

Application #: **C 170226 ZMM**

Project Name: **ECF 96th Street**

CEQR Number: 16ECF001M

Borough(s): **Manhattan**

Community District Number(s): **11**

Please use the above application number on all correspondence concerning this application

SUBMISSION INSTRUCTIONS

- Complete this form and return to the Department of City Planning by one of the following options:
 - EMAIL (recommended):** Send email to CalendarOffice@planning.nyc.gov and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C100000ZSQ"
 - MAIL:** Calendar Information Office, City Planning Commission, 120 Broadway, 31st Floor, New York, NY 10271
 - FAX:** to (212) 720-3488 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the NYC Educational Construction Fund and AvalonBay Communities, Inc. pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b:

- changing from an R7-2 District to a C2-8 District property bounded by Second Avenue, East 97th Street, a line 100 feet easterly of Second Avenue, and a line midway between East 97th Street and East 96th Street;
- changing from an R7-2 District to an R10 District property bounded by a line 100 feet easterly of Second Avenue, East 97th Street, First Avenue, and a line midway between East 97th Street and East 96th Street;
- changing from an R10A District to a C2-8 District property bounded by Second Avenue, a line midway between East 97th Street and East 96th Street, a line 100 feet easterly of Second Avenue, and East 96th Street; and
- changing from an R10A District to an R10 District property bounded by a line 100 feet easterly of Second Avenue, a line midway between East 97th Street and East 96th Street, First Avenue, and East 96th Street;

Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated January 17, 2017.

Applicant(s): NYC Educational Construction Fund 30-30 Thomson Avenue, 4th Floor, Long Island City, NY 11101 AvalonBay Communities, Inc. 1633 Broadway, Suite 22B, New York, NY 10019		Applicant's Representative: Kenneth K. Lowenstein Holland & Knight LLP 31 West 52nd Street New York, NY 10019
Recommendation submitted by: Manhattan Community Board 11		
Date of public hearing: 3/21/17	Location: MUSEUM OF THE CITY OF N.Y. 1220 5TH Avenue, NY NY	
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.		
Date of Vote: 3/21/17	Location: MUSEUM OF THE CITY OF NY 1220 FIFTH Avenue, NY NY	
RECOMMENDATION <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Modifications/Conditions <input type="checkbox"/> Disapprove <input type="checkbox"/> Disapprove With Modifications/Conditions		
Please attach any further explanation of the recommendation on additional sheets, as necessary.		
Voting # In Favor: 26 # Against: 8 # Abstaining: 2 Total members appointed to the board: 47		
Name of CB/BB officer completing this form Angel Mescaia	Title District Manager	Date 3/27/17



Diane Collier
Chair

Angel D. Mescain
District Manager

COMMUNITY BOARD ELEVEN

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March 27, 2017

Marisa Lago
Director of Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Recommendation on ULURP Application Nos. C 170226 ZMM, C 170228 ZSM, C 170229 ZSM

Dear Director Lago,

On March 21, 2017, Community Board 11 (CB11) held a public hearing and voted on the land use applications submitted by the New York City Educational Construction Fund (ECF) and Avalon Bay Communities Inc. with respect to their proposed project to be developed on a site occupying an entire city block (Block 1668, Lot 1), bounded by East 96th Street, Second Avenue, East 97th Street and First Avenue in the Borough of Manhattan (the "Project Area").

The applicant seeks to redevelop the project area by constructing a mixed-use building containing space for a school and a 68-story residential tower on Second Avenue and a community facility building containing space for two high schools on First Avenue. The proposed development also includes the reconstruction and relocation of the Marx Brothers Playground currently on the project area. The project area sits at the southern border of our district and abuts residential and well as institutional uses. The FDR Drive is accessible just to the east and to the west lays the entrance to the new Second Avenue Subway.

Our board has considered this project over the past few months and has hosted several presentations by the development team.

Project Description

The Proposed Development involves the construction of the new Mixed-use Building along Second Avenue on a portion of the current location of the Marx Brother Playground, the relocation of Co-op Tech to the Mixed-use Building, the demolition of the existing building along First Avenue currently housing Co-op Tech, the construction of the School Building along First Avenue and the reconstruction of the Playground in the midblock between the Mixed-use Building and School Building. The Proposed Development will contain approximately 1,270,600 square feet of floor area, or an FAR of 9.68. Upon redevelopment of the Project Area, the Proposed Development will provide approximately 260,000 square feet of new, modern school space in the East Harlem neighborhood.

The new school space will be used for the relocation of Co-op Tech into a new state-of-the-art facility suited for its vocational curriculum, and the relocation of two neighborhood public high schools (the Heritage School and Park East High School) to the Project Area in new, larger facilities. This will provide much relief to cramped, shared classrooms and help achieve a better learning environment.

The Mixed-use Building is proposed to contain 68-stories and approximately 1,140,000 square feet of floor area and rise to a height of approximately 760 feet, including bulkheads and rooftop mechanical space. The uses within the Mixed-use Building will include approximately 990,000 square feet of residential floor area, of which a minimum of 25% (approximately 247,500 square feet) will be affordable floor area in accordance with the Mandatory Inclusionary Housing Program, approximately 20,000 square feet of commercial floor area for retail establishments serving neighborhood needs, and approximately 130,000 square feet of community facility floor area occupied by Co-op Tech.

The base of the Mixed-use Building will occupy the entire 200 feet of frontage along Second Avenue and extend along both East 96th and East 97th Streets for 220 feet. The base will contain nine-stories and rise to approximately 185 feet at the street line, including bulkheads and rooftop mechanical space. Approximately 70 feet south of the intersection of Second Avenue and East 97th Street, the tower rises to 60 stories. The tower rises another eight stories at the intersection of Second Avenue and East 96th Street, reaching its full height of 760 feet, including rooftop mechanical and bulkheads.

Co-op Tech will be located in the portion of the base of the Mixed-use Building fronting upon East 97th Street. The remainder of the nine-story base fronting upon Second Avenue and East 96th Street will be occupied by first- and second-story local retail establishments, residential lobby space, residential common areas, amenity space and dwelling units. The Mixed-use Building will contain approximately 1,100 to 1,200 new dwelling units with approximately 330 to 360 (30%) as affordable units.

The School Building will occupy the entire First Avenue frontage of the Project Area, and approximately 110 feet of frontage along both East 96th and East 97th Streets. It is proposed to contain nine-stories and approximately 130,000 square feet of floor area. To accommodate the programmatic needs of the new high schools, it will rise without setback to a total height of 185 feet including bulkheads and rooftop mechanical space. Upon completion it will house two existing high schools relocated from elsewhere in the East Harlem neighborhood, the Park East High School currently located at East 105th Street between Second and Third Avenues and the Heritage School currently located at Lexington Avenue between East 105th and East 106th Streets.

Both the Park East High School and the Heritage School are currently located in spaces that provide cramped learning environments, lack of appropriate cafeterias and gymnasiums, lack of storage facilities and are unable to accommodate student needs. And in spite of these conditions, Park East and Heritage 4-year graduation rates exceed citywide average. In the new school, Park East High School and the Heritage School would share common state of the art cafeteria, gymnasium and auditoriums, but would otherwise operate fully independent of each other.

The Heritage School was co-founded by Teachers College, and has a unique interdisciplinary curriculum integrating arts, cultural visits and foreign languages in addition to Regents based courses. Through their programming, the Heritage School seeks to have students become respectful citizens and leaders who have the skills and habits of mind to be successful in higher education and the world beyond. The Heritage School has a population of approximately 340 students.

Park East High School is an academic alternative high school featuring all required Regents classes with a range of electives. The school stresses critical thinking and multiple learning strategies in all subject areas through a supportive environment that fosters student, staff and parent communication, while encouraging high standards and participation in meaningful schoolwide activities. They offer 9th Grade Block Programming with an emphasis on reading and writing skills and the Institute for Student Achievement is part of the fabric of the school. The Park East High School has a population of approximately 430 students.

Upon completion of the Mixed-use Building and the School Building, the Playground will be reconstructed to its current size of approximately 64,150 square feet in area. At the request of the New York City Department of Parks and Recreation, the Playground will be moved away from Second Avenue to the middle of the block. The Playground will be constructed by the Applicant and it is anticipated that it will include an approximately 600 square foot comfort station and maintenance building, along with play equipment and courts and fields for active recreation. The actual design of the Playground will be developed in conjunction with the Parks Department and the community.

As noted above, the portion of the Playground fronting upon Second Avenue is currently being used by the Metropolitan Transportation Authority for construction staging activities associated with the Second Avenue subway line. This use was authorized by the State Legislature in 2004 subject to the condition that upon completion of construction, the area would be restored for "park purposes." Since the Mixed-use Building is proposed to be constructed within the current Playground location, the State Legislature must approve new legislation designating the mid-block of the Project Area - between the Mixed-Use Building and the School Building - for the reallocation and reconstruction of the Playground. Prior to approval by the State Legislature, the New York City Council must adopt a home-rule message requesting the State legislation authorizing the relocation and reconstruction of the Playground.

Accessory parking is not required for the community facility, retail or affordable housing components of the Proposed Development. Accessory off-street parking, however, is required for a minimum of 40% of the non-income restricted dwelling units. This application includes a request to waive all accessory parking required for the none-income restricted dwelling units within the Mixed Building. With this waiver, no parking will be required for the entire Proposed Development. The Applicant may choose to provide approximately 120-spaces within a below grade accessory parking facility. If accessory parking is provided, it is anticipated that at minimum of nine spaces would be used by school administrators and faculty, and up to 111 spaces could be used by residents.

The Project Area is currently served by seven curb cuts. The Proposed Development will reduce this number to five curb cuts - three along East 97th Street (a narrow street) and two along East 96th Street (a wide street). All of the curb cuts are 22 feet wide and are located beyond 50 feet from the nearest intersection. Two curb cuts are proposed to be provided in connection with the Mixed-Use Building, with one located along East 97th Street, and another along East 96th Street.

The East 97th Street curb cut will provide access to a ramp for vehicles used in automotive repair classes at Co-op Tech. The East 96th Street curb cut will provide access to loading and the below grade accessory parking garage if developed. Two additional curb-cuts are proposed for loading and unloading associated with the operations of the School Building, one along East 97th Street and one along East 96th Street. A final curb cut is proposed along East 97th Street that will provide access to the Playground for Department of Parks and Recreation maintenance vehicles.

Actions Necessary to Facilitate the Proposal

In order to facilitate the Proposed Development, the Applicant requests the following series of actions:

Zoning Map Amendment (C 170226 ZMM)

The applicants propose a zoning map change to Zoning Sectional Map 6b: from an R7-2 district to a C2-8 district property bounded by Second Avenue, East 97th Street, a line of 100 feet easterly of Second Avenue, and a line midway between East 97th Street and East 96th Street; from an R7-2 district to an R10 district property bounded by a line 100 feet easterly of Second Avenue, East 97th Street, First Avenue, and a line midway between East 97th Street and East 96th Street; an R10 district to a C2-8 district property bounded by Second Avenue, a line midway between East 97th Street and East 96th Street, a line 100 feet

easterly of Second Avenue, and East 96th Street; and an R10A district to an R10 district property bounded by a line 100 feet easterly of Second Avenue, a line midway between East 97th Street and East 96th Street, First Avenue, and East 96th Street; Borough of Manhattan, Community District 11.

Special Permit to modify the height and setback requirements (C 170228 ZSM)

The applicants seek a special permit pursuant to Section 74-75 of the Zoning Resolution to modify the height and setback requirements of Sections 23-64 (Basis Height and Setback Requirements), 23-65 (Tower Regulations), 23-51 (Tower-on-a-Base) and 24-50 (Height and Setback Regulations), and to modify the requirements of Section 24-11 (Maximum Floor Area and percentage of Lot Coverage), in connection with a proposed mixed-use development, on a property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue, in R10** and C2-8**

* Note: a zoning text amendment is proposed to modify Section 74-75 of the Zoning Resolution under a concurrent related application (N 170227 ZRM).

** Note: the site is proposed to be rezoned by changing under concurrent related application for zoning map change (C 170226 ZMM).

Special Permit for the Waiver of Parking Requirements (C 170229 ZSM)

Special Permit pursuant to Section 197-c and 201 of the New York City Charter for a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on a property bounded by East 97th Street, First Avenue, East 96th Street and Second Avenue in R10** and C2-8 districts.

** Note: the site is proposed to be rezoned by changing under concurrent related application for zoning map change (C 170226 ZMM).

Community Board Comments

As proposed, the ECF East 96th Street project will create affordable housing, construct modern school facilities for East Harlem high-school students, rehabilitate the Marx brothers Playground and include retail space. Each of these factors are welcome additions to our community, however we have some concerns that we ask the development team to address. Particularly, given the dire need for affordable housing in our community, we ask that the number of affordable units be increased from that currently proposed and that these units be kept affordable long-term.

The Marx Brothers Playground is a valued community resource that we are please will be rehabilitated for use by these schools and our community members. However, we are concerned about community access to the playground during no-school hours. Given the high demand and use of permits for the Marx Brothers, the playing field is too often off limits to the community residents who wish to use the field for non-organized activity. We ask that the development team work with the Department of Parks and Recreation to set side time each day of the week during which permits will not issued so as to allow open access to community residents wishing to use of the playing field.

Similarly, board members expressed concern about the high school seats in the modern schools will not be available for East Harlem children due to NYC Department of Education (DOE)'s city wide open enrollment. While the principals have stated to improve their marketing to East Harlem District schools, we ask that ECF and DOE commit to providing priority enrollment for students residing in East Harlem applying to Heritage High School, Park East High School, and most importantly Co-op Tech.

The proposed project includes a residential tower of 68 stories, which would be as tall as the tallest buildings in East Harlem and the neighboring block to the south. While we understand the benefits of the fuller project and the costs that will be borne by the developer without public subsidy, our community has expressed its serious concerns about the height of the tower and potential implication for future development in East Harlem. As such, we ask that the development team explore every option to significantly reduce the height of residential tower.

Community Board 11 looks forward to continual dialogue with the development team to ensure their commitments to the East Harlem community are honored as the project proceeds in the ULURP process.

Community Board Recommendation

Community Board 11 (CB11) recommends approval with conditions of ULURP Application Nos. C 170226 ZMM, C 170228 ZSM, and C 170229 ZSM provided that the New York City Educational Construction Fund and Avalon Bay Communities Inc.:

- 1. Include more affordable housing units, with 50% of units to be permanently affordable**
- 2. Consult with CB11, the New York City Department of Housing Preservation & Development, and the office of Council Speaker Melissa Mark-Viverito to request subsidies from HPD to ensure that 50% of units will be permanently affordable**
- 3. Explore an alternative design scenario that reduces the height of the residential tower**
- 4. Include senior housing units**
- 5. Specify the exact number of residential units being built by category and size.**
- 6. Commit to establishing a “First Source” hiring program and allocate funds to target and identify job opportunities for residents of East Harlem throughout the development of the project**
- 7. Commit to workforce development, allocate funds for OSHA training & construction training, and assist with pipeline capacity.**
- 8. Commit to 35% local hiring in all construction positions for union and non-union East Harlem residents at minimum prevailing wage (\$40 P/H) or more depending on skill set and experience**
- 9. Commit to 50% local hiring for all new hire post construction positions**
- 10. Work to ensure that local East Harlem MWBE/LBE organizations receive 35% of all construction contracts**
- 11. Provide internship opportunities, property/project management training as well as skillset enhancement for East Harlem hires.**
- 12. Present a systematic hiring program which provides a quarterly review of the progress of the organization achieving the goals stated by CB11.**
- 13. Work to secure a written commitment by the NYC Department of Education to provide priority enrollment for students residing in East Harlem applying to Heritage High School, Park East High School, and Co-op Tech.**
- 14. Retail space be provided at reduced cost for local East Harlem retail establishments that have been/may be displaced**
- 15. Repurpose retail space to provide community facility space at reduced cost for locally-based health and human service providers**
- 16. Assist small business in sustaining their operations with below market rents and counseling services if needed.**
- 17. Work with the NYC Department of Parks and Recreation to establish “open play” hours during which permits will not be issued that would restrict access for community use of the playing field**

18. Incorporate adult fitness opportunities in the Marx Brothers Playground

If you have any questions regarding our recommendation, please contact Angel Mescain, District Manager at 212-831-8929 or amescain.cb11@gmail.com.

Sincerely,

A handwritten signature in black ink that reads "Diane Collier". The signature is written in a cursive, flowing style.

Diane Collier
Board Chair