DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Marisa Lago, *Director*
Department of City Planning

April 27, 2017

Hilary Semel, Director
Mayor's Office of Environmental Coordination
253 Broadway, 7th Floor
New York, NY 10007

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: **2031-2033 Fifth Avenue Rezoning**
CEQR No. 17DCP134M
ULURP Nos. Pending
Manhattan, Community District 11
SEQRA Classification: Unlisted

The above-referenced application involves a discretionary action subject to City Planning Commission approval. This action is subject to review under the 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 Applicant, Harlem Renaissance 2012 LLC, proposes Zoning Map and Zoning Text Amendments, as well as a Chairperson's Certification pursuant to Zoning Resolution ("ZR") Section 97-422 (collectively the "Proposed Actions"). The Proposed Actions would facilitate a proposal by the Applicant to construct a new 241,677 gross square foot (gsf), 20-story (plus mechanical bulkhead) mixed use building (the "Proposed Development") at 2031-2033 Fifth Avenue on Block 1750, Lot 1 (the "Development Site") located in the Harlem neighborhood of the Bronx. The Proposed Development would include 28,225 gsf of space for the National Black Theater (NBT), 32,783 gsf of retail on the ground floor and second floor, and 180,669 gsf of residential floor area with 240 residential dwelling units (with 72 affordable units pursuant to MIH). The Development Site is located within a C4-4A zoning district and the Special 125th District, on a block bound by East 126th Street to the North, East 125th Street to the South, Fifth

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Avenue to the West, and Madison Avenue to the East.

The Proposed Actions include **(a) a Zoning Map Amendment** to solely rezone the Development Site from a C4-4A (R7A equivalent) zoning district, to a C4-7 (R10 equivalent) district, in anticipation of a future FAR bonus pursuant to the Special 125th Street District Visual or Performing Arts (VPA) bonus, noted in further detail below; **(b) a Zoning Text Amendment** to paragraph (b) of ZR Section 97-422 ("Height and Setback Regulations"), to increase the maximum allowable building height from 195 feet to 240 feet on zoning lots with full frontage on Fifth Avenue bounded by 125th and 126th Streets and which have obtained a VPA bonus; **(c) a Zoning Text Amendment** pursuant to ZR Section 97-51 ("Required Off-Street Accessory Parking") to waive accessory parking requirements for new dwellings within C4-7 zoning districts within the Special 125th Street District, providing that the zoning lot is located within a quarter mile of a subway entrance; **(d) a Zoning Text Amendment** pursuant to ZR Section 97-423, paragraph (b) section (2) ("Certification for Floor Area Bonus for Visual and Performing Arts Uses") to facilitate the Proposed Development's entrance on Fifth Avenue; **(e) a Zoning Text Amendment** to ZR Section 97-31 ("Definitions") to modify the definition of #marquee# to allow for marquees to be placed at VPA entrances other than 125th Street under the conditions set forth in the proposed text amendment to 97-423(b) above, to facilitate the placement of VPA (NBT) signage on Fifth Avenue; **(f) a Zoning Text Amendment** to waive the window glazing requirements of ZR Section 97-423, paragraph (b) section (3) ("Certification for Floor Area Bonus for Visual and Performing Arts Uses"), which are deemed not appropriate for theaters; **(g) a Zoning Text Amendment** to ZR Section 97-55 ("Certification for Access to Required Uses") to permit a loading berth entrance closer than 30 feet to a residential district boundary if certain conditions and finding are met; and **(h) a Zoning Text Amendment** to establish a Mandatory Inclusionary Housing (MIH) area, coterminous with the Development Site, and subject to the affordability requirements of Option 1 and/or Option 2 of the MIH program. Option 1 would require that at least 25% of the residential floor area be reserved for residents with incomes averaging 60 percent of the Area Median Income (AMI), with ten percent of the units affordable at 40 percent of the AMI. Option 2 would require that at least 30 percent of the residential floor area be reserved for residents averaging 80 percent of the AMI.

Finally, although the Applicant does not include a Chairperson's Certification for the VPA Bonus in this particular application (pursuant to ZR Section 97-423), the Applicant intends to return to the CPC for the VPA Certification after securing the necessary financing for a qualifying VPA space at a later date.

The Development Site (Block 1750, Lot 1), contains approximately 16,986 sf of lot area, with 200 feet of frontage along Fifth Avenue and 85 feet of frontage along both 125th Street and 126th Street. The Development Site is currently occupied with a building containing 14,237 gsf of retail uses, 15,505 gsf of office uses, 18,423 gsf of theater and performance space with 9,556 gsf of accessory storage space in the cellar, and 9,556 gsf of general storage space in the cellar, for a combined total of 65,994 gsf at an FAR of 2.84, where a maximum of 4.0 FAR is permitted. In order to facilitate the Applicant's Proposed Development, the existing building on the site would be demolished.

The Development Site is currently zoned C4-4A (R7A equivalent), which is a contextual commercial zoning district allowing residential, commercial, and community facility uses at up

to a 4.0 FAR. C4-4A districts permit Use Groups 1-6, 8-10, and 12. In C4-4A districts, buildings may have a street wall height of 40 to 65 feet, after which a minimum setback of 10 feet is required, with a maximum building height of 80 feet. Parking is required for 50 percent of the residential units, but may be waived or reduced for zoning lots of less than 10,000 sf. Under the proposed rezoning, the C4-7 district (R10 equivalent) would permit a residential, commercial, and community facility FAR of 10.0.

The Development Site is also located within the Special 125th Street District, which was established through the 125th Street Corridor Rezoning and Related Actions project (CEQR #07DCP030M) approved by the City Planning Commission in 2008. The Special 125th Street District includes 24 blocks in East, Central, and West Harlem, within an area generally bounded by 124th Street, 126th Street, Broadway, and Second Avenue. The Special District is part of a City initiative to support the ongoing revitalization of 125th Street, Harlem's "Main Street."

The Special 125th Street District permits the Use of a Visual or Performing Arts (VPA) Bonus which is a zoning incentive for the creation of non-profit visual or performing arts spaces within new developments. The VPA space is required to be occupied by qualifying non-profit visual and performing arts uses. The VPA bonus mechanism allows four square feet of bonus floor area for every one square foot of floor area provided for unfinished (i.e. "core and shell") visual or performing arts districts. Of the bonus-generating VPA space, a minimum of 60 percent of the total space is required to be occupied by a qualifying primary use, such as a theater. The remaining 40 percent may be occupied by permitted accessory, or non-primary, spaces such as dressing rooms and administrative offices. Certification by the Chairperson of the City Planning Commission is required to qualify for the VPA Bonus. The Development Site would be permitted a maximum FAR of 12.0 if rezoned as a C4-7 district (with the VPA Bonus) because it is outside the Core Sub-district.

For the purposes of presenting a conservative environmental analysis, the Environmental Assessment Statement (EAS) considers two analysis frameworks. The first (12.0 FAR scenario) considers a mixed-use development on the Applicant-owned site, totaling 241,677 gross square feet with a height of 240 feet. The Proposed Development would consist of 180,669 gsf of residential floor area (240 units, 72 affordable), 32,783 gsf of retail floor area, and 28,225 gsf of theater and performance space floor area. The second (10.0 FAR scenario), which is assumed without the future VPA bonus, considers a smaller mixed-use development totaling 192 units (reduction of 48 units), as well as a reduction in height from 240 to 195 feet. The remainder of the building program in the 10.0 FAR Scenario is assumed to remain the same, with the theater and retail space square footages remaining constant. As such, the 12.0 FAR scenario is assumed to be the "worst case" scenario for analysis purposes.

Absent the Proposed Actions, the space currently occupied by the National Black Theater would be converted to new office space, along with medical office space. The existing retail and office space would remain unchanged from the existing conditions. The overall development program in the No-Action Scenario would include a total of 65,994 gsf (same total as the existing conditions) but would be distributed as follows: 14,237 gsf of retail floor area, 30,211 gsf of office floor area 3,717 gsf of medical office floor area, and 17,529 gsf of retail floor area.

The analysis year for the Proposed Actions is 2019.

Sincerely,

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