DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

December 13, 2006

Robert Kulikowski, Director
New York City Office of Environmental Coordination
253 Broadway, 14th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: Manhattan 125th Street Corridor Rezoning and Related Actions
CEQR No. 07DCP030M
ULURP Nos. Pending
Manhattan Community Districts 9, 10, and 11

The above-referenced application involves discretionary actions subject to City Planning Commission approval. These actions are subject to review under City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The New York City Department of City Planning is proposing zoning text and map amendments that would affect 24 blocks along the 125th Street corridor in East, Central and West Harlem in Manhattan Community Districts 9, 10, and 11. The area proposed to be rezoned is generally bounded by 124th Street, 126th Street, Broadway and Second Avenue. The proposed rezoning area is currently zoned R7-2, C4-4, C4-4A, C4-5, C4-7, and M1-2. The rezoning proposal would create a new special district, the Special 125th Street District, within the rezoning area and change the area's underlying zoning to R6A, R7-2, R7A, C4-4A, C4-4D, C6-3, and C4-7, as modified by the proposed special district.

The proposed action also includes the disposition of City-owned property, an Urban Renewal Plan amendment, a City Planning Commission (CPC) certification pursuant to the Special TA (transit land use) District, and Urban Development Action Area Project (UDAAP) designation and project approval in connection with a known development on a site within the rezoning area.

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The proposed changes are part of a comprehensive City initiative to support the ongoing revitalization of 125th Street, Harlem's Main Street. The proposal would increase permitted floor area ratios (FARs) in the rezoning area to encourage new mixed-use commercial and residential development, provide an inclusionary housing bonus to facilitate the development of affordable housing, and map contextual zoning districts to protect the existing character and scale of predominantly residential areas.

Special 125th Street District

The rezoning proposal includes a zoning text amendment that would create a new special district: the Special 125th Street District. The Special District boundaries coincide with the rezoning area boundaries, which is generally bounded by 124th and 126th streets, Broadway and Second Avenue.

The proposed Special District would contain the "Arts and Entertainment Core Subdistrict". The subdistrict would generally include both sides of 125th Street between Frederick Douglass Boulevard and 550 feet east of Lenox Avenue/Malcolm X Boulevard. Prominent arts institutions like the Apollo Theater and the Studio Museum are located within this section of 125th Street. The subdistrict would contain additional regulations pertaining to the creation of arts and entertainment uses that would complement existing ones, these regulations are described in detail within the Use Regulations section below.

The proposed Special District would promulgate controls that shape the form of new buildings to respond to the specific conditions along the corridor in a more fine-tuned approach than possible with regular zoning categories. Key elements include:

- Maintaining a consistent street wall that frames 125th Street through the base of new buildings at heights consistent with the existing context.
- Ensuring ground floor retail continuity and transparency to improve the pedestrian experience along 125th Street, and
- Establishing height limits for new developments within the corridor.

The proposed Special District would modify existing bulk and density regulations for C4-4D, C6-3 and C4-7 districts mapped within the proposed rezoning area in order to achieve the building form objectives listed above. The modified density regulations would also create and expand opportunities for affordable housing.

The proposed Special District would modify use requirements of the underlying zoning to ensure appropriate "active" uses such as retail, arts and entertainment have sufficient frontage on 125th Street at the ground floor level, it would also include building frontage and ground floor location restrictions for certain uses such as banks, offices and hotels.

The proposed Special District would also modify signage and parking regulations.

Proposed Zoning Districts and Building Form Regulations

The Department proposes zoning map and zoning text amendments that would create new opportunities for mixed-use development along 125th Street while preserving the scale and character of portions of 124th, 125th and 126th streets. The proposed actions would also facilitate and expand new and existing opportunities for affordable housing. The primary component of the Department's proposal would affect zoning regulations governing building bulk, including the permitted densities (i.e., FAR), building heights, and street walls.

The rezoning proposal includes the following changes in the zoning districts, as modified by the proposed special district:

- C4-7, on the north side of 125th Street, between Frederick Douglass Boulevard and a point 545 feet east of Malcolm X Boulevard, and the southwest corner of 125th Street and Park Avenue. The proposed C4-7 district is an existing zoning district with modified bulk regulations to limit the height of new buildings and to expand opportunities for affordable housing. The existing C4-7 district allows residential uses up to 10 FAR (bonusable to 12 through the existing inclusionary housing program or the provision of an urban plaza or arcade) and commercial and community facility uses up to 10.0 FAR with a bonus of up to 2 FAR available for the provision of an urban plaza or arcade. The proposed C4-7 district would be extended 165 feet east beyond its existing boundaries over a C4-4 district. The proposed C4-7 district would permit residential uses up to 9.0 FAR (bonusable to 12 FAR through inclusionary housing) and commercial and community facility uses up to 10.0 FAR. The building form requires a street wall between 60 and 85 feet, a 15 feet setback above the street wall facing wide and narrow streets, and limits the maximum building height to 290 feet. In addition, within 50 feet of the 126th Street frontage between Adam Clayton Powell Jr. Boulevard and Lenox Avenue/Malcolm X Boulevard the bulk regulations would require a maximum height of 80 feet for those portions of the building within this area, in lieu of the height limit described above.

- C6-3, on the south side of 125th Street, between Frederick Douglass Boulevard and a point 545 feet east of Malcolm X Boulevard. The proposed C6-3 district is a zoning district with modified bulk regulations to limit the height of new buildings and to create opportunities for new housing, including affordable housing. The existing zoning within this area is C4-4 which allows residential uses up to 3.44 FAR (4.0 FAR through the Quality Housing provisions on wide streets), commercial uses up to 3.4 FAR and community facility uses up to 6.5 FAR. The proposed C6-3 district would permit residential uses up to 6.0 FAR (bonusable to 8.0 FAR through inclusionary housing) and commercial and community facility uses up to 6.0 FAR. The building form requires a street wall between 60 and 85 feet, with a 15 feet setback above the street wall facing wide and narrow streets. Above a height of 85 feet the horizontal dimension of the building (also referred to as the slab width) is limited to 150 feet in width. The maximum building height is limited to 160 feet.

- C6-3, along portions of Park Avenue between 124th and 126th streets. The existing zoning within this area is C4-4 as described above, except for the south east corner of Park Avenue and 126th Street which is zoned M1-2, a manufacturing district that allows manufacturing and local commercial uses up to 2.0 FAR and community facility uses up to 4.8 FAR.

Density and bulk regulations on the proposed C6-3 district are as described above, in addition, buildings fronting along Park Avenue and the elevated railroad structure are allowed to setback from the Park Avenue streetline 10 feet regardless of the street wall requirements.

- C4-4D, for three areas generally bounded by Park and Second Avenues, 124th and 126th streets; Frederick Douglass Boulevard and Morningside Avenue between 124th and 126th streets, and along portions of 124th Street between Frederick Douglass and Malcolm X boulevards. The proposed C4-4D district would limit the height of new buildings and would create opportunities for new housing, including affordable housing. The existing zoning within these areas is C4-4, C4-5, C4-4A and M1-2. The proposed C4-4D district would permit residential uses up to 5.4 FAR (bonusable to 7.2 FAR through inclusionary housing), commercial uses up to 4.0 FAR and community facility uses up to 6.0 FAR. The building form requires a street wall between 60 and 85 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and limits the maximum building height to 120 feet.

- C4-4A, on portions of 125th Street generally between Fifth and Park Avenues, along portions of 126th Street between Frederick Douglass and Adam Clayton powell Jr. boulevard, and between Malcolm X boulevard and Fifth Avenue, and along portions of 124th Street between Malcolm X Boulevard and Madison Avenue. The existing zoning within these areas is C4-4 and R7-2. The proposed C4-4A district would permit residential, commercial and community facility uses up to 4.0 FAR. The building form requires a street wall between 40 and 65 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and limits the maximum building height to 80 feet.

- R7A, on the north side of 125th Street between Morningside Avenue and Broadway. The existing zoning within this area is R7-2. The proposed R7A district would permit residential and community facility uses up to 4.0 FAR. The building form requires a street wall between 40 and 65 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and limits the maximum building height to 80 feet.

- C2-4, a commercial overlay mapped over the proposed R7A district described above, would allow local retail uses and commercial development up to 2.0 FAR.

- R6A, for portions of 124th and 126th streets between Malcolm X Boulevard and Park Avenue. The existing zoning within these areas is C4-4. The proposed R6A district would allow residential and community facility uses up to 3.0 FAR. The building form requires a street wall between 40 and 60 feet, a setback above the street wall, 10 feet facing wide streets and 15 feet facing narrow streets, and limits the maximum building height to 70 feet.

- The existing R7-2, within 100 feet of the south side of 125th Street between Broadway, Morningside Avenue and 124th street would remain, the district allows residential uses up to 3.44 FAR and community facility uses up to 6.5 FAR. Within this portion of the R7-2 district contextual bulk regulations do not apply and building form is regulated through height and setback regulations, the building height is controlled through a sky-exposure plane, without a maximum height limit.

- C2-4, a commercial overlay mapped over a portion of the R7-2 district described above, would be extended east to completely include the existing commercial uses fronting on 125th Street between Broadway and a point 340 feet east. The C2-4 overlay allows commercial development up to 2.0 FAR.

Split Lot Provisions
Some blocks within the core of the 125th Street corridor contain through-lots that front both on 125th and 124th Streets, the proposed zoning districts would split lots within these blocks into two different zoning districts. In order to provide development flexibility on these split lots without compromising the urban design goals of the proposal, the proposed Special District includes a provision to allow developments within the Arts and Entertainment Core Subdistrict that are split by two different zoning districts to transfer floor area across such district lines, such developments would still be required to comply with the bulk requirements applicable to each of the portions of the development within their corresponding zoning districts.

Bulk Regulations for New Developments within the Special Transit Land Use (TA) District
The proposed Special 125th St District would overlap with the Special TA District which is mapped along portions of East 125th Street and Second Avenue. The proposed regulations would allow new developments within the Special 125th Street District, that are also located within the Special TA District, to modify the street wall requirements for those portions of the new development located directly above the proposed tunnel for the Second Avenue Subway. Such portions of the new development would be required to provide a minimum streetwall with a height of at least 15 feet or one storey, in lieu of the minimum street wall required by the Special 125th Street District.

Inclusionary Housing Bonus
As part of the City's ongoing effort to broaden and provide new housing opportunities in Harlem the proposed 125th Street Corridor Rezoning includes an inclusionary housing bonus. The inclusionary housing bonus, which can be applied in areas being rezoned to allow medium- and high-density residential development, combines a zoning floor area bonus with a variety of housing subsidy programs to create powerful incentives for the development and preservation of affordable housing. Developments taking advantage of the full bonus must devote at least 20 percent of their total floor area (excluding ground floor non-residential floor area) to housing that will remain permanently affordable to lower-income households.

Within the rezoning area, the inclusionary housing bonus would be available in the proposed C4-7, C6-3 and C4-4D districts. The bonus would allow an increase in floor area (up to 33 percent above the base residential FAR) in exchange for the provision of permanently affordable housing. The additional floor area must be accommodated within the applicable height and setback provisions of the proposed Special District.

The amount of bonus floor area is determined by the amount of lower income housing provided. For each square foot of lower income housing provided, a development is eligible for 1.25 square feet of bonus floor area, up to the maximum floor area ratio (FAR) permitted with the bonus. However, the amount of lower income housing required to receive such bonus need not exceed 20 percent of the total floor area in the building (excluding ground floor non-residential floor area).

In order to be eligible for the bonus, lower-income units must be affordable to households at or below 80 percent of Area Median Income (AMI), and must remain affordable for the life of the development receiving the bonus. Lower-income housing units used to earn the Inclusionary Housing bonus may be new units on the same site as the development receiving the bonus, or new or preserved units in a separate building off-site. Off-site affordable units must be located within the same community district, or in an adjacent community district on a site within a half-

mile of the site receiving the bonus.

Developments using the floor area bonus in the new program may also use various city, state and federal housing subsidy programs and tax incentives to finance affordable units. The Department of Housing Preservation and Development must approve a Lower Income Housing Plan for all developments in the Inclusionary Housing Program.

Use Regulations
The proposed Special District would modify the underlying allowed uses by regulating uses located at the ground floor level on new developments or enlargements with frontage on 125th Street within the boundaries of the Special District. The proposed Special District would allow those uses that promote a vibrant pedestrian environment to locate at ground floor level while limiting the ground floor location and frontage on 125th Street of uses that do not contribute to this goal.

Uses above or below the ground floor of new developments or enlargements through out the Special District would be regulated by the underlying districts use regulations.

Retail and Active Use Ground Floor Requirement for 125th Street Frontages
In order to promote a vibrant pedestrian environment the Special District would require that new developments or enlargements locate active uses at ground level fronting on 125th Street and to provide continuity of these uses within the 125th Street frontage. Uses locating on the ground floor, fronting on 125th Street would be limited to "active" uses that include retail, and uses that qualify as arts and entertainment-related uses as described below. Such uses would be required to be located along the majority of the 125th Street frontage of any new development or enlargement.

Ground Floor Restrictions for 125th Street Frontages
In order to promote ground floor uses that enliven the street and contribute to an active pedestrian environment bank, hotel, office and residential uses would be restricted from fully occupying the ground floor of any new development or enlargement with 125th Street frontage. Such uses would be allowed to locate on floors other than the ground floor and would be allowed to have a limited ground floor frontage on 125th Street for the purpose of access through entrances and lobbies. Buildings with offices or hotels would have to have active uses such as restaurants, retail and entertainment venues located at the ground floor level.

Arts and Entertainment-Related Use Requirement
Within the Arts and Entertainment Core Subdistrict new developments with 60,000 square feet of floor area or more would be required to have five percent of their total floor area reserved for and developed with qualifying arts and entertainment-related uses as listed below. Such arts and entertainment uses could be located anywhere within the new development but would be required to be accessible from 125th Street.

The uses listed below would qualify as art and entertainment-related uses within the proposed Special District:

- Art galleries, commercial
- Art galleries, non-commercial
- Auditoriums
- Bookstores

- Bowling alleys
- Clubs, commercial
- Dance halls, public
- Eating or drinking establishments
- Historical exhibits
- Museums
- Music or record stores
- Studios, art, music, dancing or theatrical
- Studios, radio, television or motion picture
- Theaters
- Performance Venues

Signage Regulations

The underlying signage regulations would apply within the Special District. In addition, in order to allow distinctive signage that would complement and support the arts and entertainment character of the corridor, the proposal includes modifying sign regulations within the Arts and Entertainment Core Subdistrict to allow distinctive sings for those uses qualifying as arts and entertainment-related uses.

Parking Regulations

The proposed rezoning seeks to achieve a balance between creating a vibrant pedestrian environment within the 125th Street corridor that respects and enhances the pedestrian character and safety of 125th Street with the provision of adequate parking. In order to achieve this goal the underlying parking regulations would apply within the Special District except for those instances where the Special District modifies them as described below.

Curb Cut Restrictions

In order to promote a safe, attractive and uninterrupted pedestrian experience along 125th Street the Special District would not allow as-of-right curb cuts on 125th Street or within 50 feet of 125th Street. Curb cuts on 125th Street would be allowed only through a City Planning Commission Authorization, in order to grant such Authorization the Commission would have to find that the curb cut is not hazardous to traffic safety, that it does not create traffic congestion or unduly inhibit vehicular and pedestrian movement, and that the curb cut will not interfere with the efficient functioning of buses and public transit facilities.

Curb cuts along wide streets other than 125th Street would be allowed only through a City Planning Commission (CPC) Certification for those instances when a development or enlargement is required to provide accessory residential parking and/or loading and such development has no narrow street access. In order to obtain such Certification the applicant would have to prove, in addition to what is described in the preceding paragraph, that efforts to configure the development so that it has narrow street access have been exhausted, that there is no other mean to access the required accessory residential parking and/or loading, and that providing the required accessory residential parking off-site is not possible.

Curb cuts along wide streets other than 125th Street would be allowed only through a CPC Authorization to access non-required accessory residential parking or public parking facilities and non-required loading docks when access via a narrow street is not possible.

Commercial parking requirements
Commercial parking is not required in medium and high density commercial districts such as C6-3 and C4-7; however, medium density commercial C4-4D districts have a commercial parking requirement of generally 1 space for every 1000 square feet of commercial floor area which can be waived if the required number of spaces is less that 40. The proposed Special District would eliminate the commercial parking requirement in C4-4D districts making it consistent with the other medium and high density commercial districts within the Special District where commercial parking is not required.

Residential Parking Requirements
The underlying residential parking requirements apply. In addition, any required accessory residential parking would be allowed to be provided off-site, on a location other than the development site provided that such location is within 1000 feet from the development required to provide the parking and that such location is within a commercial district.

Community Facility Parking Requirements
The underlying community facility parking requirements apply.

Allowed Public Parking
The provision of public parking is essential to support the role of 125th Street as a prominent local and regional commercial, arts and entertainment destination. In addition, the rezoning proposal would increase the number of residents within the corridor. The proposed Special District therefore includes provisions to allow public parking of up to 150 spaces as-of-right throughout the Special District, subject to the district's curb cut regulations.

Access through R6A District
In order to maximize the opportunities to provide access for parking and/or loading from a side street and to protect the pedestrian character of 125th Street, the Special District would allow the use of undeveloped lots (as of the date the rezoning is enacted) within R6A districts, adjacent to a commercial district, to be used for the purposes of accessing parking and/or loading. Existing regulations on R6A districts do not allow for commercial parking and/or loading access.

The proposed action could result in new development, including residential and commercial uses, on numerous sites within the proposed rezoning area. The Department of City Planning (DCP) has identified 26 projected development sites in the rezoning area on which development would be expected to occur as a result of the proposed action. In addition, DCP has identified 23 potential development sites in the rezoning area. If development does not occur on the projected development sites, the same overall amount of development could occur instead on some or all of the potential development sites. For analysis purposes, the build year for the proposed action is 2017. A ten year period is typically believed to be the length of time over which developers would act on the change in zoning and the effects of the proposed action would be felt.

Compared to future conditions absent the proposed action (No-Build Scenario), development on the 26 projected development sites under the proposed action (Build Scenario) would result in an incremental (net) gain of 2,478 residential units, including 530 affordable housing units; 208,489 sf of commercial retail space; 332,056 sf of commercial office space; 11,672 sf of hotel space (total increment of commercial space would be 552,217 sf); a decrease of 110,985 sf of

community facility space; a decrease of 26,824 sf of storage and manufacturing space; and a decrease of 36,687 sf of parking/auto related uses by the proposal's build year of 2017.

The proposed action requires City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP). The action is subject to the City Environmental Quality Review (CEQR), for which the CPC will be the lead agency. Because implementation of the proposed actions may potentially cause adverse environmental impacts, an Environmental Impact Statement (EIS) will be prepared.

Please contact Glen A. Price III, Director, Studies Implementation Division of the Department of City Planning at (212) 720-3491 if you have any questions regarding the application.

Sincerely,

Robert Dobruskin

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