

EXHIBIT A
TO
AFFIRMATION OF BLYTHE HAWTHORNE-LOIZEAUX
IN SUPPORT OF AMENDED VERIFIED PETITION

CITY PLANNING COMMISSION

April 10, 2019/Calendar No. 9

C 190184 HAM

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.

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

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