One45 for Harlem
685-691 Lenox Avenue and 112-150 West 145th Street, Manhattan
November 15, 2024

1. Introduction

The "Applicant" for this application is One45 Lenox LLC. The "Proposed Actions" for this application are as follows:

(1) a zoning map amendment (Zoning Sectional Map 6a) to rezone the Rezoning Area from the existing C8-3 and R7-2 / C1-4 zoning districts and to a C4-6 zoning district;

(2) a zoning text amendment to modify Appendix F to designate the Rezoning Area as included in the Mandatory Inclusionary Housing ("MIH") program;

(3) a special permit pursuant to Section 74-743 to modify the height and setback regulations of Section 35-64(b)(3);

(4) a special permit pursuant to Section 74-532 to modify the residential parking regulations of Section 36-33 and 25-33;

(5) a certification by the CPC pursuant to Section 26-15 to allow additional curb cuts; and

Approval of the Proposed Actions would facilitate development of two mixed-use buildings and one retail building, including; cellar and ground-floor retail, a community center and 968 new dwelling units, including 291 permanently affordable units developed in accordance with MIH Option 2 (the "Proposed Development"). In total, the Proposed Development would contain 826,091 square feet ("sf") of floor area, at a floor area ratio ("FAR") of approximately 12.00, and would be served by 40 accessory parking spaces.

The site of the Proposed Development is located in Manhattan Community District 10, on Block 2013, Lot 29 (known by the street addresses 685-691 Lenox Avenue and 112-150 West 145th Street) (the "Development Site"). The total lot area of the Development Site is approximately 68,841 sf. The Development Site is coterminous with the Rezoning Area, and will be developed as a single zoning lot.

The proposal for the Development Site presents a unique opportunity in Harlem to provide approximately 291 new units of permanently affordable housing, stimulate significant economic development in Harlem on an underutilized parcel, and update the Project's Area zoning to match surrounding uses and context.

2. Background

The zoning designations for the Rezoning Area have remain unchanged since the enactment of the current Zoning Resolution in 1961. The C8-3 zoning district which applies to most of the Rezoning Area is outdated and does not reflect the mixed-use context of the surrounding Harlem neighborhood. Indeed, save for a small strip of land along West 155th Street, the C8-3 area which encompasses most of the Rezoning Area – only one block by 2.5 blocks in size – is the only such designation in this neighborhood and one of very few remaining in Manhattan. The remaining portion of the Rezoning Area, the 100' x 100' portion of Lot 29 which constitutes approximately 15% of the total lot area, is zoned R7-2 with a C1-4 commercial overlay and would not support the significant investment in affordable housing and improved retail that the City and neighborhood deserve. As a result, the Rezoning Area is sorely underutilized and blighted, containing one vacant lot, one-story retail stores, an outdated one-story office building, and two gas stations (one currently vacant). The only significant recent development in the surrounding area has been a self-storage facility on the north side of West 145th Street, which is a permitted use within the existing C8-3 zoning district. A search of DCP's Zoning Applicant Portal did not show any prior CPC approvals for the Rezoning Area.[1]

Within Community District 10, recent rezonings have been focused on increasing residential density and encouraging vibrant street character along major thoroughfares and transit hubs. Most notable has been the creation of the Special 125th Street District in 2008 (N 080100(A) ZRM), which was intended to spur economic revitalization of the 125th Street corridor, a significant cultural and commercial hub of Harlem, and to foster new opportunities for dense, mixed-use development. This rezoning included the creation of a C4-7 zoning district along major intersections on 125th Street, allowing up to 12.0 FAR for residential uses that include affordable housing, with mixed-use towers permitted in certain locations with no maximum building heights. The new text for the special district also created incentives related to performing arts and entertainment in recognition of Harlem's historic cultural legacy. Further south, in 2017 the Commission approved C4-6 and R10 districts to be mapped within the new Special East Harlem Corridors District along Park and Third Avenues just below 125th Street, in an effort to facilitate affordable housing and promote the vitality of commercial corridors (C 170358 ZMM). Smaller-scale rezonings have included La Hermosa (N 190434 ZMM), allowing up to 12.0 FAR for residential uses pursuant to MIH and a tower of approximately 340 feet in height. That development was also the subject of height and setback and parking waivers quite similar to those being proposed here. In 2007, four lots on the western edge of Block 2013 were

[1] Records provided by the Board of Standards and Appeals ("BSA") indicate that the existing automobile service stations on Lots 50 and 44 (the latter of which is currently vacant) were the subject of BSA approvals to allow self-service gasoline stations in contradiction of the Fire Prevention Code (BSA Cal. Nos. 26-89-A, dated July 15, 1989, and 977-77-A, dated July 18, 1978, respectively).

rezoned to a C4-4D zoning district to facilitate the construction of an 11-story mixed-use building that was never built (C 050414 ZMM).

In 2021, the Applicant had submitted land use applications[2] for an earlier version of the Proposed Development (the "Original Development"). The Final Environmental Impact Statement was submitted on March 7, 2022 . The Original Land Use Applications were approved by the Commission on April 27, 2022. However, the Applicant withdrew the Original Land Use Application on May 31, 2022 prior to a City Council vote. In comparison to the Original Development Scheme, the Proposed Development includes more residential dwelling units and no commercial office space or museum. Like the Proposed Development, the Original Development requires a zoning map amendment to change the Subject Property from C8-3 and R7-2/C1-4 to S6-4 and special permits for height and setback and to waive required accessory residential parking.

3. Description of the Surrounding Area

The Rezoning Area is located in Manhattan Community District 10 within the central Harlem neighborhood of northern Manhattan. Since at least the early 20th century, Harlem has been the heart of African-American life in the northern United States, serving as a commercial and residential hub, a thriving cultural center, and the site of historic and ongoing efforts in the struggle for civil rights.

Land Use. The immediately surrounding area is characterized mostly by a mix of residential and commercial uses. The primary land use is multi-family residential, including a variety of walk-up and elevator apartment buildings. Along Lenox Avenue and Adam Clayton Powell, Jr. Boulevard, these buildings include ground-floor retail uses. A scattering of public facilities are located within the surrounding area, such small churches, community centers, an MTA bus depot, and P.S. 194.

[2] The prior land use applications consisted of) a Zoning Map Amendment to change the Subject Property from an C8-3 and R7-2/C1-4 zoning districts to a C4-6 zoning district (C220134 ZMM); (ii) a Zoning Text Amendment to modify ZR 74-744(b) and to modify Appendix F of the Zoning Resolution to establish a Mandatory Inclusionary Housing Area (N220135 ZRM); (iii) a Special Permit, pursuant to ZR Section 74-743, to modify the height and setback regulations of ZR Section 35-64(b)(3) (C220136 ZSM) (iv) a Special Permit, pursuant to ZR Section 74-744(b) to modify the supplementary use regulations of ZR Sections 32-422 and 32-423 and ZR 74-744(c) to modify the sign regulations of ZR Sections 32-64 and 32-65 (C220137A ZSM), (v) a Special Permit, pursuant to ZR Section 74-532, to modify the residential parking regulations of ZR Sections 36-33 and 25-33 (C220142 ZSM); (vi) a Certification by the Commission, pursuant to ZR Section 32-435(c), to waive certain retail continuity requirements (N220143 ZCM); (vii) a Certification by the Commission pursuant to ZR Section 26-15 to allow additional curb cuts (N220138 ZCM); and (viii) a Certification by the Commission pursuant to ZR Section 26-17 to allow a curb cut on a wide street (N220139 ZCM) (collectively, the " Original Land Use Applications").

These immediately surrounding uses reflect those of the greater Harlem neighborhood. The avenues – as well as the wide cross-streets 155th Street, 145th Street, 135th Street, 125th Street, and 116th Street – serve as commercial spines with a variety of retail stores, eating and drinking establishments, and food stores. Mid-blocks along narrow streets typically include residential buildings of six stories in keeping with the R7-2 zoning district.

There are several prominent examples of high-density, high-rise residential buildings in the surrounding area, including many fronting on wide streets. Immediately catty-corner to the Development Site is Esplanade Gardens, comprising two 27-story residential buildings fronting on Adam Clayton Boulevard, Jr. Blvd and West 147th Street. Two blocks to the north of the Development Site are the Dunbar Apartments, a complex of four 27-story apartment buildings, and two blocks to the south of the Development Site are the Savoy Park Apartments, a series of 16-story residential buildings on the superblock that fronts on West 142nd Street and Lenox Avenue. One block to the east of this superblock are a series of 19-story residential apartment buildings between 5th and Madison Avenues, and three-four blocks to the southeast of the Development Site are the Drew Hamilton Houses, a series of 21-story apartment buildings owned by the New York City Housing Authority ("NYCHA"). Farther south from the Development Site, within the Special 125th Street District corridor, several commercial and mixed-use towers currently exist or are in development. The Victoria Theater redevelopment between Adam Clayton Powell, Jr. Boulevard and Frederick Douglass Boulevard rises to 27 stories and includes approximately 400 hotel rooms and residential units; the office towers located at 125 and 44 West 125th Street are 19 and 15 stories tall, respectively.

Zoning. The Rezoning Area, along with the majority of the two blocks to its north, is mapped in a C8-3 zoning district, in which a mix of commercial and manufacturing uses are permitted, and residential uses are not permitted. The maximum permitted FAR in a C8-3 zoning district is 2.0. To the north and east of the Rezoning Area, there are R8 zoning districts permitting a basic maximum FAR of up to 6.02, or 7.20 on a wide street for buildings constructed pursuant to the Quality Housing program ("QH"). The Dunbar and Savoy Park apartment complexes are located in these R8 districts. The western portion of the block containing the Rezoning Area is mapped in a C4-4D zoning district, permitting a range of residential and commercial uses, with a maximum commercial FAR of 3.4 and a residential FAR of 6.02. Otherwise, the immediate area surrounding the Rezoning Area is mapped in an R7-2 zoning district, with a maximum FAR of 3.44, or 4.00 for buildings fronting on wide streets constructed pursuant to QH.

Slightly farther from the Rezoning Area are zoning districts in which higher residential densities are permitted. Along the similar 125th Street corridor, several blocks are mapped in a C4-7 district which allows up to 12.0 FAR pursuant to the voluntary Inclusionary Housing program ("IH"), and which allows certain mixed-use towers are with no maximum building heights. In addition, C4-6 and R10 districts are mapped within the Special East Harlem Corridors District

along Park and Third Avenues just below 125th Street, and a C4-4 district is mapped across the Harlem River just south of the 145th Street bridge in the Special Harlem River Waterfront District.

Transportation. The area surrounding the Development Site is well-served by various forms of transit. The 145th Street subway station, with service to the No. 3 train, is located at the intersection of West 145th Street and Lenox Avenue, with an entrance adjacent to the Development Site's eastern frontage. The No. 3 train includes access to Manhattan's central business districts, as well as connections at 135th Street to Bronx-bound subways, and connections at 125th Street to the MetroNorth. Bus service includes the M1, M7, and M102, which run north-south along Lenox Avenue, as well as the BX19, which runs east-west along West 145th Street with service into the Bronx. One block to the east of the Development Site are entrances to the Harlem River Drive and the 145th Street Bridge to the Bronx, with connections to the Major Deegan Expressway and the Cross Bronx Expressway. Four Citi Bike hubs are also located nearby, at the intersections of West 144th Street and Lenox Avenue; West 144th Street and Adam Clayton Powell, Jr. Boulevard; West 147th Street and Adam Clayton Powell, Jr. Boulevard; and West 146th Street and Lenox Avenue.

Open Space. The surrounding area includes plentiful public open space. Directly across from the Development Site to its west is Brigadier General Charles Young Playground, a 6.42-acre complex that includes baseball fields, playgrounds, basketball and handball courts, and public bathrooms. Two blocks to the southwest is the 1.34-acre Renaissance Playground, adjacent to P.S. 194. Two blocks to the northeast is the .44-acre Robert L. Clinkscales Playground and Community Garden.

Landmarks. The only individual landmark within close proximity of the Development Site is the 369th Regiment Armory, designated as landmark by the Landmarks Preservation Commission in 1985 (LP-1390), located four blocks to the southeast at 2360 Fifth Avenue. There is no portion of an historic district located within 600 feet of the Development Site.

4. Description of the Rezoning Area

The Rezoning Area is located in the northern portion of central Harlem in Manhattan Community District 10. The Rezoning Area is bounded by Adam Clayton Powell, Jr. Boulevard to the west, West 145th Street to the north, Lenox Avenue to the east, and West 144th Street to the south. It includes five tax lots that comprise approximately 68,841 sf of lot area, with approximately 589 feet of frontage along West 145th Street, 200 feet along Lenox Avenue, and 100 feet along West 144th Street.

Lot 29 is currently occupied by four one- and two-story buildings, with approximately 20,000 sf of retail and restaurant uses, two vacant storefronts, and approximately 8,000 sf of community facility use, with FAR's of just under 1.00. The community facility uses comprise the National Action Network House of Justice Headquarters, and the Timbuktu Islamic Center. The western portion of Lot 29 is occupied by gas stations, one of which is currently vacant. The north-eastern portion of Lot 29 is vacant. All existing buildings appear to have been constructed in the early 1970s. There are 6 curb cuts on West 144th Street, West 145th Street, and Lenox Avenue for building and gas station entrances.

Excluding the southern portion of Lot 29, the Rezoning Area is zoned within a C8-3 zoning district. Within this zoning district, community facility uses in Use Groups IIIA, IIIB, IV, commercial uses in Use Groups VI, VII, VIII and X, and semi-industrial uses in Use Group X are permitted as of right. Residential uses are not permitted. The maximum FAR for community facility uses is 6.50 and for all other uses is 2.0. The southern portion of Lot 29 is zoned within an R7-2 zoning district with a C1-4 commercial overlay, permitting residential uses in Use Groups I and II, community facility uses in Use Groups IIIA, IIIB and IV, and commercial uses in Use Group VI. The basic maximum FAR for residential uses ranges between 0.87 and 3.44, depending on the height factor of the zoning lot; or, for buildings built pursuant to QH, the basic maximum FAR is 4.00 for zoning lots or portions thereof located within 100 feet of a wide street, or 3.44 for zoning lots or portions thereof not located within 100 feet of a wide street. For community facility uses, the basic maximum FAR is 6.50, and for commercial uses 2.00.

The Rezoning Area is also located within the Transit Zone, pursuant to Appendix I of the Zoning Resolution, and a FRESH Zone, pursuant to Section 63-02.

5. Description of the Proposed Development Site

The Development Site is coterminous with the Rezoning Area described above.

6. Description of the Proposed Development

The Applicant is proposing to develop a mixed-use complex comprising 968 dwelling units, 36,006 of retail floor area, 37,766 sf of event space at the top of Building A[3] and approximately 6,563 sf of community facility floor area, serviced by approximately 40 off-street accessory residential parking spaces in a below-grade facility.

[3] This total also includes 24,738 sf of floor area consisting of the vertical transportation space dedicated to accessing the banquet hall and accessory residential amenity space, located throughout Building 1.

The Proposed Development comprises three buildings: "Building A" which is located at the corner of Lenox Avenue and West 145th Street; "Building B" which is located at the mid-block along West 145th Street and "Building C" which is located at the far end of the site along West 145th Street. `

Building A would be 34 stories and would include approximately 453,451 sf of residential floor area (537 dwelling units), 12,482 sf of retail space, a 37,766 sf banquet hall/meeting space (including circulation) and 40 accessory residential parking spaces. The Use Group VIII banquet hall/meeting space would be located predominantly on the top story, with the floor beneath the top story in use as an accessory kitchen, storage, and staging area, as well as a possible annex banquet hall space, plus vertical transportation throughout and a small lobby entrance on the ground floor. Building B would also be 34 stories and include 292,304 sf of residential floor area (431 dwelling units) with 14,984 sf of retail space and 6,563 sf of community facility space. Building C would provide 8,540 sf of retail space. In total, the buildings would contain 36,741 sf of ground-floor and below-grade commercial retail use (.53 FAR).

Buildings A and B are designed pursuant to the tower regulations of Section 35-64 and 23-65, as modified by the proposed special permit (described in further detail below), with a base height of 47 feet 9 inches and setbacks of 10 feet along wide streets and 15 feet on the narrow street. Building A would rise to a maximum height of 420 feet and Building B would rise to a maximum height of 380 feet[4], plus rooftop mechanical equipment up to 4o feet in height. Building C would rise to a maximum height of height of 85 feet[5] without any setback.

Residential Uses

The Proposed Development would include 745,755 sf (10.83 FAR) of residential floor area. Dwelling units would be located in the base of both buildings and the towers of both buildings Residential amenity floors would be located at the cellar and 4th floor levels of both buildings and on the floor below the banquet hall in Building A[6]. In total, the Proposed Development would contain approximately 968 dwelling units, including approximately 291 permanently affordable units, pursuant to MIH Option 2.

Community Facility Uses

[4] The illustrative Building A is shown at a height of 407 feet and the illustrative Building B is shown at a height of 370 feet.
[5] The illustrative Building C is shown at a height of 47 feet 9 inches.
[6] The location of the amenity floors may change.

The Proposed Development would include 6,563 square feet of community facility space for a community center operated by a not-for-profit organization that would service the local community.

Commercial Uses

Retail spaces would be located on the ground floor and cellar levels of the two mixed use buildings and in Building C (totaling approximately 36,006 sf, or 0.52 FAR). The banquet hall, for use as a commercial meeting and event space, would be located on the top two stories of Building A. The principal banquet hall use will be located on the top story of Building A, with the story immediately below in use for an accessory kitchen, storage, and staging area, as well as a possible annex banquet hall space and 4272 sf of residential amenity space. The banquet hall use would total approximately 39,766 sf, or 0.55 FAR.[7]

The proposed rezoning and special permits would facilitate a flexible massing scheme to allow activation of the streetscape, new community amenities, and the location of an iconic banquet hall at the top of Building A.

Parking and Loading

As shown on Plan Z-004, the Proposed Development would provide accessory parking spaces at the cellar level of Building A in a fully attended garage with stackers. One curb cut to access the parking facility would be provided, on West 144th Street, approximately 80 feet west of its intersection with Lenox Avenue.

One loading berth would be provided on the ground floor immediately to the east of the parking facility entrance on West 144th Street.

7. Actions Necessary to Facilitate the Project

As described further below, the Proposed Development would require:

(1) a zoning map amendment (Zoning Sectional Map 6a) to rezone the Rezoning Area from the existing C8-3 and R7-2 / C1-4 zoning districts and to a C4-6 zoning district; (2) a zoning text amendment to modify ZR Section 74-744(b) and to modify Appendix F to designate the Rezoning Area as included in the Mandatory Inclusionary Housing ("MIH") program; (3) a special permit pursuant to Section 74-743 to modify the height and setback regulations of Section 35-64(b)(3);(4) a special permit pursuant to Section 74-532 to modify the residential

[7] This total also includes the vertical transportation space dedicated to accessing the banquet hall and accessory residential amenity space, located throughout Building A.

parking regulations of Section 36-33 and 25-33; and (5) a certification by the CPC pursuant to Section 26-15 to allow additional curb cuts.

A. Zoning Map Amendment

Applicant is requesting a zoning map amendment (Zoning Sectional Map 6a) to rezone the Rezoning Area from the existing C8-3 and R7-2 / C1-4 zoning districts to a C4-6 zoning district (whose residential equivalent is an R10 district). This amendment would allow a residential and community facility uses as of right, as well as greater commercial density and taller building heights – all in order to facilitate development of approximately 291 new units of permanently affordable housing as well as retail spaces that will serve the neighborhood and enliven the streetscape. The existing zoning designations have remained unchanged since the enactment of the Zoning Resolution in 1961, even as the City's – and Harlem's – growing economy and population have demanded greater density and services at this location.

The proposed C4-6 zoning district would be appropriate for the Rezoning Area. C4 districts are typically mapped along major thoroughfares; here, the Rezoning Area fronts entirely on two such thoroughfares, Lenox Avenue and West 145th Street. The Rezoning Area is also well-served by public transit, as it is adjacent to the 145th Street subway station, is serviced by several bus routes, and is one block from entrances to the Harlem River Drive and the 145th Street Bridge to the Bronx, with connections to the Major Deegan Expressway and the Cross Bronx Expressway.

Furthermore, a C4-6 zoning district for the Rezoning Area matches other high-density commercial zoning districts nearby, and is more appropriate than the existing zoning given the existing context of the surrounding area. Elsewhere in Harlem, the CPC has recognized the development potential of sites along major thoroughfares, most notably within the Special 125th Street District. There, several blocks are zoned within a C4-7 district, in which mixed-use towers in certain locations are permitted to penetrate the applicable sky exposure planes with no maximum building height, at an FAR up to 12.0 FAR, pursuant to IH. In addition, C4-6 and R10 districts are mapped within the Special East Harlem Corridors District along Park and Third Avenues just below 125th Street, and a C4-4 district is mapped across the Harlem River just south of the 145th Street bridge in the Special Harlem River Waterfront District. Closer to the Rezoning Area are several prominent examples of high-density, high-rise residential buildings in the surrounding area. Immediately catty-corner to the Rezoning Area is Esplanade Gardens, comprising two 27-story residential buildings fronting on Adam Clayton Boulevard, Jr. Blvd and West 147th Street. Within a five-block radius of the Rezoning Area are the Dunbar Apartments (a complex of four 27-story apartment buildings); the Savoy Park Apartments (a series of 16-story residential buildings); a series of 19-story residential apartment buildings between 5th and Madison Avenues; and the Drew Hamilton Houses, a series of 21-story NYCHA buildings.

Finally, designation of the Rezoning Area as within a C4-6 district would allow residential use at a density that will facilitate the construction of sorely needed affordable housing units.

Manhattan Community District 10 has a demonstrated need for affordable housing: according to DCP's community district profile, nearly 40% of households in the district are "rent-burdened," spending 35% or more of household income on rent. This project would help alleviate the affordability crisis within Community District 10, and the City at large, through the provision of approximately 291 new units of permanently affordable housing under MIH.

An overview of the zoning permitted in an C4-6 (MIH) zoning district compared to the existing C8-3 and R7-2 / C1-4 zoning districts is provided in the zoning comparison table submitted with this application, and discussed in further detail below.

Use Comparison. In the existing C8-3 district, permitted uses include community facility uses in Use Groups IIIA, IIIB and IV, commercial uses in Use Group VI, VII, VIII, IX and X, but residential uses are not permitted. In the existing R7-2 / C1-4 zoning district, permitted uses include residential uses in Use Groups I and II, community facility uses in Use Groups IIIA, IIIB and IV, and commercial uses in Use Groups VI, and VII. In C1 zoning districts, permitted commercial uses may not be located above the level of the first story ceiling if there are residential uses above.

The proposed C4-6 district would allow for a wider range of uses, including the proposed residential uses. In the proposed C4-6 district, permitted uses include residential uses in Use Groups I and II, community facility uses in Use Groups IIIa, IIIB and IV, and commercial uses in Use Groups VI, VII, VIII, and some uses in Use Group IX.

Floor Area Comparison. In the existing C8-3 district, the maximum allowable FAR for community facility use is 6.50 and for commercial use is 2.00. In the R7-2 / C1-4 district, the basic maximum FAR for residential uses ranges between .87 and 3.44, depending on height factor; or, for buildings built pursuant to QH, the basic maximum FAR is 4.00 for zoning lots or portions thereof located within 100 feet of a wide street (as is the case for the entire Rezoning Area). The maximum FAR for community facility use is 6.50 and 2.00 for commercial use. Accordingly, assuming a total lot area of 68,841 square feet (including approximately 10,000 square feet within the R7-2 / C1-4 district), the Rezoning Area may be developed with up to 34,000 of residential floor area, or 40,000 square feet of residential floor area under the QH program; up to 446,466.50 square feet of community facility floor area; and up to 137,682 square feet of commercial floor area. Maximum lot coverage is 65% for buildings using the QH program for interior and through-lot portions of the zoning lot.

The proposed C4-6 district within an MIH-designated area would allow for increased density to facilitate development of sorely needed affordable housing. The maximum allowable FAR for residential use is 12.00 (assuming the maximum amount of affordable housing provided), for community facility use is 10.00, for commercial use is 3.40. Accordingly, assuming a total lot

area of 68,841 square feet, the Rezoning Area would be permitted to be developed with 826,092 square feet of residential floor area; up to 688,410 square feet of community facility floor area; and up to 234,059.40 square feet of commercial floor area. Maximum lot coverage is 70% for buildings using the QH program for interior and through-lot portions of the zoning lot.

Height and Setback Comparison. Within the existing C8-3 district, height and setback is governed by a sky exposure plane with a ratio of 5.6 to 1 vertical to horizontal distance for buildings fronting on a wide street. The maximum height of the front wall is 60 feet or six stories, with a 15-foot setback required on a wide street. Alternate front setbacks may be provided if an open area is provided along the entire length of the front lot line with certain minimum depths.[8] Within the existing R7-2 / C1-4 district, these same height and setback requirements apply for non-QH buildings. For buildings using the QH program within 100 feet of a wide street, the base height must be between 40 and 75 feet, with a setback of at least 10 feet on a wide street and a maximum building height of 80 feet. Beyond 100 feet of a wide street, the base height must be between 40 and 65 feet, with a maximum building height of 75 feet.

Height and setback regulations also allow for more density in the C4-6 district, which has a residential equivalent of an R10 district. For non-QH buildings, height and setback is governed by a sky exposure plane with a ratio of 5.6 to 1 vertical to horizontal distance for buildings fronting on a wide street. The maximum height of the front wall is 85 feet or nine stories, with a 15-foot setback required on a wide street. For QH buildings in the C4-2F zoning district within 100 feet of a wide street, assuming compliance with the MIH program and a qualifying ground floor,[9] the base height must be between 125 and 155 feet, with a setback of 10 feet on any street wall fronting a wide street, and a maximum building height of 215 feet or 23 stories. Alternatively, residential or mixed-use buildings may be developed pursuant to the tower regulations which allow penetration of the sky exposure plane, provided that the residential portion occupies a maximum of 40% of the zoning lot's lot area; that at least 65% of the total allowable floor area is occupied by residential uses; that all uses comply with supplemental use regulations regarding location within buildings; and that only the residential portion of the building penetrates the sky exposure plane.

Yard Comparison. Yard regulations are the same between the existing and proposed zoning districts. No front yard is required, and no side yard is required, though if one is provided, then it must be no less than eight feet wide. A rear yard of 30 feet is generally required for residential

[8] In an R7 district, the minimum depth of such front open area is 10 feet along a wide street. The sky exposure plane begins at 60 feet above the street line, with a slope of 7.6 to 1 on a wide street.

[9] A "qualifying ground floor" is defined as the ground floor of a development of a QH building in which (a) the level of the finished floor of the second story is 13 feet or more above the level of the adjoining sidewalk, and (b) among other possible criteria, the building is an MIH development on an MIH site in which the zoning lot contains all of the affordable floor area required.

use, and on any through lot 110 feet or more in depth from street to street, a rear yard equivalent must be provided. A rear yard of 20 feet is generally required for commercial uses, and a rear yard equivalent is required on any through lot 110 feet or more in depth from street to street.

B. Special Permits

The Applicant requests two special permits: (i) a special permit pursuant to Section 74-743 to modify the height and setback regulations of Section 35-64; and (ii) a special permit pursuant to Section 74-532 to modify the residential parking regulations of Section 36-33 and 25-33.[10] The required findings are discussed in the Statement of Findings.

(i) Special Permit Pursuant to Section 74-743 to Modify Height and Setback Regulations

The Applicant requests a special permit pursuant to Section 74-743 to modify applicable height and setback regulations.

Pursuant to Section 35-64(b), within a C4-6 zoning district, a mixed-use development may be built pursuant to the standard tower regulations of Section 23-652, provided that:

(1) at least 65% of the total allowable floor area on the zoning lot is in residential use;
(2) all uses within the building comply with the locational requirements of Section 32-42; and
(3) only the residential portion of the building penetrates the applicable sky exposure plane.

Building A would rise to a maximum height of approximately 397 feet[11], and is proposed to include a commercial Use Group VIII banquet hall space on the top story, with the story immediately below in use for an accessory kitchen, storage, and staging area, as well as a possible annex banquet hall space.[12] The Proposed Development satisfies Section 35-64 (b) because approximately 89% of the total allowable floor area on the zoning lot will be residential floor area. The Proposed Development will also satisfy Section 35-64 (b)(2) because (i) the banquet hall space will not be located on a story above dwelling units and there will be no access between the banquet use and any level containing dwelling units in accordance with Section 32-422, and (ii) the Proposed Development will meet the noise attenuation and vibration standards

[10] If the special permits are not used and the City of Yes Housing Opportunity text amendment, which was referred into public review on April 29, 2024, is adopted as currently proposed by the Department of City Planning, a C4-6 district would allow up to 12 FAR for a building with "qualifying affordable housing" and a maximum height of 443.75 feet or development as a tower. Parking would not be required but the applicant plans to voluntarily provide parking.
[11] The illustrative Building A is shown at a height of 373 feet 8 inches.
[12] The annex space may also be made available from time to time to residential occupants.

required pursuant to Section 32-423. However, the Proposed Development would not meet Section 35-64(b)(3), in that a portion of the building that penetrates the applicable sky exposure plane would contain a commercial use. This non-compliance requires a waiver of Section 35-64(b)(3).

The top 17 stories of the proposed east tower of Building A would penetrate the sky exposure plane on West 145th Street and the top 18 stories would penetrate the sky exposure plane on West 144th Street and Lenox Avenue[13]. These floors would be occupied by residential uses, except for the top two floors where the Use Group VIII banquet hall and accessory areas would be located. If a residential use, which is permitted to penetrate the sky exposure plane per Section 35-64, replaced these stories, the Proposed Development would have the same bulk envelope, and thus the same resulting access to light and air for nearby residents and visitors. The location of the Use Group VIII banquet hall at the top of the tower will significantly enhance its prominence as a Harlem attraction with spectacular skyline views and will draw visitors and commercial activity to the area. The requested waiver would allow the Proposed Development to include this distinctive commercial space, which would often be in use for private events and conferences. As discussed further in the Applicant's Statement of Findings, without the requested special permit, the Use Group VIII banquet hall would be required to be located on a lower floor, severely diminishing its viability as a distinctive attraction in the neighborhood. The Applicant therefore requests a waiver of Section 35-64(b)(2-3) to facilitate the Proposed Development.

(ii) Special Permit Pursuant to Section 74-532, to Modify Residential Parking Requirements

Within a C4-6 (R10 equivalent) zoning district, accessory off-street parking spaces are required for 40% of new market-rate residential units (because the Development Site is located in a Transit Zone, no accessory off-street spaces are required for newly developed, income-restricted units). As applied to the Proposed Development, up to 271 accessory off-street parking spaces would be required as accessory to the residential use. [14] As shown on Plan Z-004, the Proposed Development would include approximately permitted 40 accessory off-street parking spaces in Building A. These spaces would be located in Building A in a fully attended below-grade, group parking facility. As discussed in the Statement of Findings, the proposed parking is sufficient to meet anticipated demand, due to the adequate supply of existing spaces and the minimal traffic-related impacts of the Proposed Development. Furthermore, the reduction in accessory parking will obviate the need to locate parking above-grade (which would take up space dedicated to the retail or new housing) or below-grade (which would be prohibitively expensive, given the relatively high location of the water table and difficult subgrade terrain). Therefore, the

[13] The precise intersection of the sky exposure plan with Building A may shift depending on floor heights.
[14] Within a C4-6 zoning district, no accessory off-street parking spaces are required for any of the proposed commercial or community facility uses for the Proposed Development.

Applicant requests to waive approximately 100% of the required residential parking to accommodate the Proposed Development but would include 40 permitted accessory residential spaces in the Proposed Development.

C. Zoning Text Amendment

The Applicant is also requesting a zoning text change to modify ZR Appendix F to designate the Project Site as included in the Mandatory Inclusionary Housing program. This is consistent with the DCP policy to map MIH, and incorporate MIH requirements, as part of rezoned areas. Manhattan Community District 10 has a demonstrated need for affordable housing: according to DCP's community district profile, nearly 40% of households in the district are "rent-burdened," spending 35% or more of household income on rent. This project would help alleviate the affordability crisis within Community District 10, and the City at large, through the provision of approximately 217-282 new units of permanently affordable housing, pursuant to MIH Option 1 or Option 2.

D. CPC Certification

Applicant is requesting one CPC certification:

(a) CPC Certification Pursuant to Section 26-15, to Allow Additional Curb Cuts

Pursuant to Section 32-435(b), the Proposed Development would be subject to the regulations of Article II, Chapter 6, which includes the curb cut restrictions provided in Section 26-15. That section prohibits any curb cuts on wide streets and allows only one curb cut on narrow streets. However, Section 26-15 provides that additional curb cuts may be permitted by certification of the Commission and the Department of Transportation for zoning lots with a lot area in excess of 30,000 square feet. Although it may be possible for the Department of Buildings to waive associated parking and/or loading requirements, such waivers would significantly harm the design and use of the Proposed Development, as discussed in this Applicant's Statement of Findings.

The Proposed Development is required to contain two accessory loading berths for Building A and an accessory group parking facility for the market-rate residential units in Building A and Building B. The Applicant proposes two curb cuts servicing the Proposed Development on a narrow street, West 144th Street (one to access an accessory loading berth and a second to access the group parking facility, both of which are located in Building A). The waiver is required to locate the second curb cut on a narrow street. Without the proposed CPC certification for this waiver, there would be no practical way to include an accessory loading berth to service the substantial commercial uses within the Proposed Development while also providing an accessory group parking facility. The Applicant would request a certification from the Commissioner of

the Department of Buildings pursuant to Section 36-63 to waive the second accessory loading bay. which would otherwise require a curb cut on West 145th Street, a wide street. It would not be possible to locate a third curb cut on West 144th Street without having the curb cut come within fifty feet of the intersection or within 30 feet of residential district. The only other feasible location for a curb cut to access a second loading bay would be on West 145th , a wide street, where a curb cut is prohibited.

8. Conclusion

The Proposed Actions would facilitate redevelopment of the Rezoning Area to provide approximately 291 new units of permanently affordable housing, stimulate significant economic development in Harlem on an underutilized parcel, and update the Project's Area zoning to match surrounding uses and context.

Specifically, approval of the Proposed Actions will revitalize the Rezoning Area as a prominent hub in Harlem that would dramatically enhance the streetscape and activity at this prominent intersection; that would provide jobs and premium retail space for local businesses; and that would provide approximately 291 new units of permanently affordable housing pursuant to MIH Option 2.

In addition, rezoning of the Rezoning Area to a C4-6 zoning district in an MIH-designated area, as well as the special permits sought to facilitate affordable housing development, are consistent with the City's goals under *City of Yes for Housing Opportunity* Mayor Adams affordable housing plan. The City has set an ambitious goal of building and preserving 500,000 affordable homes for New York families by 2032. The MIH program is a key initiative within that plan, with more than 8,000 permanently affordable units having been created or in the process of being created as a result. Manhattan Community District 10 has a demonstrated need for affordable housing: according to DCP's community district profile, nearly 40% of households in the district are "rent-burdened," spending 35% or more of household income on rent. This project would help alleviate the affordability crisis within Community District 10, and the City at large.

In sum, the Proposed Actions are in keeping with the Commission's recognition that significant residential and commercial development, with associated community benefits, is appropriate when located near major thoroughfares such as Lenox Avenue and 145th Street, and near transit hubs such as the subway station located at the corner of the Rezoning Area. The Proposed Actions are also necessary to update outdated zoning designations to be consistent with surrounding neighborhood context, to facilitate a new world-class development that reflects Harlem's cultural and historic legacy, and to provide much-needed affordable housing