The City of New York

Community Board 12M

530 West 166th Street, 6th floor – New York, NY 10032
Phone (212) 568-8500 Fax (212) 740-8197
ebsmith@cb.nyc.gov / www.nyc.gov/mcb12

George Fernandez Jr., Chair
Ebenezer Smith, District Manager

May 11, 2015

Honorable Vicki Been – Commissioner
Department of Housing Preservation and Development
100 Gold Street
New York NY 10038

Ms. Elaine R. Toribio
Director - Tax Incentive Program
Department of Housing, Preservation and Development
100 Gold Street - Room 8-D09
New York NY 10038

Dear Commissioner Been and Director Toribio:

At the General Meeting on Tuesday, Apr. 28, 2015, Community Board 12, Manhattan passed the following resolution with a unanimous vote of (33) In Favor, (0) Opposed, (0) Abstain that recommends Housing, Preservation and Development (HPD) approve the preliminary application of eligibility for a 421-a Partial Tax Exemption Certificate for West 161st Street, LLC d/b/a Sutton Management on the conditions that HPD review the distribution of the designated affordable units so that they are significantly more dispersed in the proposed building and also attempt to increase the 20% affordability ratio by examining the developer's claims of financial non-sustainability. This letter is now the official position of Community Board 12, Manhattan and replaces the previous April 20, 2015 emergency letter sent to your agency on this matter.

Whereas, To fulfill our legal obligation under the 421-a Partial Tax Exemption Law (421-a), as codified in the Rules of the City of New York, Chapter 6 of Title 28 (Section 6.03), Community Board 12's Housing and Human Services Committee held a public hearing on April 6, 2015; and

Whereas, The purpose of this hearing was to review documents, receive testimony and obtain answers so that the community board's final determination to either approve or object to the applicant's application for a preliminary certification of eligibility could be made and then submitted to the Department of Housing Preservation and Development (HPD) by April 22, 2015 for further processing; and

Whereas, The applicant is West 161st Street Associates, LLC d/b/a Sutton Management (Application and Project Sequence Number 54351) and the property to be built is located at 607 West 161st Street (B/L 2137/21) on a lot purchased from the New York Congregation of Jehovah's Witness et al that formerly housed the Hebrew Tabernacle Congregation's synagogue and community house; and

Whereas, The applicant appeared and the following findings and determinations were made:

- *The site was purchased for $3,000,000 with the help of a Bank Leumi mortgage for $1,500,000 and has an estimated construction cost of $18,000,000.*
- *The applicant is applying under the 80:20 program that will require 13 affordable units, affordable for a period of 25 years, defined in the application as 60% AMI with proposed rents ranging from $838 to $1,085, and proposed free-market rents ranging from $2,000 to $5,000 in a 62-unit, 10-story building.*
- *HPD's online application website gave the applicant a "passed" rating.*
- *According to a signed statement, testimony and the certified architectural floor plans, there are seven affordable units on the entire third floor, four on the second floor and the balance on two other floors.*
- *The applicant has not filed a separate application to the NYS Attorney General's Office for approval of a condominium or cooperative at this site.*

- *There is no evidence presented that vintage negotiable certificates of eligibility (NCOE) will be used to satisfy 421-a program requirements; and*

Whereas, Concern was raised that a better distribution of the affordable units was needed so that no floor had an overconcentration or clustering that would effectively constitute a *de facto* segregated building by income status; and

Whereas, Concern was also raised that there be no so-called 'poor door' (*income-restricted entrance), no* income/age segregated facilities, or the denial of equal access to public areas or the use of building amenities by occupants in the affordable units, although the project as designed and stated by the developer's attorney has only one main entrance; and

Whereas, Affordable housing is a dire need in Community Board 12, Manhattan; **now, therefore be it**

Resolved, Community Board 12, Manhattan requests that prior to the application's final approval the Department of Housing Preservation and Development (HPD) review the distribution of the affordable units so that they are significantly more dispersed in the proposed building and attempt to increase the 80:20 ratio by examining the developer's claims of financial non-sustainability; and **be it further**

Resolved, Community Board 12, Manhattan approves with these conditions the application of West 161st Street, LLC d/b/a Sutton Management for a 421-a Partial Tax Exemption Certificate to be granted by HPD.

Sincerely,

George Fernandez, Jr.
Chair, Community Board 12, M

cc: Hon. Andrew Cuomo, Gov. - NY State
Hon. Carl Heastie – Speaker - NYS Assembly
Hon. Bill de Blasio, Mayor – NYC
Hon. Gale Brewer, Man. Borough President
Hon. Scott Springer, NYC Comptroller
Hon. Hon. Letitia James, Public Advocate
Hon. Adriano Espaillat, NYS Senator
Hon. Bill Perkins, NYS Senator
Hon. Herman D. Farrell, Jr. NYS Assembly
Hon. Guillermo Linares – NYS Assembly
Hon.Melissa Mark-Viverito, Speaker-Council
Hon. Mark Levine, Council Member
Hon. Ydanis Rodriquez, Council Member
Hon. John A. DeFrancisco, NYS Senate-Chair Comm. On Finance
Hon. Catharine M. Young, NYS Senate Housing Committee
Hon. Sandy Galef, NYS Assembly-Chair Real Property Tax Comm.
Hon. Keith L.T. Wright, NYS Assembly–Chair-Housing Committee
Hon. Jumaane D. Williams, Council-Chair Comm. on Housing/Bldgs
Hon. Ritchie Torres, Council-Chair Committee on Public Housing
Hon. Aldrin R. Bonilla, Deputy Borough President
Hon. Brad Hoylman, NYS Senate
Hon. Eva Trimble Assistant Commissioner - Budget