58-62 EAST 125TH STREET REZONING
JUNE 25, 2021

1. INTRODUCTION

AbcNY Inc. (the "Applicant") proposes three actions:

(1) a zoning map amendment to rezone 58-62 East 125th Street, Block 1749, Lots 46, 48, and 49 (the "Proposed Development Site"), in the Harlem neighborhood within Manhattan Community District 11, from a C4-4D zoning district to a C4-7 zoning district;

(2) a zoning text amendment to amend the Special 125th Street District, Zoning Resolution ("ZR") Article IX, Chapter 7, Appendix A, Map 1, to map Subdistrict A over the Proposed Development Site to allow a maximum height of 245'-0," and;

(3) a zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Manhattan Community District 11 to establish the Proposed Development Site as a Mandatory Inclusionary Housing ("MIH") Designated Area.

The Applicant also anticipates the submission of a follow-up application for a Chairperson's Certification for a Visual or Performing Arts ("VPA") bonus pursuant to ZR Section 97-423. Together, the proposed actions will facilitate the development of a new 25-story, approximately 120,040-square foot (11.89 FAR) building with VPA, retail and hotel space at the Proposed Development Site.

2. BACKGROUND

Area Rezonings

In 1961, a C4-4 zoning district was mapped along 125th Street and at the Proposed Development Site. The following map changes have subsequently increased permitted bulk and density within the surrounding area.

In 2004, the Harlem Park/Marriott Hotel Rezoning rezoned a portion of Block 1749, located adjacent to the Proposed Development Site, from R7-2, R7-2/C1-2 and C4-4 zoning districts to a C4-7 zoning district. They also used special permits to modify height/setback/street wall regulations and to allow a public parking garage (C 040443 ZMM, C 040444 ZSM, C 040445 ZSM, November 10, 2004). These actions facilitated the development of an approximately 40-story, 500'-0" tall, mixed-use commercial, hotel and residential building at the intersection of 125th Street and Park Avenue.

In 2008, the Proposed Development Site was included in the 125th Street Corridor Rezoning (C 080099(A) ZMM, April 10, 2008) which rezoned 24 blocks in East, Central and West Harlem to support the revitalization of 125th Street and to catalyze future development, especially mixed-use development. The Proposed Development Site was rezoned from a C4-4 zoning district to the existing C4-4D zoning district. In addition, a zoning text amendment established the Special 125th Street District (N 0800100(A) ZRM, April 10, 2008). Together, the rezoning and the Special District sought to preserve and protect the special character of 125th Street, guide future development and expand retail and commercial activity, encourage the development of visual and performing arts and affordable housing through floor area bonuses, and enhance the pedestrian experience by regulating ground floor uses.

In 2017, the Proposed Development Site was included in the East Harlem Neighborhood Rezoning (C 170358 ZMM, N 170359 ZRM, and C 170360 HUM, October 3, 2017) which included zoning map amendments, zoning text amendments, and amendments to the Milbank Frawley Circle-East Urban Renewal Plan to facilitate the East Harlem Neighborhood Initiative, a comprehensive, community-focused effort aimed at identifying opportunities for the creation of new mixed-income housing and the preservation of existing affordable housing units, consistent with the goals of the

Mayor's Housing New York: A Five-Borough, Ten-year Plan. The Special East Harlem Corridor District was also established, which prescribed a set of ground-floor design requirements including mandatory non-residential uses on the ground floor, minimum levels of transparency on building frontages, and limitations on curb cuts to foster a safe, varied and walkable environment.

In 2017, the Harlem Renaissance-National Black Theater Rezoning rezoned a portion of Block 1750, located one block northwest of the Proposed Development Site, from a C4-4A zoning district to a C4-7 zoning district along with zoning text amendment and special permit applications (C 170442 ZMM, N 170443 ZRM, C 170444 ZSM, December 19, 2017) to facilitate the development of a new 20-story mixed-use building with new performing arts space for the National Black Theater, mixed-income housing and commercial space. The zoning text amendment established a new sub-district, Subdistrict A, within the Special 125th Street District that increased the maximum allowable building height to 245'-0" and mapped an MIH Designated Area. The special permit waived required accessory parking spaces within an income-restricted residential development.

Area BSA Cases

On June 10, 2014, the BSA granted a variance (319-13-BZ) to 1800 Park Avenue (Block 1749, Lot 33) to waive parking requirements in order to facilitate the development of a 32-story, mixed-use residential and commercial building with a total floor area of approximately 595,734 square feet (11.14 FAR), 682 dwelling units and 123 parking spaces.

3. DESCRIPTION OF THE SURROUNDING AREA

Zoning

The area within a 600-foot radius of the Proposed Development Site (the "Surrounding Area") is zoned C4-4A, C4-4D, C6-4, C4-7, M1-6/R10, M1-6/R9, R7-2, R7A, R7B and R6A. Special Districts within the Surrounding Area include the Special 125th Street District, the Special 125th Street District/Transit Land Use District and the Special East Harlem Corridors District. The Proposed Development Site is also located within the Transit Zone.

C4-4A

A C4-4A zoning district is located directly adjacent to the Proposed Development Site to the west along East 125th Street. C4-4A zoning districts are contextual zoning districts (R7A equivalent) which permit residential uses up to 4.6 FAR, and commercial and community facility uses up to 4.0 FAR. The maximum permitted base height is 75 feet, above which a 10-foot setback is required on a wide street (15 feet on a narrow street), and the maximum building height is 95 feet. No parking is required for commercial uses. For residential uses, off-street parking is required for 50 percent of the dwelling units in a building, with an exemption for Income-Restricted Housing Units (IRHU) within the Transit Zone.

C4-4D

The Proposed Development Site is located within a C4-4D zoning district. C4-4D zoning districts (R8A equivalent) are contextual zoning districts which, within the Special 125th Street district, permit residential uses up to 5.4 FAR, community facility uses up to 6.0 FAR and commercial uses up to 4.0 FAR. With an MIH or VPA bonus, the maximum residential and commercial FARs may increase to 7.2 and 5.4, respectively. The maximum permitted base height is 105 feet, above which a 15-foot setback is required on a wide street (20 feet on a narrow street), and the maximum permitted building height is 145 feet. Generally, for commercial uses one parking space is required per 1,000 square feet. For residential uses, off-street parking is required for 40 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

C6-4

A C6-4 zoning district is located to the east of the Proposed Development Site along Park Avenue. C6-4 zoning districts (R10 equivalent) allow a maximum FAR of 10.0 for residential, community facility and commercial uses. The maximum permitted base height is 155 feet and the maximum permitted building height is 235 feet. Special bulk previsions also apply to C6-4 zoning districts located within the Special East Harlem Corridors District. No parking is required for commercial uses. For residential uses, off-street parking is required for 40 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

C4-7
A C4-7 zoning district is located directly adjacent to the Proposed Development Site to the east along East 125th Street and Park Avenue. C4-7 zoning districts are extensively mapped along 125th Street in Harlem. Within the Special 125th Street District, C4-7 zoning districts (R10 equivalent) permit residential uses up to 9.0 FAR, and community facility and commercial uses up to 10.0 FAR. With an MIH or VPA bonus, residential FAR may be increased from 9.0 to 12.0. The maximum permitted base height is 85 feet, above which a 15-foot setback is required on a wide street (20 feet on a narrow street) and the maximum permitted building height is 195 feet; however, a maximum building height of 330 feet is permitted directly adjacent to the Proposed Development Site. No parking is required for commercial uses. For residential uses, off-street parking is required for 40 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

M1-6/R10 and M1-6/R9
M1-6/R10 and M1-6/R/9 zoning districts are located to the northeast and southeast of the Proposed Development Site along Park Avenue. M1-6/R10 and M1-6/R/9 permit residential, community facility and health care facility, commercial, manufacturing uses and industrial uses. Within an M1-6/R10, zoning district the maximum FAR for mixed-use buildings is 12.0, with a nonresidential use requirement within the Special East Harlem Corridors District (EHC) of 2.0 FAR before any permitted residential floor area can be utilized. The maximum permitted base height is 155 feet and the maximum permitted building height is 350 feet, with a penthouse allowance of up to 40 feet within the EHC. Within an M1-6/R9 zoning district, the maximum FAR for mixed-use buildings is 8.5, with a nonresidential use requirement within the EHC of 1.5 FAR before any permitted residential floor area can be utilized. The maximum permitted base height is 105 feet and the maximum permitted building height is 285 feet, with a penthouse allowance of up to 40 feet in the EHC. Special ground-floor design and parking provisions also apply within the EHC.

R7-2
An R7-2 zoning district is located to the south of the Proposed Development Site along Madison Avenue. R7-2 zoning districts are non-contextual zoning districts primarily found in Manhattan. Under height factor regulations, R7-2 zoning districts permit residential and community facility uses at up to 3.44 FAR and 6.5 FAR, respectively, with a maximum permitted base height of 60 feet and a maximum permitted building height subject to a sky exposure plane of 2.7 to 1 along narrow streets and 5.6 to 1 along wide streets. Off-street parking is required for 50 percent of the dwelling units, with an exemption for IRHU within the Transit Zone. Under the Quality Housing Program, the maximum residential FAR is 4.6 with inclusionary housing, the maximum permitted base height is 75 feet and the maximum permitted building height is 100 feet (105 feet with qualifying ground floor). Off-street parking is required for 40 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

R7A
An R7A zoning district is located to the north of the Proposed Development Site along Madison Avenue. R7A zoning districts are medium density contextual residential zoning districts where the Quality Housing bulk regulations are mandatory. The maximum residential FAR in an R7A zoning district is 4.6 with inclusionary housing. Above a maximum base height of 65 feet (75 feet with qualifying ground floor), a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 90 feet (95 feet with qualifying ground floor). Off-street parking is required for 40 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

R7B
R7B zoning districts are located to the north of the Proposed Development Site along East 124th Street. R7B zoning districts are medium density contextual residential zoning districts where the Quality Housing bulk regulations are mandatory. The maximum residential FAR in an R7B zoning district is 3.0. Above a maximum base height of 65 feet, a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 75 feet. Off-street parking is required for 50 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

R6A
R6A zoning districts are located to the west and north of the Proposed Development Site along

East 123rd Street and East 124th Street. R6A zoning districts are medium density contextual residential zoning districts where Quality Housing bulk regulations are mandatory. The maximum residential FAR in an R6A district is 3.6 with inclusionary housing. Above a maximum base height of 60 feet (65 feet with qualifying ground floor), a 10-foot setback is required on a wide street and a 15-foot setback is required on a narrow street, before rising to a maximum height of 80 feet (85 feet with qualifying ground floor). Off-street parking is required for 50 percent of the dwelling units, with an exemption for IRHU within the Transit Zone.

Land Uses and Prevailing Built Form

The Proposed Development Site is located in the Harlem neighborhood within Manhattan Community District 11. Existing land uses within the Surrounding Area primarily consist of mixed commercial and residential buildings, but also include commercial, community facility and residential buildings, along with scattered vacant lots.

125th Street is a primarily commercial corridor, with a variety of building uses and heights. Subject Block 1749 consists of three- and four-story commercial buildings and the Proposed Development Site located within the C4-4D zoning district, the BSA-approved site for a 32-story mixed-use building and a five-story community facility located within the C4-7 zoning district, and three residential buildings ranging from three to seven stories, along with a four-story community facility, located within the R6A zoning district.

North and northeast of the Proposed Development Site are mixed-use residential and commercial buildings ranging from two to 12 stories in height and a 6-story community facility located within the C4-4A zoning district. Further northeast, lies the site located at the intersection of East 125th Street and 5th Avenue recently rezoned to a C4-7 zoning district to permit the construction of a 20-story mixed-use building with new performing arts space for the National Black Theater, mixed-income housing and commercial space. Further north, within the R6A and R7B zoning districts, lie three-and four-story, one-, two- and multi-family residential buildings, along with several three- and four story mixed-use residential and commercial buildings and three- and four-story community facilities. East of the Proposed Development Site are mainly mixed-use residential and commercial buildings ranging from three to seven stories in height and multi-family residential buildings of seven and nine stories located within the C4-4D zoning district, along with three- and five story, one-, two- and multi-family residential buildings located within the R6A zoning district. West of the Proposed Development Site are commercial buildings ranging from four- to 12-stories in height, a 10-story community facility, and several vacant parcels located within the C6-4 and C4-4D zoning districts. South of the Proposed Development Site lies an eight-story mixed-use commercial and residential building and a six-story multi-family residential building within the R7-2 zoning district.

Parks

There are several parks in and around the Surrounding Area. Marcus Garvey Park is a 19.665-acre park located southwest of the Proposed Development Site. The park was opened in 1840 as Mount Morris Park and renamed in 1973. It was reconstructed in the 1930s and mid-2000s. Features include a swimming pool, amphitheater, community center, a child health station, and a watch tower. The Randall's and Ward's Island Parks, totaling nearly 500 acres, are located to the east of the Proposed Development Site. The parks were opened in 1936 and contain many active and passive recreation facilities. These islands were once separate landmasses but were combined during the construction of the Triborough Bridge, part of which is located on the islands along with many public facilities.

Public Transportation

The Proposed Development Site is located within the Transit Zone and is well-served by public transportation. The M98, Bx15, M60 SBS (serving LaGuardia Airport), M100, M101, M35, M103, BxM3, BxM4, and M1 all serve the Surrounding Area, with service to three boroughs and Yonkers. Four of these buses, the Bx15, M100, M60-SBS, and M101 buses, stop at the Proposed Development Site. In addition, the Harlem-125th Street Metro-North station is at the intersection of Park Avenue and 125th Street and is served by the Danbury, Hudson, Harlem, New Canaan, and New Haven lines, which serve two states. There is a Citi Bike station on the eastern blockfront of

subject Block 1749 and bike lanes on 2nd Avenue, 119th and 120th Streets, Adam Clayton Powell Jr. Boulevard, and the Harlem River bridges and waterfront. NYCT has stations along 125th Street, at Malcom X Boulevard and Lexington Avenue, that are served by 2, 3, 4, 5, and 6 trains. Finally, the terminus station of Phase II of the Second Avenue subway expansion is at the eastern end of the subject block. This station, with anticipated Q and T line service, is expected to be completed in the 2020s. Notably, the Proposed Development Site is located in Census Tract 198, in which 63.8% of residents commute to work with public transit, a greater share than the city as a whole, and 15.7% of residents commute with automobiles – significantly less than the city as a whole.

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The Proposed Development Site is located in the Harlem neighborhood within Manhattan Community District 11 and consists of 58-62 East 125th Street, Block 1749, Lots 46, 48, and 49. The Proposed Development Site has 100 feet of frontage along 125th Street, an aggregate lot area of approximately 10,092 square feet and is currently vacant (former four story building on Lot 46 was demolished in 2019).

5. DESCRIPTION OF THE PROPOSED DEVELOPMENT

The Proposed Development at the Proposed Development Site is a new 25-story, plus sub-cellar and cellar building to include VPA, retail and hotel space (approximately 305 rooms), with approximately 120,040 total square feet of floor area (11.89 FAR). The Proposed Development will consist of approximately 5,200 square feet of VPA space within the cellar and first floor, approximately 12,359 square feet of retail space within the sub-cellar, cellar, first and second floors, and approximately 115,008 square feet of hotel space dispersed within the sub-cellar, cellar, first and second floors, along with the entirety of floors three through 25. The Proposed Development will have a total height of 245’-0,” with a base height of 83’-6” feet and a 22’-0” setback at the ninth floor.

6. ACTIONS NECESSARY TO FACILITATE THE PROJECT

The three actions necessary to facilitate the Proposed Development at the Proposed Development Site are: (1) a zoning map amendment to rezone the Proposed Development Site from a C4-4D zoning district to a C4-7 zoning district, (2) a zoning text amendment to amend the Special 125th Street District, ZR Article IX, Chapter 7, Appendix A, Map 1, to map Subdistrict A over the Proposed Development Site to allow a maximum height of 245’-0,” and (3) a zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Manhattan Community District 11 to establish the Proposed Development Site as an MIH Designated Area. The Applicant also anticipates the submission of a follow-up application for a Chairperson’s Certification for a VPA bonus pursuant to ZR Section 97-423.

<u>Zoning Map Amendment from a C4-4D zoning district to a C4-7 zoning district</u>

The proposed zoning map amendment would extend the existing C4-7 zoning district currently mapped over the eastern portion of Block 1749 over the Proposed Development Site. The C4-4D district within the Special 125th Street district permits residential uses up to 5.4 FAR, community facility uses up to 6.0 FAR and commercial uses up to 4.0 FAR. With an MIH or VPA bonus, the maximum residential and commercial FARs may increase to 7.2 and 5.4, respectively. The proposed C4-7 zoning district would allow residential development up to 9.0 FAR with MIH, bonusable to 12 FAR with the VPA bonus. Commercial development would be allowed up to 10.0 FAR, bonusable to 12.0 FAR with the VPA bonus.

The proposed extension of the existing C4-7 zoning district along East 125th Street is consistent with the goals of the Special 125th Street District and will permit the development of a building consistent with the character of the surrounding area, both in terms of permitted use and bulk.

The proposed mixed-use building with retail, hotel and VPA uses permitted by the proposed

rezoning will promote the objectives of the Special 125th Street District by: (1) serving to preserve, promote and protect the special character of 125th Street by expanding retail and commercial activity at the Proposed Development Site, which has been a long-standing underutilized site, (2) further enhancing the pedestrian experience along this portion of East 125th Street with ground floor commercial presence, and (3) facilitating the development of a performing arts use which is encouraged by the special district, thereby strengthening the neighborhood's role as a major arts, entertainment and cultural destination.

The permitted bulk and density are appropriate given that the proposed zoning map amendment is a natural extension of the existing C4-7 zoning district 100 feet west along East 125th Street. Moreover, the permitted bulk and density are particularly appropriate here due to the Proposed Development Site's location (1) on East 125th Street, a 100' wide street, and (2) within the Transit Zone with excellent access to public transportation.

Zoning Text Amendment to the Special 125th Street District

The zoning text amendment to amend the Special 125th Street District, ZR Article IX, Chapter 7, Appendix A, Map 1, to map Subdistrict A over the Proposed Development Site will allow a maximum height of 245'-0." A maximum permitted height of 245'-0" at the Proposed Development Site is consistent with the evolving presence of tall buildings along 125th Street including, the proposed building at 1800 Park Avenue with a maximum permitted height of 330'-0," located directly adjacent to the Proposed Development Site, the proposed National Black Theater building at the northeast corner of East 125th Street and 5th Avenue with a maximum permitted height of 245'-0," located one block west of the Proposed Development Site, and the Victoria Theater at a height of 300'-0," located five blocks east of the Proposed Development Site.

Zoning Text Amendment to Appendix F

The proposed zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Manhattan Community District 11 would establish the Proposed Development Site as an MIH Designated Area. The Applicant proposes mapping both Option 1 and Option 2. Option 1 requires 25% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 60% AMI, with a minimum of 10% of housing to be affordable at 40% AMI. Option 2 requires 30% of residential floor area to be set aside for affordable housing units for residents with incomes averaging 80% AMI. Although, the Proposed Development at the Proposed Development Site does not include residential use at this time, the proposed MIH Designated Area would guarantee the provision of permanently affordable housing should residential use be developed, thereby ensuring that any residential development at the Proposed Development Site would address the need for housing to serve a broad range of the City's diverse needs and incomes.

7. CONCLUSION

The Applicant proposes (1) a zoning map amendment to rezone the Proposed Development Site from a C4-4D zoning district to a C4-7 zoning district, (2) a zoning text amendment to amend the Special 125th Street District, ZR Article IX, Chapter 7, Appendix A, Map 1, to map Subdistrict A over the Proposed Development Site to allow a maximum height of 245'-0," and (3) a zoning text amendment to ZR Appendix F: Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas for Manhattan Community District 11 to establish the Proposed Development Site as an MIH Designated Area. The Applicant also anticipates the submission of a follow-up application for a Chairperson's Certification for a VPA bonus pursuant to ZR Section 97-423. The above proposed actions and the building which they will facilitate are consistent with the goals of the Special 125th Street District and will benefit the Harlem neighborhood.