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## COMMUNITY BOARD NO. 2, MANHATTAN

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February 23, 2016

Vicky Been  
Commissioner  
Department of Housing Preservation & Development  
100 Gold Street  
New York, NY 10038

Dear Commissioner Been:

At its Full Board meeting February 18, 2016, Community Board #2, adopted the following resolution:

**A resolution responding to a presentation from the New York City Department of Housing Preservation and Development and requesting a unified effort to achieve affordable housing development in Community Board 2 while preserving Elizabeth Street Garden.**

### Whereas

1. The New York City Department of Housing Preservation and Development presented its preliminary work on an RFP for affordable housing to replace Elizabeth Street Garden.
2. Representatives of Friends of Elizabeth Street Garden provided an update on activities of the group in support of preserving and improving public access and programming at the Garden.
3. Representatives of State Senators Daniel Squadron and Brad Hoylman and Assembly Member Deborah Glick spoke in favor of preservation of the Garden.
4. Council Member Margaret Chin spoke in favor of the work of HPD toward development of affordable housing at the Garden site.
5. The meeting was attended by about 300 people who in a show of hands indicated strong support for preservation the Garden.
6. CB2 agrees that there is a great need for new affordable housing citywide and in our District in particular, and agrees with the goal of providing places for seniors to age in place.
7. Elizabeth Street Garden is a unique, irreplaceable, and very popular public open space in an area identified by the Parks Department as under-served by public open space.
8. CB2 has requested that the Garden be opened and operated as a permanent public park by the New York City Parks Department.
9. The Garden site has a long and continuous history as public open space: PS 106, designed by master school builder C.B.J Snyder, opened there in 1903 and included an outdoor public civic center and playground and

an innovative rooftop for children's gardening. Affordable housing was built on part of the school site in 1980 under terms of a restrictive declaration that promised recreational use of the Garden. In 1991, upon recommendation from CB2, the City signed a month-to-month lease of the then-vacant lot for storage of architectural artifacts under terms requiring creation of an attractive viewing garden. In 2013, neighborhood residents and businesses joined with the lessee to open the Garden gates, mobilizing a volunteer effort to create publicly accessible garden and community center.

10. The HPD presentation confirmed the inefficiency of the Garden site because the Special Little Italy District has very restrictive height and bulk regulations. Even 70% lot coverage will require rear facade setbacks that will exacerbate high proportional floor area losses due to access and egress needs in the shallow buildings.
11. Although the project goals will include providing public open space, the area may be as small as 5,000 square feet, reducing the park to an unattractive shaded pocket park with none of the trees, planting beds, lawns, and through-block open spaces that make the Garden a cherished neighborhood amenity.
12. The RFP will include no criteria regarding the design or use of public open space and no requirement for responders to consult with CB2 or neighbors.
13. Only about 30 units, or perhaps none depending on the outcome of pending legal action, will be available through community preference, and these will be spread among all District residents, not just nearby residents. In any case, this preference will apply to the first rent-up only, so even if senior units are included, in the future any aging-in-place benefits of the project will be lost.
14. The project may not include facilities and programs for seniors that are an important part of successful senior housing.
15. It is unclear how the City will benefit from the high value of retail stores on the site or whether the retail will be scaled appropriately to preserve the special character of the neighborhood.
16. Prior to issuing the RFP, HPD will not present a draft for public review and comment.
17. The controversy over the destruction of the Garden may turn away the most qualified developers, further reducing opportunities for a high quality project responsive to community needs.
18. Acrimony over the taking of the Garden may harm the prospects of other important opportunities to build affordable housing in the District.

**Therefore it is resolved that Community Board 2 Manhattan**

1. Expresses appreciation to HPD for recent consultations with CB2, but notes that this site with a long open space history was taken by HPD for affordable housing development with no transparent process, based solely on a letter from the prior mayor, which was not even copied to Community Board 2.
2. Believes a far better result for affordable housing development in the District will be achieved through cooperation with the community than through a wasteful and destructive fight over the site of a cherished garden that is poorly suited for housing development;
3. Urges the New York City Department of Housing and Preservation Development to convene and co-lead with Community Board 2 a Task Force to consider all possible sites and to establish and achieve bold goals for development of new affordable housing in the District;
4. Requests that HPD suspend work on the RFP for Elizabeth Street Garden for four months or until the Task Force completes a road map for the best possible results in the District for the Mayor's Housing New York Plan;
5. Proposes that to achieve strong consensus and momentum for a road map that the Task Force include participation of all local elected officials representing CB 2 neighborhoods;

Suggests HPD prepare an initial study regarding the affordable housing opportunity at the site of Water Tunnel Shaft 28B and also review other Community Board 2 opportunities so that this information is available when the Task Force first meets.

**Vote:** Approved: 34 Board Members  
Against: 1 Board Member (D. Ballen)

Please advise us of any decision or action taken in response to this resolution.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Tobi Bergman', with a stylized, cursive script.

Tobi Bergman, Chair  
Community Board #2, Manhattan

TB/EM

c: Hon. Carolyn Maloney, Congresswoman  
Hon. Jerrold L. Nadler, Congressman  
Hon. Nydia Velasquez, Congresswoman  
Hon. Daniel Squadron, NY State Senator  
Hon. Brad Hoylman, NY State Senator  
Hon. Deborah Glick, State Assembly Member  
Hon. Scott M. Stringer, NYC Comptroller  
Hon. Gale Brewer, Manhattan Borough President  
Hon. Margaret Chin, Council Member  
Hon. Rosie Mendez, Council Member  
Hon. Corey Johnson, Council Member  
David Quart, Dept. of Housing Preservations & Development