



OFFICE OF THE MAYOR
THE CITY OF NEW YORK

ALICIA K. GLEN
DEPUTY MAYOR FOR HOUSING AND
ECONOMIC DEVELOPMENT

September_5th, 2017

Honorable Melissa Mark-Viverito
New York City Council Member 8th District
105 E 116th Street
New York, NY 10029

Re: 126th Street African Burial Ground Memorial and Mixed-Use Project

Honorable Council Member Mark-Viverito:

Enclosed within this letter, please find a "Points of Agreement" reflecting recent discussions between the Administration and you with respect to the 126th Street African Burial Ground Memorial and Mixed-Use Project ("Project") located at 2460 Second Avenue (Tax block 1803, Lot 1) in Manhattan as well as an area of Second Avenue to be de-mapped as part of the land use actions related to the Project (the "Site").

The input that we have received from you, your staff, the Harlem African Burial Ground Task Force and the Bus Depot Task Force has been extremely valuable in creating these Points of Agreement and will be incorporated into the Request for Proposals ("RFP") for the Project. The Project will establish a living memorial to honor the Harlem African Burial Ground's history, develop a mix of uses including affordable and mixed-income housing and job-creating commercial uses, and enhance the streetscape and connectivity to the surrounding neighborhood.

Pursuant to your conversations with New York City Economic Development Corporation ("NYCEDC") and the New York City Department of Housing Preservation and Development ("HPD"), the City of New York ("City") is committed to including terms in its disposition documents that will reflect the goals of the Project, consistent with the points herein.

126th Street African Burial Ground Memorial and Mixed-Use Project:

As you are aware, the Harlem African Burial Ground Task Force ("HABGTF") was created in 2009 to help memorialize the Harlem African Burial Ground that existed on part of the Site. The HABGTF, under the guidance of yourself and Dr. Patricia A. Singletary, Pastor of the Elmendorf Reformed Church, has been instrumental in guiding the historical research and maintaining the cultural significance of the Harlem African Burial Ground. In 2011, Manhattan Community Board 11 ("CB11") designated the HABGTF as the organization

representing the interest of the colonial cemetery. In 2015, after the Metropolitan Transportation Authority relocated its operations from the Site, the Bus Depot Task Force (“BDTF”), a group of elected officials, City agencies and community stakeholders (including the HABGTF), was convened to develop goals for the Project.

The BDTF established the following goals:

1. Establish a permanent outdoor memorial and cultural center to honor and commemorate the Harlem African Burial Ground’s history and those who were buried there;
2. Develop a mix of uses, including mixed-income affordable housing and job-creating commercial uses;
3. Enhance the streetscape and pedestrian connections to the surrounding neighborhood; and
4. Advance a financially feasible Project that can support the cost of constructing and operating the memorial and cultural center.

The City will endeavor to achieve each of these goals as follows:

I. Memorial

- A. Memorial. The Project will include a permanent outdoor public memorial to the Harlem African Burial Ground (“Outdoor Memorial”) located approximately on the historical footprint of the burial ground (as depicted in Exhibit A), as well as an indoor cultural center (“Cultural Education Center”) providing public programming related to the Outdoor Memorial. The developer selected through the RFP process (“Developer”) will work with the City, elected officials, the HABGTF, community members, and other cultural organizations, as appropriate, with respect to the development of the Outdoor Memorial and the Cultural Education Center.
- B. Lord Cultural Resources Study. The Outdoor Memorial and the Cultural Education Center will be developed in accordance with the mission, vision, mandate, spatial and programmatic objectives, and other outcomes laid out in the Lord Cultural Resources Memo (Exhibit B).
- C. Financial Contribution. The City will seek to identify eligible funding, through capital funding, grants, or other programs, for all or a portion of the eligible costs associated with:
 1. Pre-development archeological work on the Site;
 2. Construction of the Outdoor Memorial; and
 3. Construction of the Cultural Education Center
- D. Developer’s Financial Responsibility. As part of its negotiations with the Developer, the City will require from the Developer an annual contribution to offset eligible operating costs of the Outdoor Memorial and Cultural Education Center (“Developer Operating Cost Contribution”). In general, eligible operating costs shall be those described in the Lord Cultural Resources Memo. The eligible operating costs for the program identified in the Lord Cultural Resources Memo are estimated to be approximately one million dollars per year. As such, the initial Developer Operating Cost Contribution shall be one million dollars or less in accordance with the remainder of this paragraph and shall commence at the time that the Outdoor Memorial and the Cultural Education Center begin operations. Should the Developer Operating Cost Contribution exceed the actual eligible operating costs in any year, then the Developer shall only be obligated to pay

the actual eligible operating costs; however, the Developer shall not be responsible for any costs in excess of the Developer Operating Cost Contribution in any given year. The initial Developer Operating Cost Contribution will be adjusted annually from the date of commencement of operations of the Cultural Education Center by the change in CPI¹.

- E. Delivery of the Outdoor Memorial and Cultural Education Center. As part of its negotiations with Developer, the City will include a term that the Developer not cause operations to be commenced for more than 50% of the Project square footage prior to substantial completion of the Outdoor Memorial. The Developer will not be entitled to a purchase price or rent or other payment related to the delivery of the Outdoor Memorial and the Cultural Education Center.

II. **Affordable Housing and Job-Creating Commercial Uses**

- A. Housing Distribution. With the intention of maximizing affordable housing while advancing a financially feasible Project, the City's goal is to achieve the following distribution of housing units:

1. Income Restricted Units. The distribution of income restricted units will include:
 - a. The City will provide a preference in the RFP for proposals that maximize the number of housing units at the deepest levels of affordability.
 - b. At least twenty percent (20%) of total housing units available at rents affordable to households earning no more than 30% of Area Median Income (AMI)
 - c. At least fifty percent (50%) of total housing units available at or below 60% of AMI

Note: The AMI percentages listed above are averages.

2. Non-Income Restricted Units. No more than twenty percent (20%) of total housing units to be non-income restricted with a goal of maximizing income-restricted units
- B. Housing Commitment. The Project, when fully complete, will include a minimum of 524,000 square feet of housing; therefore, the City's affordable housing commitment would be a minimum of 419,000 square feet of housing.
- C. Commercial Space. The Project, when fully complete, will include commercial space, which may include retail, office, and/or other commercial uses. The City will encourage a mix of retail uses between locally serving and destination retail. The total retail square footage will not exceed 138,000 square feet.
- D. Job Training and Hiring.
1. Job Training Program. As part of its negotiations with the Developer, the City will require from the Developer a one-time contribution of at least \$50,000 for one or more job training programs for City residents and a requirement to perform outreach to local organizations regarding the job training program. The local organizations shall have experience serving the local population.

¹ CPI shall be the Consumer Price Index to all Urban Consumers, published by the Bureau of Labor and Statistics of the United States Department of Labor, New York, N.Y. Northeastern N.J. Area, or any successor index thereto.

2. Targeted Hiring Outreach Plan. The City will require the Developer to create a Targeted Hiring Outreach Plan in accordance with HPD guidelines.
 3. Hiring. The City will require the Developer to work with local stakeholders, including, but not limited to, CB11, the local City Council member, and the Manhattan Borough President to identify, train, screen, and refer qualified candidates.
- E. HireNYC. The City will require the Developer to use best efforts to achieve the following with respect to the HireNYC programs:
1. Construction Employment. Participation in the HireNYC Construction Program.
 2. Permanent Employment.
 - a. Hiring Goal: Fifty percent (50%) of all new permanent jobs created in connection with the Project (but excluding jobs relocated from other sites) will be filled by members of the Target Population, which is defined as persons who have an income that is below two hundred percent (200%) of the poverty level as determined by the New York City Center for Economic Opportunity.
 - b. Retention Goal: Forty percent (40%) of all employees whose hiring satisfied the Hiring Goal will be retained for at least nine (9) months from date of hire.
 - c. Advancement Goal: Thirty percent (30%) of all employees whose hiring satisfied the Hiring Goal will be promoted to a higher paid position within one (1) year of date of hire.
 - d. Training Goal: Cooperation with NYCEDC and the Designated City Agency (NYCEDC designated City Agency providing recruitment services) to provide skills-training or higher education opportunities to members of the Target Population.

III. **Open Space & Public Realm**

- A. HABGTF Design Guidelines. The form of the Design Guidelines produced by the HABGTF will be included in the RFP. These guidelines are included as Exhibit C.
- B. Developer Selection. The City will include a preference for RFP responses that maximize the size and quality of public open space provided, consistent with achieving other Project goals.
- C. Outdoor Memorial Designation. The agreement between the City and the Developer will include a provision that would restrict development on the area of the Outdoor Memorial to development related to the construction of Outdoor Memorial itself and require that the Outdoor Memorial be accessible to the public.
- D. Streetscape Improvements. Prior to the disposition of the Site to the Developer, the New York City Department of Transportation (“NYCDOT”) will identify priority streetscape and pedestrian safety improvements in the vicinity of the Site, including along Second Avenue, to enhance connectivity of the Site to the surrounding neighborhood. These NYCDOT improvement recommendations will be developed as budget priorities for implementation.

IV. **Project Progress**

A. RFP. The City commits to ongoing engagement with the HABGTF leadership and CB11 throughout the RFP process. The City further commits to one or more briefings on responses to the RFP prior to Developer selection for representatives of the HABGTF and CB 11. Such briefing would be silent as to the identities of respondents to the RFP or other identifying features of respondents and would be conducted in accordance with all applicable HPD and EDC procurement rules and procedures.

1. Local Nonprofit Development Partners/Emerging Developers. The City commits to including provisions in the RFP to encourage local nonprofit development partners as well as responses from emerging developers, which may be the same or different entities. NYCEDC has formulated guidelines to help prospective developers assess whether they might be considered an emerging developer and such guidelines will be included in the RFP.

There has been an unprecedented level of collaboration between you, your staff, the City, and the community related to the Project. The City will endeavor to maintain this collaborative relationship as the Project moves forward.

We look forward to working further with you and the community partners as this Project progresses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alicia Glen', with a long horizontal flourish extending to the right.

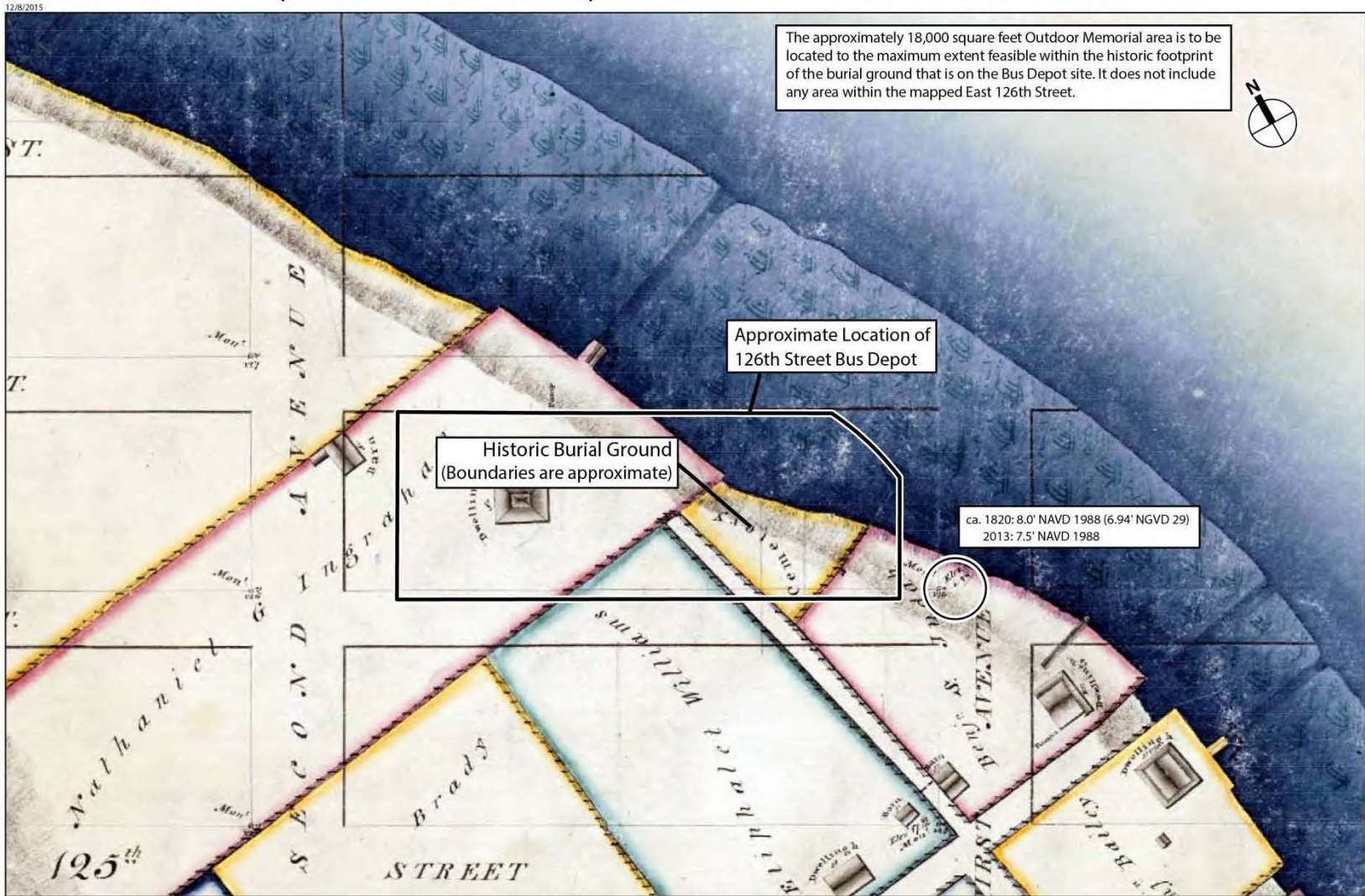
Alicia Glen

Deputy Mayor for Housing and Economic Development

EXHIBIT A

Approximate Location of Outdoor Memorial

Illustrative Map of the 126th Street Bus Depot in relation to the Historic Harlem African Burial Ground



Elevations taken from Randel's Farm Map have no explicit datum reference other than the average between high and low tide water, Therefore it is assumed that this is approximately equivalent to mean sea level at Sandy Hook, NJ, or National Geodetic Vertical Datum of 1929 (NGVD 29). 2013 elevations were captured with LIDAR remote sensing technology and reference the standard North American Vertical Datum of 1988 (NAVD 88). To convert an elevation from NGVD 29 to NAVD 88, add 1.1'

EXHIBIT B

Lord Cultural Resources Recommendations Memo

MEMO

To: New York City Economic Development Corporation
Harlem African Burial Ground Task Force

From: Lord Cultural Resources

Date: September 5, 2017

Re: Summary of Selected Assumptions and Recommendations

Dear New York City Economic Development Corporation and Harlem African Burial Ground Task Force:

Please find below a selected summation of the Operating Assumptions and Recommendations as presented in the Draft Final Report submitted to the EDC team on August 11, 2017 and the Task Force on August 14, 2017.

1. Harlem African Burial Ground Memorial and Cultural Center Mission, Vision, and Mandate
2. Governance Operating Assumption
3. Visitor Experience Assumption
4. Operating Expense Categories
5. Zone Analysis: Total Gross Floor Area

1. Harlem African Burial Ground Memorial and Cultural Center Mission, Vision, and Mandate

Using the Task Force Mission and Vision statements as inspiration, the following recommended statements briefly encapsulate the site's long-range reason for existence (Mission), its impact (Vision), and its subject matter, chronological and geographic limits (Mandate).

A *mission statement* is an objective, brief, and hopefully inspiring assertion of a museum's long-range reason for existence, which serves as the foundation of all policy development.¹

The recommended **Mission** statement for the Cultural Center is as follows:

The Harlem African Burial Ground Memorial & Cultural Center is a place of learning and inspiration for New York City residents, tourists and beyond. It honors the contributions of enslaved and free Africans by connecting their stories to the 21st-century life of the village, city and nation they helped to build through engaging exhibitions and robust and relevant programming.

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A *vision statement* expresses the impact the museum would like to have.ⁱⁱ
The recommended **Vision** statement for the Cultural Center is as follows:

In this sacred memorial place where the Village of Harlem was founded in 1660, the Harlem African Burial Ground Memorial & Cultural Center embraces residents and visitors, catalyzing economic activity through innovative interpretation and vibrant programming.

With openness and grace, the Center inspires the city's social, economic and spiritual future by revealing Harlem and New York City's rich history.

The *mandate* outlines a series of limits for the range of cultural activities for which the organization takes responsibility (such as types of media, disciplines, and geographic and chronological range) and the organization's reach in terms of audience (whether local, national, or international; focused on a particular age, on families, on seniors, and so on).

The recommended **Mandate** for the Cultural Center is as follows:

Through a visionary memorial that empowers and educates all to the continued local, national and global struggles for social and economic justice and spiritual fulfillment, the Harlem African Burial Ground Memorial & Cultural Center will commemorate the spirits of those once forgotten and will connect those experiences to the Harlem of today, with interpretation ranging from the time of the indigenous people to the present day.

2. Governance Operating Assumption

The Cultural Center has two viable options for governance: be part of another entity, or be a separate, new 501(c)(3) organization. ***It will be assumed that the Cultural Center will be a separate 501(c)(3) organization.***

The outdoor Memorial is considered an inherent part of the HABGM organization, along with the Cultural Center, and will be managed by it.

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3. Visitor Experience Assumption

Three options for a visitor experience were presented to the Task Force.

1. Program-Driven Community Center

Dedicated space for formal and informal programs, activities and educational offerings catered towards the community and inspired by the site. May include a small interpretive area for exhibits, (i.e. lobby) but no dedicated exhibition gallery.

2. Visitor Center

Includes permanent exhibit that introduces visitors to the history of the African Burial Ground site, interprets the memorial, the people of the area and the indigenous population. Provides site orientation.

3. Museum-Oriented

Includes all Museum functions – exhibitions, programs and collecting functions. May include changing exhibits and more active offerings similar to a traditional museum.

It is recommended that the Cultural Center take on parts of all three options, with more of an emphasis on the program-driven community center component, due to the findings of the market analysis. All spaces will be multi-purpose and designed for flexible use.

4. Operating Expense Categories

OPERATING EXPENSES	
HR & CONTRACTS	SALARIES & WAGES
	CONTRACTORS
GENERAL AND ADMIN	GENERAL AND ADMIN
EXHIBITIONS & PROGRAMS	EXHIBITIONS (PERMANENT AND TEMPORARY)
	PUBLIC AND EDUCATIONAL PROGRAMS
COMMUNICATIONS	MARKETING COSTS
OCCUPANCY	OCCUPANCY COSTS
MEMORIAL MAINTENANCE	UPKEEP, CLEANING, MOWING, WATER/ELECTRICITY, ETC.

Note: There are always unforeseen costs that institutions should consider in budgeting.

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5. Zone Analysis: Total Gross Floor Area

Zone A, Public Non-Collection: Spaces accessible by the visiting public which do not contain collections, such as the lobby, retail, public restrooms, etc.

Zone B, Public Collection: Spaces for public use that contain collections, such as galleries, which meet museum standards for public presentation as well as collection standard security and environmental controls.

Zone C, Non-Public Collection: Spaces to which the public does not have general access and which do not contain collections, such as staff offices and work areas.

Zone D, Non-Public Non-Collection: Spaces to which the public does not have general access but which house collections, such as collection storage areas, shipping/receiving areas, crate storage, and other collection handling areas, thus requiring museum collection standards of environmental control and security, but not levels of finish appropriate to the public.

ZONE ANALYSIS

A	Public Non-Collection	33%
B	Public Collection	42%
C	Non-Public Collection	7%
D	Non-Public Non-Collection	17%

Total Gross Floor Area (net square feet)	14,976
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Note, the chart above demonstrates recommended Total Gross Floor Area less than 15,000 square feet.

ⁱ Barry Lord, Gail Dexter Lord and Lindsay Martin, *Manual of Museum Planning*, 3rd edition, Rowman & Littlefield, Lanham MD, 2012. Gail Dexter Lord and Kate Markert, *The Manual of Strategic Planning for Cultural Organizations*, Rowman & Littlefield, Lanham, MD, 2017.

ⁱⁱ Ibid.

EXHIBIT C

Harlem African Burial Ground Task Force Design Guidelines

1. BE ICONIC AND TIMELESS

The particular features of the consecrated Harlem African Burial Ground memorial should tell the story of this site and simultaneously present a powerful, original and universal statement about human suffering and sacrifice, energy and optimism, recognition and reconciliation.

2. EVOKE HISTORICAL SIGNIFICANCE AND IMPACT THROUGH EDUCATION, INTERPRETATION AND EMPOWERMENT

The connected indoor and outdoor elements of the consecrated memorial should provide a sacred space in which the solemnity and sacredness of the once desecrated hallowed ground can be acknowledged and prayers for enlightenment and peace can be offered.

3. FOSTER A SACRED SENSE OF PLACE

The consecrated memorial should be an elegant, versatile, sacred place where individuals and groups can assemble for education, dialogue, performance, meditation and prayer.

4. MAINTAIN CONNECTIVITY

The entire site should provide easy connectivity, both physical and visual, to the constantly evolving surrounding neighborhood, including infrastructure and amenities such as Harlem River Drive, Willis Avenue Bridge, 2nd Avenue Subway, and Harlem River Park. The consecrated memorial should be designed in conjunction with these and the rest of the site's programmatic goals and requirements; spacious transitions should characterize a graceful relationship between the consecrated memorial and the rest of the site and neighborhood.

5. ENCOURAGE A SPIRIT OF WELCOME

Ensuring welcome for residents, New Yorkers, national and international visitors, the entire site should contain diverse spaces and architectural shapes, as well as easy transitional connections among them, in which residence, local commerce, informal recreation, education, ceremony and sacred reflection are all made possible.

6. "GREEN" THE SITE TO THE HIGHEST STANDARDS, WHILE EMBRACING ITS HISTORICAL, CULTURAL AND SPIRITUAL CONNECTIONS TO THE HARLEM RIVER

The whole site should be developed according to the highest national and international environmental justice principles and Leadership in Energy and Environmental Design (LEED) standards. Architectural and landscape design elements, including water features, should reflect the site's centuries' old close, practical and spiritual connections to the Harlem River. The site's design should inform and inspire all future infrastructure and parks projects nearby.