CITY PLANNING COMMISSION

May 21, 2014/Calendar No. 12 C 140070 ZMM

IN THE MATTER OF an application submitted by the 117th Street Equities, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 6a and 6b, changing from an R7A District to an R8A District property bounded by West 118th Street, St. Nicholas Avenue, West 117th Street, and a line 100 feet easterly of Frederick Douglass Boulevard, Borough of Manhattan, Community District 10, as shown on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-327.

The application for an amendment to the Zoning Map was filed by 117th Street Equities, LLC on August 23, 2013, to rezone an existing R7A to an R8A district on the block bounded by West 117th Street, West 118th Street, St. Nicholas Avenue and Frederick Douglass Boulevard in the Borough of Manhattan, Central Harlem, Community District 10.

BACKGROUND

117th Street Equities, LLC has requested a zoning map amendment to change from an R7A to an R8A zoning district to facilitate a mixed-use development containing residential and community facility uses on the eastern portion of Block 1923 between West 117th Street and West 118th Street in the Central Harlem neighborhood of Manhattan Community District 10.

The proposed rezoning area is bounded by West 117th and West 118th streets, St. Nicholas Avenue and Frederick Douglass Boulevard and is comprised of eleven tax lots on Block 1923 (Lots 14, 18, 19, 20, 21, 49, 52, 53, 60, 7501, and p/o 1). The proposed development site (Block 1923, Lots 14, 49 and 52) is located on the eastern edge of the proposed rezoning area with

frontage along West 117th Street, West 118th Street and St. Nicholas Avenue. It is approximately 28,636 square feet and has an existing built FAR of approximately 1.96. Lot 14 is a through lot with frontage on both West 117th and West 118th streets. The portion of the lot fronting on West 118th Street is improved with a vacant church which was occupied by St. Thomas the Apostle Church (St. Thomas Church) up until 2003. The portion of the lot fronting on West 117th Street is unimproved. Lot 49, which fronts on both West 118th Street and St. Nicholas Avenue, is improved with a five-story school building and a small accessory parking lot. The school was built and used by the St. Thomas Church but after a number of years of being vacant the building was leased to a private school on a short term basis. The surface parking located on the lot is fenced in and has an estimated capacity of 10 to 15 vehicles. Lot 52, which fronts on West 118th Street, is improved with a four-story building. The structure was built in the early 1900s and used as the church's rectory.

The other lots within the proposed rezoning area include four lots developed with multi-family residential buildings (Lots 1, 19, 60, 7501) and one lot developed with a public facility (Lot 53). Two of the residential buildings within the rezoning area are currently non-complying and exceed the maximum FAR and bulk regulations under the current zoning. Additionally, there are three lots (Lots 18, 20, and 21) within the proposed rezoning area dedicated to open space.

The remainder of the block and much of the surrounding area are characterized by residential and community facility uses with mixed-use, residential and ground floor retail along Frederick Douglas Boulevard and St. Nicholas Avenue. A 17-story NYCHA-owned building is located across the street from the proposed development site. The typical building form ranges from 5 to

8 stories in height with larger apartment buildings located along the major thoroughfares and smaller townhouses located on the side streets.

In 2003, the proposed rezoning area was rezoned from R7-2 to R7A as part of the Frederick Douglas Rezoning (C 030436 ZMM; Cal No. 19, September 10, 2003). As a result of this contextual rezoning, the predominant R7-2 district was replaced with R7A on the mid-blocks and R8A was mapped along Frederick Douglass Boulevard, Morningside Ave and portions of St. Nicholas and Manhattan avenues.

The major north-south thoroughfares in the area are Adam Clayton Powell, Jr. Boulevard, Frederick Douglass Boulevard and St. Nicholas Avenue. The major east-west thoroughfares are West 116th Street and West 125th Street. The area surrounding the proposed rezoning is well served by public transportation. The B and C subway lines stop at Frederick Douglass Boulevard and the 2 and 3 subway lines stop at West 110th Street and West 116th Street and Lenox Avenue. The M116 and M102 bus lines run cross-town along 116th Street, the M2 bus line runs along Adam Clayton Powell Jr. Boulevard, and M7 and M102 runs along Lenox Avenue.

The proposed rezoning would facilitate a mixed-use development comprised of four buildings that would contain approximately 151 dwelling units and 12,201 s.f. of community facility use. The proposed development would include the redevelopment and repurposing of the church building located on Lot 14 to accommodate community facility use. Additionally, 20 percent of the units in the proposed residential building on the portion of Lot 14 that fronts on West 117th Street would be affordable. The community facility use is intended to be used as a community arts center where local Harlem-based arts organizations can develop and showcase local talent.

Along West 117th Street would be a new 12-story building containing 75 dwelling units and approximately 73,981 s.f. of floor area. The proposed 12-story building would conform to the R8A envelope with a street wall height of 80 feet then after a 15-foot setback rise to a maximum height of 120 feet.

The proposed development would also include the conversion of the school fronting on St. Nicholas Avenue and the rectory along West 118th Street. The five-story school building would be enlarged vertically rising to 70 feet then after a 15-foot setback rise to a maximum height of 120 feet. The proposed conversion would result in a 10-story building containing 73 dwelling units and approximately 73,470 s.f. floor area. The vacant rectory building would be renovated and converted into residential use containing approximately 4 dwelling units.

In order to facilitate the proposed project, the applicant is seeking approval of a zoning map amendment to change from the existing R7A to an R8A zoning district. R7A districts are contextual zoning districts with maximum street wall and building heights of 65 feet and 80 feet, respectively and a maximum residential and community facility FAR of 4.0. The proposed R8A is also a contextual zoning district with maximum street wall and building heights of 85 feet and 120 feet, respectively. The proposed zoning district will increase the maximum allowed FARs from 4.0, under the current R7A, to a maximum residential FAR of 6.02, and a maximum community facility FAR of 6.5. The proposed rezoning would extend the existing R8A located west of the proposed site, making the zoning of the eastern portion of Block 1923 consistent with the western portion.

ENVIRONMENTAL REVIEW

This application (C 140070 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 14DCP043M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on December 16, 2013. The Negative Declaration included an (E) designation for air quality and for hazardous materials to avoid the potential for significant adverse impacts, as described below~~:~~

The (E) designation requirements related to air quality would apply to the following properties:

Manhattan Block 1923, Lots 14 and 49

The text for the air quality (E) designation is as follows:

<u>Block 1923, p/o Lot 14 (Building 1):</u>
Any new development or enlargement on the above-referenced properties that has frontage on West 118th Street must use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) stack and ensure HVAC stack(s) are at least 83 feet above ground level and at least 10 feet from the easterly lot line facing St. Nicholas Avenue and at least 133 feet from the southerly lot line facing West 117th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

<u>Block 1923, p/o Lot 14 (Building 2):</u>
Any new development or enlargement on the above-referenced properties that has frontage on West 117th Street must use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) stack and ensure HVAC stack(s) are at

least 123 feet above ground level and at least 18 feet from the easterly lot line facing St. Nicholas Avenue and at least 142 feet from the southerly lot line facing West 118th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

<u>Block 1923, p/o Lot 49 (Building 3):</u>
Any new development or enlargement on the above-referenced properties that has frontage on St. Nicholas Avenue must use natural gas as the type of fuel for heating, ventilating and air conditioning (HVAC) stack and ensure HVAC stack(s) are at least 123 feet above ground level and at least 10 feet from the westerly lot line facing Frederick Douglass Boulevard and at least 10 feet from the southerly lot line facing West 117th Street. Adherence to these conditions would avoid any potential significant adverse air quality impacts.

With the implementation of the above (E) designation related to air quality, the proposed actions would not result in adverse impacts related to air quality.

The (E) designation requirements related to hazardous materials would apply to the following properties:

Manhattan Block 1923, Lots 14, 49, 52

The (E) designation text related to hazardous materials is as follows:

TASK 1

Prior to construction or renovation involving subsurface disturbance, the applicant must submit to the New York City Office of Environmental Remediation (OER), for review and approval, a soil and groundwater testing protocol for the areas of proposed subsurface disturbance, including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, potential source of contamination (i.e., petroleum based contamination and non-petroleum source of contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

TASK 2

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.
An OER-approved construction-related health and safety plan (CHASP) would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. The plan would be submitted to OER for review and approval prior to implementation.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling, and disposal of suspect lead-paint and asbestos-containing materials.

With the implementation of the above (E) designation related to hazardous materials, the proposed actions would not result in adverse impacts related to hazardous materials.

The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

UNIFORM LAND USE REVIEW

This application (C 140070 ZMM) was certified as complete by the Department of City Planning on December 16, 2013, and was duly referred to Community Board 10 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02 (b).

Community Board Public Hearing

Community Board 10 held a public hearing on this application (C 140070 ZMM) on February 5, 2014, and by a vote of 21 to 8 with 2 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application (C 140070 ZMM) was considered by the Manhattan Borough President who issued a recommendation approving the application on March 28, 2014 subject to the following conditions:

> That the applicant pursuant to the commitment letter sent to Community Board 10 on January 20, 2014, works to formulate an operational plan with the community and Department of Cultural Affairs to ensure that the community facility space is dedicated to serve community arts and cultural groups and will feature affordable rental rates for non-profit groups;
>
> That the applicant pursuant to the commitment letter sent to the Borough President on March 27, 2014, the agreed upon contextual design changes are incorporated into the final design of the building; and
>
> The former Church of St. Thomas the Apostle building is preserved to the highest standard and will remain on the site in perpetuity as a community facility space subject to the operational plan set forth by the applicant and community at a later date.

City Planning Commission Public Hearing

On March 19, 2014 (Calendar No. 3), the Commission scheduled April 2, 2014 for a public hearing on this application (C 140070 ZMM). The hearing was duly held on April 2, 2014 (Calendar No.19). There were two speakers in favor and none in opposition.

The speakers in favor included the applicant's counsel and the Borough President's representative. The applicant's counsel described the proposed project and the level of community outreach conducted. She stated the need to seek the zoning change was facilitated by their desired development plan, site constraints and the community's desire to preserve the Church. She also acknowledged the challenges associated with creating and maintaining a non-profit space and reiterated their commitment to preserving the Church for community facility purposes. She further stated that they have been in contact with the NYC Department of Cultural Affairs as a resource for creating the proposed community facility space. The applicant also stated their commitment to making 20% of the units in the proposed building fronting on West 117th Street affordable. The Borough President's representative reiterated the Borough President's conditional approval.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes the application for a Zoning Map amendment to rezone an existing R7A to an R8A zoning district is appropriate.

This action would facilitate a mixed-use development with residential and community facility uses on West 117th Street, West 118th Street and St. Nicholas Avenue. The proposed project would facilitate the development of 151 dwelling units and approximately 12,000 square feet of community facility space. The proposed project would repurpose and preserve a de-sanctified church as community facility space and 20 percent of the proposed units would be affordable. The R8A zoning designation would be a step-down from the existing 17-story residential building located to the south and bring two non-compliant buildings in the project area into compliance with bulk and height and floor area regulations. The R8A zoning designation would be consistent with the area west of the proposed area to be rezoned.

The City Planning Commission acknowledges the concerns of the Borough President with respect to the commitment of the applicant to develop and maintain the proposed community facility space. While the Commission recognizes that the application is for a zoning map amendment, the Commission is pleased that the applicant sent a letter, dated April 10, 2014, stating that they would continue to outreach to affected stakeholders throughout the development process and work with the Department of Cultural Affairs to develop an operational plan for the proposed programming of the space. In response to the concerns raised by the Commission regarding the difficulties associated with maintaining a community facility space, the applicant stated:

> "…Artimus intends to form a 501(c)(3) organization that will be controlled by an Artimus affiliate. This not-for-profit organization will rent the space from the owner and will be structured so that Artimus will remain in a position to quickly respond to any operational issues that might arise to make sure that the Arts Space is used in a productive way for its intended purpose."

Further, the applicant provided a follow-up letter to the Commission, dated April 28, 2014, which outlined the steps that would be taken to ensure the effectiveness and vitality of the proposed community facility space. The applicant also reiterated their commitment to making 20 percent of the units affordable in the new building on West 117th Street.

The Commission also notes that, as described in Housing New York, the Mayor's recently released plan for affordable housing, the Department of City Planning is currently initiating a study intended to establish a framework for the creation of a mandatory Inclusionary Housing program, which would be applied to land use actions that substantially increase the potential for new housing. Following this study, and consideration of relevant legal and policy issues, the Department will consider whether follow-up actions may be warranted to apply an Inclusionary Housing requirement to areas such as that of the proposed action, which were rezoned as part of actions already in the ULURP process at the time Housing New York was released.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 6a and 6b, changing from an R7A District to an R8A District property bounded by West 118th Street, St. Nicholas Avenue, West 117th Street, and a line 100 feet easterly of Frederick Douglass Boulevard, Borough of Manhattan, Community District 10, as

should on a diagram (for illustrative purposes only) dated December 16, 2013, and subject to the conditions of CEQR Declaration E-327.

The above resolution (C 140070 ZMM), duly adopted by the City Planning Commission on May 21, 2014 (Calendar No. 12), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

CARL WEISBROD, Chairman
KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,
MICHELLE R. DE LA UZ, MARIA M. DEL TORO, JOSEPH DOUEK,
ANNA HAYES LEVIN, ORLANDO MARIN, Commissioners

CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD 10
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T: 212-749-3105 F: 212-662-4215

HENRIETTA LYLE
Chairperson

ANDREW LASSALLE
Assistant District Manager

February 5, 2014

RESOLUTION: approval for a zoning change at an area along St. Nicholas Avenue/West 117th /West 118th Streets ULURP number 140070ZMM

Committee: 11 yes; 2 no; 2 abstention
Board: 21 yes; 8 no; 2 abstention

WHEREAS, 117th Street Equities, LLC ("Artimus") is requesting approval from Manhattan Borough Community Board 10 ("CB10") for a zoning map amendment regarding the block formed by St. Nicholas Avenue, West 118th Street, Frederick Douglass Boulevard and West 117th Street, ULURP number 140070ZMM (the "Block");

WHEREAS, the western most portion of the Block has been designated zone R8A and the remainder of the block has been designated zone R7A;

WHEREAS, Artimus is requesting that the Block be designated R8A in its entirety;

WHEREAS, R7A districts have a maximum Floor Area Ratio ("FAR") of 4.0 that allows for approximately seven to eight story buildings and R8A districts have a maximum Floor Area Ratio ("FAR") of 6.02 that allows for approximately 10 to 12 story buildings;

WHEREAS, Artimus' project consists of the following three (3) components:

1. Artimus will convert a vacant de-sanctified church building on West 118th Street into a community space while preserving its façade and some of the remaining interior.

2. Artimus will add floors to the St. Thomas school on Saint Nicholas Avenue resulting in approximately 73 total units of apartment housing.

3. Artimus will develop a vacant lot on West 117th Street into approximately 74 units of apartment housing.

WHEREAS, on April 18, 2013, Artimus made an informal presentation to CB10's Land Use Committee announcing their intention to include affordable housing in the Project;

WHEREAS, on December 19, 2013, Artimus appeared before CB10's Land Use Committee and presented the following information:

1. Artimus plans to construct approximately 147 housing units, of which approximately 74 will be in a newly constructed 12-story building located on the West 117th Street lot and approximately 73 will be in a 10-story converted and expanded St. Thomas School structure

with a planned 5-story addition on top. The addition to the St. Thomas School and the new construction will have a setback as required under R8A zoning.

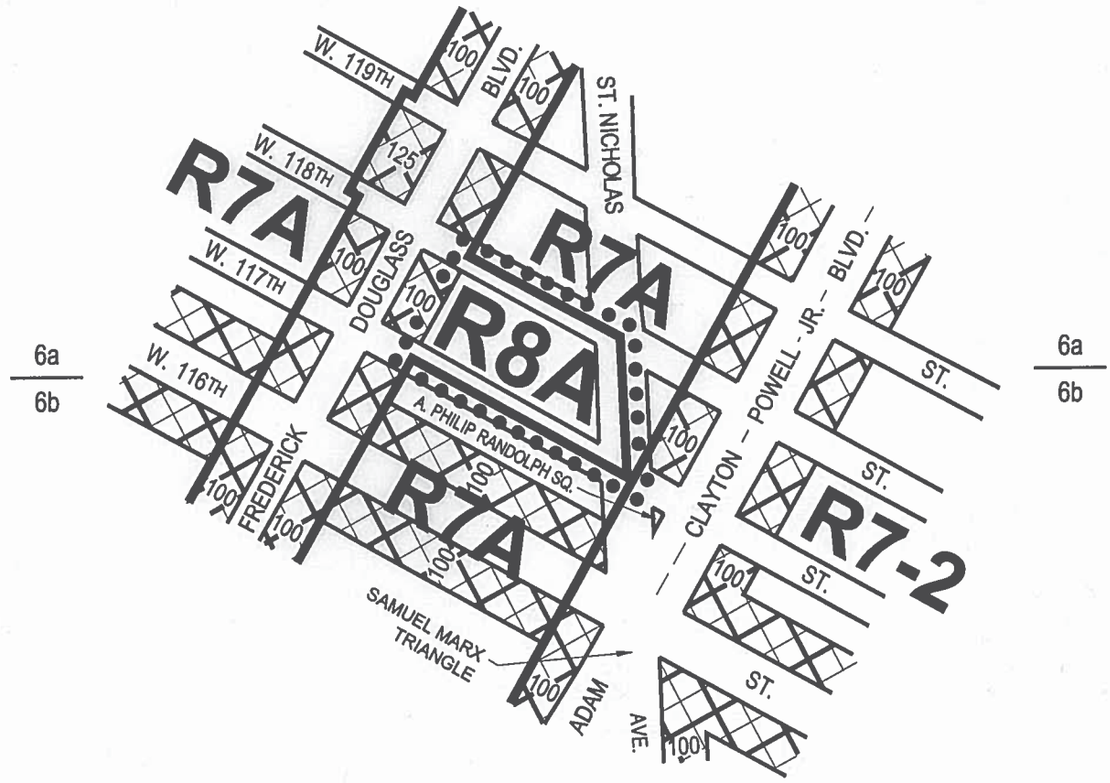
2. 20% of the new construction housing units will be affordable at 60% of AMI, in compliance with the requirements for receiving tax-exempt bond financing.

3. Artimus will also add new parking spaces to be constructed underneath the new residential building as required by R8A zoning.

4. Artimus will convert a vacant church on West 118th Street into a community space while preserving its façade and some of the remaining interior. The community space will be provided to local community based organizations at affordable rental rates.

WHEREAS, on January 20, 2014, Artimus made certain agreements with CB10 as outlined in a letter addressed to CB10;

THEREFORE, BE IT RESOLVED, that on February 5, 2014, the Manhattan Borough Community Board 10 supports the zoning change at an area along St. Nicholas Avenue/West 117th /West 118th Streets ULURP number 140070ZMM from R7A to R8A with a vote of 21 in favor, 8 opposed with 2 abstentions.



CITY PLANNING COMMISSION

CITY OF NEW YORK

DIAGRAM SHOWING PROPOSED

ZONING CHANGE

ON SECTIONAL MAP

6a & 6b

BOROUGH OF

MANHATTAN

New York, Certification Date
DECEMBER 16, 2013

J. Miraglia, Director
Technical Review Division

SCALE IN FEET

400 0 400

NOTE:

Indicates Zoning District Boundary.

The area enclosed by the dotted line is proposed to be rezoned by changing an R7A District to an R8A District.

Indicates a C1-4 District.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

ARTIMUS

316 West 118 Street, New York, NY 10026 • P: 212 996 5100 • www.artimusnyc.com

April 10, 2014

Honorable Carl Weisbrod, Chair
Members, New York City Planning Commission
22 Reade Street
New York, NY 10007

Re: 117th Street Rezoning (ULURP No. 140070ZMM)

Dear Chair Weisbrod and Commissioners:

Thank you for your consideration of our proposed zoning map amendment to a portion of the block located between West 117th Street, West 118th Street, St, Nicholas Avenue, and Frederick Douglass Boulevard. As discussed at the hearing, the proposed rezoning of this transitional block will among other things facilitate the creation of the St. Thomas Community Arts Space within the volume of the architecturally significant former St. Thomas Church. When complete, we expect that the Arts Space will become a cultural anchor in its Harlem neighborhood.

As indicated at the hearing we have reached out to a host of neighborhood arts and cultural organizations about the use and programming of the space, including Opus 118, Art in FLUX, Harlem Arts Festival, and Harlem One Stop. As we have committed to both the Community Board and to the Borough President, we will continue to work with the groups, the local community, elected officials, and the Department of Cultural Affairs to develop an operational plan for the Arts Space that will ensure its ongoing value as a sustainable and vibrant resource for the neighborhood.

Artimus shares the concern expressed by Chair Weisbrod about the importance of Artimus maintaining a role in the oversight of the Arts Space to ensure that it remains an important and contributing amenity for the neighborhood. To this end, Artimus intends to form a 501(c)(3) organization that will be controlled by Artimus affiliate. This not-for-profit organization will rent the space from the owner and will be structured so that Artimus will remain in a position to quickly respond to any operational issues that might arise to make sure that the Arts Space is used in a productive way for its intended purpose.

In addition to the Arts Space, the proposed project will also include a new residential building on West 117th Street, and a residential conversion/enlargement on the St. Nicholas Avenue frontage. We would like to reiterate our commitment to providing

affordable housing for 20 percent of the residential units for the new building on 117th Street. We would expect to utilize tax-exempt financing – similar to what is allowed under current programs - for these units.

Thank you for your consideration. We look forward to continuing our ongoing dialogue and engagement with the community to develop this unique community resource.

Sincerely,

Robert Ezrapour
Artimus

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316 West 118 Street, New York, NY 10026 • P: 212 996 5100 • www.artimusnyc.com

April 28, 2014

Honorable Carl Weisbrod, Chair
Members, New York City Planning Commission
22 Reade Street
New York, NY 10007

Re: 117th Street Rezoning (ULURP No. 140070ZMM)

Dear Chair Weisbrod and Commissioners:

Thank you for your consideration of our previous letter dated April 10, 2014 which outlined Artimus's outreach to community groups, plans for a 501(c)(3) organization to operate the future St. Thomas Arts and Cultural Center, and plans for affordable units at the development site. We would like to take this opportunity to update the Commissioners on our progress and plans for an operator at the Center, as well as our plans for ensuring the effectiveness and sustainability of this community resource.

The structure and operations of the Center will be as follows: An Artimus-owned entity will continue to own the space, which will guarantee Artimus's involvement and stake in the project's effectiveness and financial viability. The owner will lease the space to a not-for-profit organization whose mission will be to operate and manage the rehabilitated space as a community arts, performance, and events center.

Over the past several months, Artimus has engaged in a productive dialogue with many community groups, including those that offered letters of support to this Commission such as Harlem Arts Festival, Harlem One Stop, Art in Flux, and Opus 118. These organizations have been instrumental in shaping our understanding of the arts landscape in Harlem, as well as informing us of the necessary components for a successful center.

As physical stabilization of the space is completed over the next six months, Artimus will continue to search for an existing not-for-profit that would meet the necessary criteria to manage such a space.

If an existing not-for-profit is not identified to manage the space as rehabilitation is completed, Artimus will establish a new 501(c)(3) organization to manage the space, and will hire new staff to develop and manage the Center. An Artimus member will sit on the board of the not-for-profit, and we will implement a community preference for other board members with the goal of ensuring local input and vision.

We will continue to take into account the preferences of community members and the needs of local organizations, as we stated in our letter supporting Borough President Brewer's suggestion to inform and work with New York City Department of Cultural Affairs during the development of this Center.

Lastly, the Artimus team would like to re-emphasize our commitment to the success and sustainability of this project not only as the owners of the space, but as community developers that have a significant stake in the health of the neighborhood. As members of this community, we maintain our office only a block from this site.

We are also pleased to report that as of last week, façade restoration of the building has been completed – a photo is attached. We look forward to working with the community to further the arts in Harlem through rehabilitation and re-use of this stunning and non-replicable structure.

Sincerely,

Robert Ezrapour
Artimus