THE BEACON
413 EAST 120TH STREET, NEW YORK, NY
MAY 2, 2024

LAND USE APPLICATION – ID: 2022M0328
LR FORM ITEM 3: DESCRIPTION OF PROPOSAL

I. INTRODUCTION

The New York City Department of Housing Preservation and Development ("HPD" or "Applicant") proposes several land use actions ("Proposed Actions") to facilitate the development of a new 21-story development containing approximately 281 units of affordable housing plus one superintendent's unit, and the rehabilitation and expansion of the East Harlem Multi-Service Center ("MSC"), currently operated by the New York City Human Resources Administration ("HRA"), with approximately 50,610 zoning square feet of community facility space ("Proposed Development"). The Proposed Development will be developed on the City-owned property located at 413 East 120th Street on Block 1808, Lot 8 plus an approximately 4,192 square foot area to the south that is proposed to be demapped (collectively, the "Development Site") in the East Harlem neighborhood of Manhattan's Community District 11. The "Disposition Area" includes the Development Site and an approximately 3,068 square foot additional area proposed to be demapped south of Block 1808, Lot 7501 (Condo Lots 1001-1003). The "Project Area" consists of the Disposition Area as well as part of an adjacent privately owned lot (Block 1808, p/o 7501 a.k.a. p/o former Lot 10 and previously p/o former Lot 8). Additionally, the majority of the Project Area, with the exception of a western portion of the proposed demapping area is proposed to be rezoned ("Rezoning Area").

The Proposed Actions include:

1. Urban Development Action Area ("UDAA") designation of the Disposition Area, project approval of an Urban Development Action Area Project ("UDAAP"), and the disposition of the Disposition Area to a developer selected by HPD;
2. Zoning map amendment to change the R7-2 and R7-X zoning districts to an R8 zoning district in the Rezoning Area;
3. Zoning text amendment to zoning resolution ("ZR") Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas to establish the Rezoning Area as a Mandatory Inclusionary Housing ("MIH") Area.

II. BACKGROUND

There is a separate, but related application for a City Map Change (2023M0160) to demap up to 20 feet of the northern portion of the mapped street at East 120 Street from First Avenue to the eastern end of the Project Area.

The Project Area is located approximately one block east of the boundaries of the East Harlem Rezoning, approved by the City Council in 2017, which built upon the land use and zoning recommendations from the East Harlem Neighborhood Plan ("EHNP"). The EHNP sets forth the community's vision for addressing its affordability challenges through investments in affordable housing, education, workforce development, and support for neighborhood small businesses and nonprofits. The EHNP was developed through years of community engagement and consensus-building with hundreds of residents, stakeholders, and elected officials. The Development Site was identified as a site to be rezoned for an affordable housing development within the EHNP.

Additionally, as a part of the 2017 East Harlem Rezoning, a Special Transit Land Use District was mapped with a portion of the Special East Harlem Corridors District on Second Avenue between East 120th and East 115th Streets.

Prior to the 2017 EHNP and East Harlem Rezoning, the City completed the 2003 East Harlem Rezoning (C030244 ZMM). This rezoning mapped R7X zoning districts along First Avenue and introduced contextual R7B zoning districts midblock between First Avenue and Pleasant Avenue, south of East 119th Street, and R7A zoning districts midblock between Second and First Avenues from East 120th Street to East 118th Street. In July 2015, the City Planning Commission and the City Council, through Resolution No. 810, approved a series of land use actions to facilitate the new construction of an affordable housing development on an area that included a portion of the Project Area, what is now Block 1808, Lot 7501 (Condo Lots 1001-1003) (part of former Block 1808, Lot 8). These actions included UDAA designation, UDAAP approval, and disposition of City-owned property (C150212 HAM, Cal. No. 14) and a zoning map amendment to change an R7-2 district to an R7X district and establish a C1-5 overlay in the new R7X district (C150211 ZMM, Cal. No. 14). As a result of these actions, the former Block 1808, Lot 8 was subdivided into Lot 10 (subsequently subdivided into Condo Lots 1001-1003), and current Lot 8 to facilitate the Acacia Gardens affordable housing development.

In August 2019, HPD issued a Request for Proposals ("RFP") to redevelop the Development Site with 100 percent affordable housing and to replace or rehabilitate the existing HRA MSC with a new community facility space. The RFP shared the goals of the EHNP to expand access to affordable housing, strengthen community facilities, and provide support for local nonprofits. The MSC currently hosts 12 not-for-profit community organizations; however, the building structure is in disrepair and the surrounding property area is underutilized as a parking lot for the MSC. In August 2021, HPD selected the Proposed Development to provide much-needed affordable housing through new residential development on the MSC parking lot and upgraded community amenities through adaptive reuse of the MSC.

III. DESCRIPTION OF THE SURROUNDING AREA

The Project Area is located within the East Harlem neighborhood in Community District 11 of Manhattan. The Project Area has frontage on East 120th Street, a wide street with a width of 80 feet from First Avenue to Paladino Avenue. Within the surrounding area, First Avenue is located 100 feet from the Project Area and is also designated as a wide street with a width of 100 feet. The surrounding area is generally characterized by multifamily residential uses, public and community facilities, and a mix of commercial uses along First Avenue. The Project Area is located on one of two superblocks formed by the New York City Housing Authority (“NYCHA”) Wagner Houses to the north and northwest of the Project Area, extending from East 120 Street to East 124 Street between Second Avenue and the FDR Drive. The NYCHA Wagner Houses consists of 23 sixteen-story multifamily elevator buildings. The surrounding area to the south and southwest of the Project Area consists of mostly one-to-two family and multifamily walk-up residential buildings, between two to eight stories. Zoning districts mapped within the surrounding area include R7-2, R7A, R7B, and R7X, as well as C1-5 commercial overlays mapped along First Avenue.

R7 districts allow for a range of mid-density residential buildings. The height factor regulations for R7-2 districts encourage lower-height apartment buildings on smaller zoning lots and taller buildings with less lot coverage on larger lots. In R7-2 districts the maximum allowable residential FAR is 3.44, but higher FARs of up to 4.6 or 5.01 are permitted for buildings participating in the

MIH program or the Affordable Independent Residences for Seniors ("AIRS") program, respectively. The maximum allowable community facility FAR in R7-2 districts is 6.5.

Contextual R7A, R7B, and R7X districts are governed by Quality Housing bulk regulations, which typically results in high lot coverage buildings up to eight to nine stories in R7A districts, six to seven stories in R7B districts, and 12 to 14 stories in R7X districts. In R7A districts, the maximum allowable FAR is 4.0, with a higher FAR of 4.6 and 5.01 available for buildings participating in the MIH and AIRS programs, respectively. Maximum allowable FAR in R7B districts is 3.0, with a higher FAR of 3.9 available for buildings participating in the AIRS program. R7X districts provide more flexibility in the building envelope with a maximum residential FAR of 5.0, with a higher FAR of 6.0 available for buildings participating in the MIH and AIRS programs. C1-5 commercial overlay districts allow for typical neighborhood retail uses, such as the grocery stores, restaurants, pharmacy, laundromat, hardware store, and barber shop present on First Avenue, up to an FAR of 2.0 when mapped in higher density zoning districts.

The surrounding area is also located in a Food Retail Expansion to Support Health Program ("FRESH") zone, which enables property owners to construct slightly larger buildings with reduced parking requirements in mixed residential and commercial districts if they include a FRESH supermarket.

The surrounding area is located within a Transit Zone, which exempts income-restricted residential buildings from parking requirements.

The surrounding area is well-served by public transportation, with the M15 bus and M15 Select Bus Service running north along First Avenue and south along Second Avenue, respectively, and the crosstown M116 bus along Pleasant Avenue. While outside the surrounding area, the 116th Street subway station, which is served by the local "6" line, is approximately seven blocks southwest of the Project Area on Lexington Avenue. In the next decade, the surrounding area is expected to be served by a new subway line and station located at 116th Street and Second Avenue upon completion of Phase II of the Second Avenue Subway extension by the MTA, approximately five blocks from the Project Area.

The surrounding area also includes public facilities and institutional uses, such as schools and several houses of worship. The River East Elementary School and Harlem Village Academy East Charter School are located to the east of the Project Area, at the intersection of First Avenue and East 120 Street. The Mount Carmel-Holy Rosary Catholic School, along with the Church of the Holy Rosary Convent, are located one block southeast of the surrounding area.

Open spaces are located outside the surrounding area and include Wagner Playground, an approximately 1.27-acre park, which is located one block west of the Project Area at the intersection of East 120th Street and Second Avenue. To the east of the Project Area, a pedestrian bridge located at the end of East 120th Street and Paladino Avenue connects to the Bobby Wagner Walk, which is part of the East River Waterfront Esplanade–a 32-mile Manhattan Waterfront Greenway that extends between 90th and 125th Streets. Major capital work is planned for the Bobby Wagner Walk by the NYC Economic Development Corporation and the NYC Department of Parks and Recreation, which will result in structural repairs, a redesign of the park space, new community-supported uses, and resiliency features, such as elevating for sea-level rise.

IV. DESCRIPTION OF THE PROJECT AREA AND REZONING AREA

The Project Area comprises the Development Site (Block 1808, Lot 8), a portion of Block 1808, Lot 7501 (Condo Lots 1001-1003) that is beyond 100 feet of First Avenue, and the northernmost portion of the mapped street at East 120th Street for a length of approximately 363 feet running east from First Avenue, proposed to be demapped in a separate, but related, City Map Change application (2023M0160). Lot 7501 is currently developed with the Acacia Gardens affordable housing development.

The Project Area is approximately 63,016 square feet and has approximately 363 feet of frontage on East 120th Street, which has an existing width of 80 feet. The Project Area is currently mapped in R7-2 and R7X zoning districts. The north and east boundaries of the Project Area are adjacent to the NYCHA Wagner Houses campus**.**

The Rezoning Area comprises the Development Site, a portion of Block 1808, Lot 7501 (Condo Lots 1001-1003) that is beyond 100 feet of First Avenue, and a portion of the proposed area to be demapped. The Rezoning Area measures approximately 265 feet between its eastern and western boundaries.

The Project Area is located within the boundaries of the Waterfront Revitalization Program (WRP) Coastal Zone. According to FEMA's 2015 Preliminary Flood Insurance Rate Maps, portions of the Project Area are located within the 1% annual chance (100-year) floodplain and the 0.2% annual chance (500-year) floodplain.

V. DESCRIPTION OF THE DISPOSITION AREA AND THE DEVELOPMENT SITE

The Disposition Area is approximately 42,108 square feet. It includes the City-owned property located on Block 1808, Lot 8, which is a 34,848 square foot parcel with approximately 210 feet of frontage on the north side of East 120 Street between First Avenue and Pleasant Avenue and an approximately 7,260 square foot area of current East 120th Street running south of Lot 7501 (Condo Lots 1001-1003) and Lot 8 for approximately 363 feet. This portion of East 120th Street is proposed to be demapped in the separate, but related City Map Change application (2023M0160). Following the disposition of the entire Disposition Area to a sponsor designated by HPD, it is anticipated that the designated sponsor will convey the portion of the demapped area in front of Lot 7501 (Condo Lots 1001-1003) to the owner of Lot 7501 (Condo Lots 1001-1003) in a private transaction.

The Development Site consists of Lot 8, a 34,848 square foot parcel with approximately 210 feet of frontage on East 120 Street and an approximately 4,192 square foot portion of the area proposed to be demapped immediately south, for a total area of 39,040 square feet.

The existing land use on the Development Site is Public Facilities and Institutions. The Development Site contains an existing five-story building that houses the HRA MSC, which hosts 12 not-for-profit community organizations. The building was formerly used for Public School 80 and is still classified as an Educational Structure. During the development process, programming at the MSC will be halted to facilitate the Proposed Development, including rehabilitation of the MSC building, and the existing tenants will be temporarily relocated to nearby East Harlem sites.

The Development Site faces East 120th Street, a wide street which is mapped 80 feet wide. The southern portion of the existing HRA MSC building facing East 120th Street encroaches by approximately 11 feet into the mapped street, which will be subject to the separate, but related

proposed City Map amendment action to demap up to 20 feet of the northern portion of the mapped street at East 120 Street.

VI. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development consists of two buildings: a new 21-story building with approximately 281 affordable residential units plus one superintendent's unit, and a rehabilitated and expanded six-story HRA MSC building. The Proposed Development will contain approximately 280,542 zoning square feet ("ZSF") of total floor area (7.19 FAR), including approximately 229,932 ZSF of residential floor area (5.89 FAR) and approximately 50,610 ZSF of community facility floor area (1.30 FAR). For the community facility building, approximately 15,834 ZSF of the existing MSC building will be demolished on the first and second floors to facilitate access to the residential building. Approximately 43,133 ZSF of the MSC will be rehabilitated from the first to fifth floors and a sixth floor will be added with approximately 7,477 ZSF. The residential building of the Proposed Development has lot coverage of approximately 16,326 square feet, or 41.8 percent, while the community facility (MSC) building has approximately 9,528 square feet, 24.4 percent lot coverage. The total lot coverage for the Proposed Development is 25,854 square feet or approximately 66.2 percent.

The residential building of the Proposed Development will be an infill development on the HRA MSC parking lot on the northern and western parts of the Development Site. A small two-story portion of the western side of the building will be demolished to provide street access for the new building. As a result, the residential building will have a frontage of approximately 43 feet on East 120th Street, west of the HRA MSC building with an ADA-accessible ramp entrance. The residential building of the Proposed Development will be subject to Quality Housing regulations, and it will be set back approximately 26 feet from the front lot line. The western segment of the building rises to a height of 170 feet (17 stories) above the Design Flood Elevation. The eastern segment of the building, located behind the MSC building, will be set back approximately 82 feet from the front lot line and rise to a total height of approximately 210 feet (21 stories).

The Proposed Development will contain approximately 281 units of affordable housing, of which a portion will be permanently affordable pursuant to MIH, plus one superintendent's unit. The Proposed Development will include a mix of studios, one-, two-, and three-bedroom units. Amenities in the residential building of the Proposed Development include a courtyard, bike storage room, a yoga or fitness room, community gathering space, and laundry room. The Proposed Development is located in a Transit Zone; therefore, parking will not be required for this fully affordable housing development.

Through adaptive reuse, the Proposed Development includes the rehabilitation and expansion of the existing HRA MSC community facility building by the addition of a new sixth floor, while working to preserve its original architectural design. On East 120th Street, the community facility building of the Proposed Development will have a frontage of approximately 145 feet and a height of approximately 104 feet (6 stories). The entrance of the community facility building on East 120 Street will be retrofitted with ADA-accessible ramps.

The improved community facility on the Development Site will expand and modernize the space available to nonprofit community-based organizations (both new and existing tenants) with new classrooms, offices, group therapy spaces, and other multipurpose rooms. The community facility of the Proposed Development will include additional space for after-school programming, such as the multipurpose space that will function as a basketball court and event space. The Proposed

Development is anticipated to contain a greenhouse element on the new sixth floor of the community facility providing opportunities for supporting environmental education.

The community facility and residential building of the Proposed Development will be connected through a covered courtyard. It is intended that both the community facility and residential complex will connect with pathways on the NYCHA Wagner Houses campus to facilitate a cohesive urban context through the "Wagner Walk" landscaped walking path adjacent to the community facility building on the east side of the Development Site. NYCHA has promoted its Connected Communities initiative to facilitate projects such as the Walker Walk through participatory design practices.

The Proposed Development will incorporate flood resiliency measures, such as elevating the floor entrance by three feet of the new residential building, adding below-grade water detention tanks, eliminating the basement level of the MSC building and locating critical building facilities on the elevated ground floor in both buildings. The proposed resiliency measures are designed in accordance with the special zoning regulations applying in flood zones pursuant to Zoning Resolution Section 64-00. The Proposed Development will also adhere to the standards of sustainable development and energy efficiency in accordance with Local Law 97 through the addition of a solar array on the MSC building. Both the new construction residential building and the retrofitted MSC of the Proposed Development are designed in pursuance of Passive House principles to maximize energy efficiency and reduce their carbon footprint.

VII. ACTIONS NECESSARY TO FACILITATE THE PROJECT

HPD proposes the following actions to facilitate the Proposed Development:

a. Designation of an Urban Development Action Area and approval of an Urban Development Action Area Project:

   The Disposition Area is an underutilized site that tends to impair or arrest the sound development of the surrounding community, with or without tangible physical blight. Incentives are needed 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 Disposition 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.

   Disposition of City-Owned Property: The Disposition Area, including Block 1808, Lot 8 and the approximately 7,260 square foot area proposed to be demapped as part of a separate application will be conveyed to a developer to be selected by HPD.

b. Zoning Map Amendment: A zoning map amendment is proposed to change the R7-2 and R7X zoning districts to an R8 zoning district in the Rezoning Area.

   The current R7-2 and R7X zoning districts are split across the Rezoning Area with regulations that conflict with each other as it relates to the Proposed Development. R7-2 is a medium density zoning district, producing taller buildings with less lot coverage, while R7X is a contextual zoning district, producing bulkier buildings with higher lot coverage.

The R8 zoning district is proposed as the most appropriate zoning district due to its presence in higher-density areas of the City and flexibility to permit apartment buildings that range from mid-rise, eight- to ten-story buildings to taller buildings set back from the street on large zoning lots. Residential developments complying with the Inclusionary Housing Program are permitted at a maximum FAR of 7.20. Under Quality Housing regulations, the minimum and maximum base heights of buildings are 60 to 105 feet, respectively, if providing a qualifying ground floor. R8 buildings can rise to a maximum height of 215 feet.[1] Community facility uses are permitted at a maximum FAR of 6.5.

c. Zoning text amendment: A zoning text amendment is proposed to amend Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area ("MIHA") over the Rezoning Area, which requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped MIHAs. As part of this application, the Applicant proposes to map Option 2 within the MIHA, which requires at least 30 percent of the residential floor area to be set aside for permanently affordable housing units.

VIII. CONCLUSION

In conclusion, HPD is seeking approval of the Proposed Actions to facilitate the development of a new 21-story residential building containing approximately 281 units of much-needed affordable housing, and the rehabilitation and enlargement of the existing HRA MSC community facility building to ensure East Harlem residents can continue benefitting from services and utilize new neighborhood amenities. The development of affordable rental housing will be carried out in accordance with *Housing Our Neighbors: A Blueprint for Housing and Homelessness,* which commits to addressing housing instability, promoting economic stability and mobility, improving health and safety, and increasing opportunities for equitable growth.

[1] If the City of Yes for Housing Opportunity ("CHO") text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, R8 districts would allow a maximum height of 255 feet for eligible sites under proposed ZR § 23-435. For development sites over 40,000 square feet that are an eligible site under proposed ZR § 23-435, CHO would permit an additional 25 percent increase in maximum height.