expected to be produced, and the space they require to be marketable in the growing luxury rental market. As a result of this profit-driven development model, the residents of Harlem and the city will derive a small public benefit.

The differences between the current Proposed Development and Sendero Verde do not end there. An agreement to produce a significant amount of open space for use as a community garden was included in the Request for Proposal (RFP) and the developer, Jonathan Rose Companies, has been working on creating more than the minimum required. Additionally, the site will contain 142,185 zsf of community facility space where educational, cultural, and entrepreneurial institutions will operate. By contrast the current Proposed Development will contain just 37,678 zsf of community facility space that will be occupied by La Hermosa Church. The Church is expected to run a music program out of the space. However, no details about the program (ie. projected operation costs of the program, the number of students, the application process for prospective students, etc.) or any other services they intend to provide have been presented.

Schomburg Plaza differs from the current Proposed Project in similar ways. It is a 100% income-restricted residential development. The project received Mitchell-Lama subsidies for mixed-income housing as well as federal funds to keep rents affordable for neighborhood residents. Residents from the local area were given a preference, with priority given to those whom the project displaced. At 680,000 gross zsf, less than three times the size of the current proposal, Schomburg Plaza produced 600 income-restricted residential units (nearly four times as many as the Proposed Project). Schomburg also contains ground-floor commercial space and a child care facility operated by Northside Center for Child Development.

Another element of this project that concerns me is the lack of planning and preparation done in anticipation of the Proposed Project. In the Applicant's last meeting with my office staff, they provided vague statements about the services they once provided (ie. a soup kitchen) and when asked about the details of those services, they offered little or no information. Without a concrete proposal and detailed preparation, the applicant and the community could find themselves without any significant benefit. In a recent New York State Supreme Court decision denying the Applicant's request to mortgage the property for the purposes of financing pre-ULURP and ULURP activities, Justice Barbara Jaffe spoke at length about the Applicant's lack of planning and preparation:

Petitioner provides no information on its programs beyond conclusorily asserting that one of its objectives is to rebuild its congregational membership. Rather, it concludes that the upgraded building and need for the rezoning of the property is important to "attract new congregants." The petition lacks information on current demographics, including the target population that would allow petitioner to rebuild its congregation, the presence of competitive religious organizations in the likely congregant area, or the effect of changes in demographics in the gentrifying neighborhood around the church on the success of any plans to rebuild the congregation.

Thus, petitioner fails to offer a plan on how it will expand and continue its religious presence in the area.

Matter of La Hermosa Church, 2019 NY Slip Op 30691 (U) (Sup Ct, New York County 2019)

Despite its omission from the Applicant's materials, I included the Milbank-Frawley URA in the Area Context portion of this recommendation because it places the Proposed Project in the context of the other developments nearby, and underscores how different this proposal is from efforts by the government to address the housing crisis. Despite its flaws, Milbank-Frawley URA represents an effort to plan well and hold developers accountable by covenant.

The current City administration relies too much on market forces to build affordable housing. MIH is a product of an incentive-based model for affordable housing development. However, the lowest income tiers for housing under the MIH program are largely out of reach for working people in neighborhoods like Harlem; approximately one quarter of the community earns less than 30 percent AMI.⁵ Therefore, a large percentage of the affordable housing proposed in projects like this fails to meet the needs of the community. Private ULURP applicants should be working with HPD to facilitate the production of housing that is affordable by the community's residents. Given the critical shortage of affordable housing, property owners and developers must design buildings to meet that need.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends Disapproval of ULURP Application No. C 190434 ZSM, C 190435 ZSM, C 190436 ZSM - La Hermosa.



Gale A. Brewer
Manhattan Borough President

⁵ NYU Furman Center New York City Neighborhood Data Profiles Retrieved from <https://furmancenter.org/neighborhoods/view/central-harlem>