

A. INTRODUCTION

The proposed project would result in the revitalization of a largely vacant, State-owned property in the heart of a major commercial corridor in Harlem. The proposed project would redevelop the site with residential, hotel, cultural and retail uses and would require discretionary land use and funding actions to develop the proposed project. In terms of zoning, implementation of the proposed development would be subject to the land use and design controls of a General Project Plan (GPP) to be administered by Empire State Development (ESD). This GPP would apply in lieu of local City zoning; as such, a discussion of the proposed project's compatibility with local zoning is considered as part of this analysis.

The analysis first characterizes existing conditions, then describes background conditions in 2014 absent the proposed project, and assesses the potential for the proposed project to result in significant adverse impacts on land use, zoning, and public policy as compared to conditions expected to occur without the proposed project. Using *CEQR Technical Manual* guidelines, the study area for the land use, zoning, and public policy analysis has been defined as the project site and the area within a 400-foot radius of the project site. This is the area where the proposed project is likely to have the greatest potential effects in terms of land use, zoning and public policy. Various sources were used to analyze land use, zoning, and public policy within the study area, including field surveys conducted by AKRF, Inc. in November 2011, land use and zoning maps, and data from the New York City Department of Buildings.

PRINCIPAL CONCLUSIONS

The proposed project would not have any significant adverse impacts on land use, zoning, or public policy. The proposed project would add new, active uses to a site that has been underutilized and largely vacant for several years. These uses would be compatible with the goals of the 2007 rezoning of the 125th Street corridor and the mix of uses in the surrounding neighborhood. While the proposed project would require certain overrides of existing zoning, these overrides are necessary to achieve key goals of the project, including the provision of 50 percent affordable housing, the creation of new market-rate housing, and the retention of important elements of the historic Victoria Theater. The proposed project would rehabilitate a building that would again become an important part of Harlem's center of arts and culture and would add to the ongoing redevelopment of the area. The proposed project would be consistent with and in support of policies and initiatives intended to spur investment in the area, create housing, and create new opportunities for employment.

B. BACKGROUND AND DEVELOPMENT HISTORY

The project site is located in what was historically known as Harlem's "Opera Row." This entertainment district comprised four contiguous vaudeville houses on West 125th Street: the Victoria Theater (originally opened as Loews Victoria), the Apollo Theater, the Harlem Opera

Victoria Theater

House, and the Alhambra Theater. Constructed as two Neoclassical-style buildings in 1917, the Victoria Theater continued in use as a film theater until 1977, when the building was put up for sale. The theater's lessee converted the building into five film theaters in the 1980s, and the theater was again renovated in the 1990s for use as live theater. The building has undergone numerous alterations over the years, is in a deteriorated condition, and the theater itself has been vacant since 1997. The only active use on the project site is a nail salon that occupies one of two small retail spaces on West 125th Street; the other store front and the remainder of the building are vacant.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site comprises the former Victoria Theater (Block 1931, Lot 17), at 297 West 125th Street, midblock between Frederick Douglass Boulevard and Adam Clayton Powell Jr. Boulevard (See **Figure 2-1**). The project site is a T-shaped through lot with approximately 50 feet of frontage on the north side of West 125th Street and 150 feet of frontage on West 126th Street.

As described above, the site contains the Victoria Theater, a historic building completed in 1917 that is largely vacant. Other than unused theater-related space, the building contains two ground floor retail storefronts facing West 125th Street, on either side of the theater entrance and marquee. The storefront on the east side of the building is currently vacant. The storefront on the west side of the building is currently occupied by a nail salon.

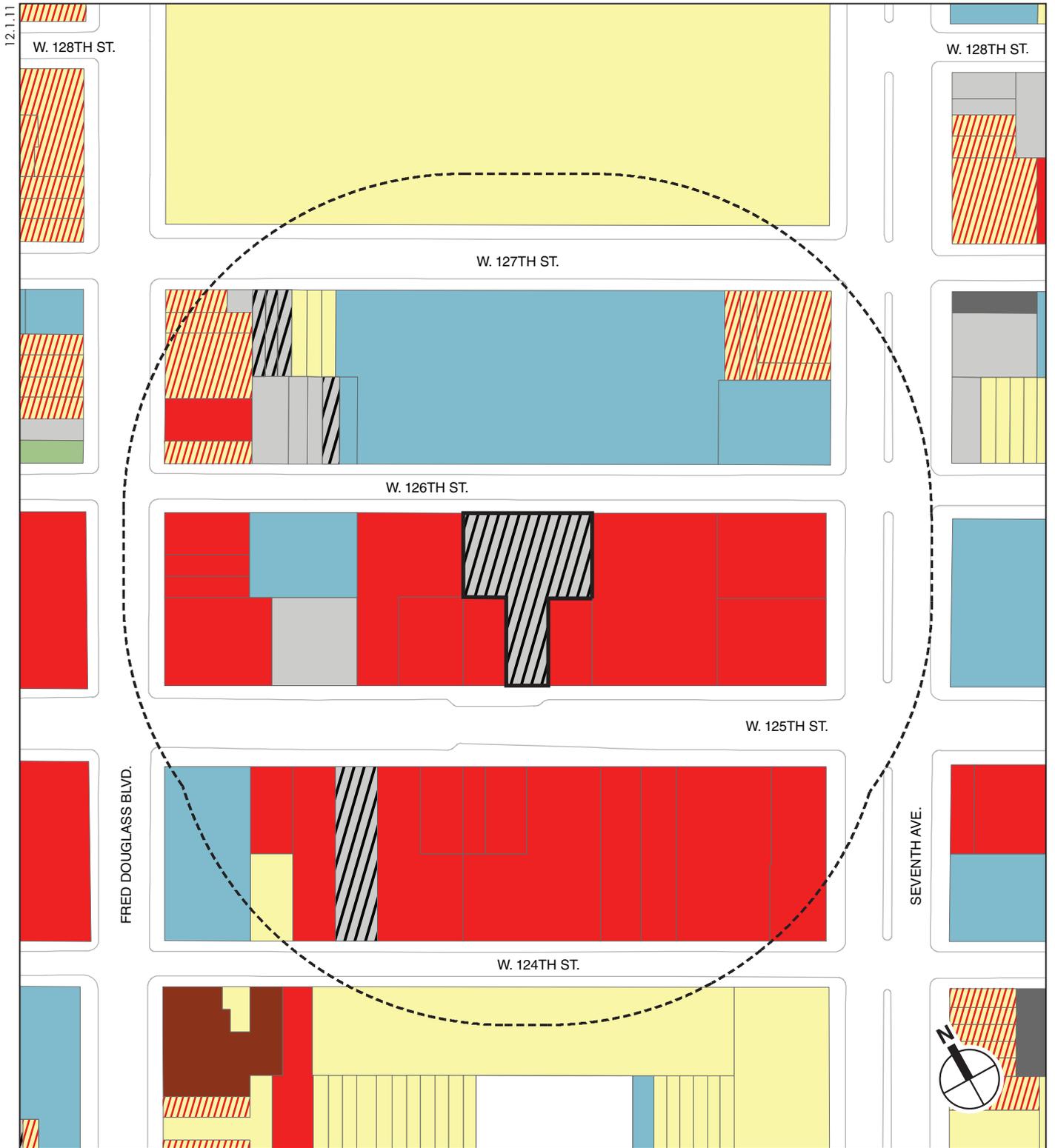
STUDY AREA

The 400-foot study area is roughly bounded by West 127th Street and West 124th Street to the north and south and Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard to the east and west. The study area is part of the Central Harlem neighborhood in Community District 10.

The study area is characterized by a mix of commercial, residential, and institutional uses. While Harlem has historically been and is still predominantly a residential community, the study area captures the heart of the 125th Street corridor. 125th Street, also known as Martin Luther King, Jr. Boulevard, contains a variety of cultural, commercial, and institutional uses, many of which are historically important to the Harlem neighborhood. Due to these assets, as well as the proximity to local and regional public transportation, the street has come to be known as Harlem's "Main Street." As described in detail in the discussion of zoning below, the corridor was rezoned in 2008 to increase residential and commercial density, reinforcing its importance as the heart of Harlem.

The portion of West 125th Street in the study area contains a variety of regional and local retail, ranging from small businesses to national chains. Commercial uses are dense along this strip; the vacancy rate is relatively low and many buildings contain retail or office space above the ground level. Non-profit organizations and government agencies occupy some of this office space.

South of the project site across West 125th Street is the Mart 125 building, a notable vacancy that is owned by the City. West of the project site on West 125th Street is the Apollo Theater, a



- Project Site*
- Study Area Boundary (400-Foot Perimeter)*
- Residential*
- Residential with Commercial Below*
- Hotels*
- Commercial and Office Buildings*
- Public Facilities and Institutions*
- Open Sapce and Outdoor Recreation*
- Vacant Land*
- Vacant Building*

0 100 200 FEET
SCALE

New York City landmark and tourist destination that has been renovated and functions as a performance venue. Immediately west of the Apollo is a large vacant lot at 261 West 125th Street. Most of the storefronts that face West 125th Street occupy through-block lots. As a result, there are few commercial storefronts along the south side of West 126th Street and the north side of West 124th Street, where many of these buildings have loading entrances.

There are several mixed use buildings in the study area, mostly fronting the north-south Avenues. Frederick Douglass Boulevard between West 126th Street and West 127th Street contains older mixed use buildings with smaller retail storefronts. There is also a recently constructed mixed use development on the northeast corner of West 127th Street and Adam Clayton Powell Jr. Boulevard. The building contains 46 condominium units above currently vacant ground floor retail space.

Residential uses in the study area are concentrated in the north and the south, separated from the dense commercial activity along West 125th Street. To the north, The St. Nicholas Houses public housing development occupies the superblock bounded by West 131st Street and West 127th Street to the north and south and Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard to the east and west. Under the jurisdiction of the New York City Housing Authority (NYCHA), the 15.63-acre development includes thirteen 14-story buildings surrounded by open space. Facing the St. Nicholas Houses on the south side of West 127th Street are six four-story brownstones built in 1910, three of which appear to be vacant. These houses are representative of the older, historic housing stock that surrounds the study area. There is one residential building in the southwest corner of the study area. The southern edge of the study area contains the former Ennis Francis Houses, a low-rise Section 8 apartment building that occupies the majority of the midblock between Frederick Douglass Boulevard and Adam Clayton Powell Jr. Boulevard.

The study area also includes a variety of institutional uses, including a public school, religious academy, and two churches. The Harriet Tubman Learning Center (PS 154) is located at 257 West 126th Street, in a long, 1960s modern building just north of the project site. The school occupies most of the block between Adam Clayton Powell Jr. Boulevard and Frederick Douglass Boulevard and faces the St. Nicholas Houses public housing development across West 127th Street. The Allah School in Mecca is located at 2122 Adam Clayton Powell Jr. Boulevard, north and east of the project site. The school is housed in a small building with a large yard on the lot. The Thomas Memorial Wesleyan Church is located west of the project site, fronting the north side of the block at 260 West 126th Street. The Church is located on a lot that is also used for surface parking. The United House of Prayer for All People spans the east side of Frederick Douglass Jr. Boulevard between 124th Street and 125th Street (where it occupies space above ground floor retail). The Adam Clayton Powell State Office Building is another notable institutional use located just outside of the study area, on the east side of Adam Clayton Powell Jr. Boulevard.

ZONING

Special 125th Street District

The project site is located in the Special 125th Street District Zoning area. Adopted by the New York City Council on April 30, 2008 (Follow-Up Text Amendment on November 19, 2008), the District is roughly bounded by West 124th Street and West 126th Street to the north and south and extends beyond the study area to the east and west. The specific goals of the Special 125th Street District include promoting 125th Street as Harlem's "Main Street" and the premier mixed

use corridor for Upper Manhattan; expanding the retail and commercial character of the street; enhancing the presence of visual and performing arts space as a destination within the City; supporting mixed use development and providing incentives for affordable housing development; ensuring the continuity of building form and the built character of the corridor; and enhancing the pedestrian environment by regulating ground floor uses. In support of these goals, the special district allows an FAR bonus for arts and entertainment uses. Generally, the bulk regulations of the underlying zoning district apply except in C4-7 and C6-3 districts; the regulations of the C4-7 and C6-3 districts within the study area are described below. The district also has ground floor use regulations, transparency and security gate visibility requirements for most ground floor uses, and signage regulations.

PROJECT SITE

An approximately 5,000-square foot portion of the project site that fronts West 125th Street lies within a C4-7 commercial district (see **Figure 2-2**). C4 districts in general are found in regional commercial centers located outside the central business districts. Most retail establishments are permitted, with the exception of uses that would interrupt the continuous retail frontage, such as home maintenance and repair service stores. C4-7 districts are found in densely built areas in Manhattan. The Special 125th Street District includes the Core Subdistrict area, which includes the C4-7 district in which the project site is located. On November 19, 2008, the City Council adopted the 125th Street Follow-Up Text Amendment, reducing the maximum allowable building height in the C4-7 zoning district within the Core Subdistrict from 290 feet to 195 feet. The Text Amendment also changed the density regulations to favor commercial development over residential. The base commercial FAR was reduced from 10 to 7.2, with a maximum FAR of 8.65 through the use of the arts bonus. The base residential FAR was reduced from 9 to 5.4, with a maximum FAR of 7.2 through the use of the arts or Inclusionary Housing Program bonuses. The maximum FAR for community facility use was reduced from 10 to 7.2. These changes related to density and building height were made in response to concerns that arose during the public review process.¹

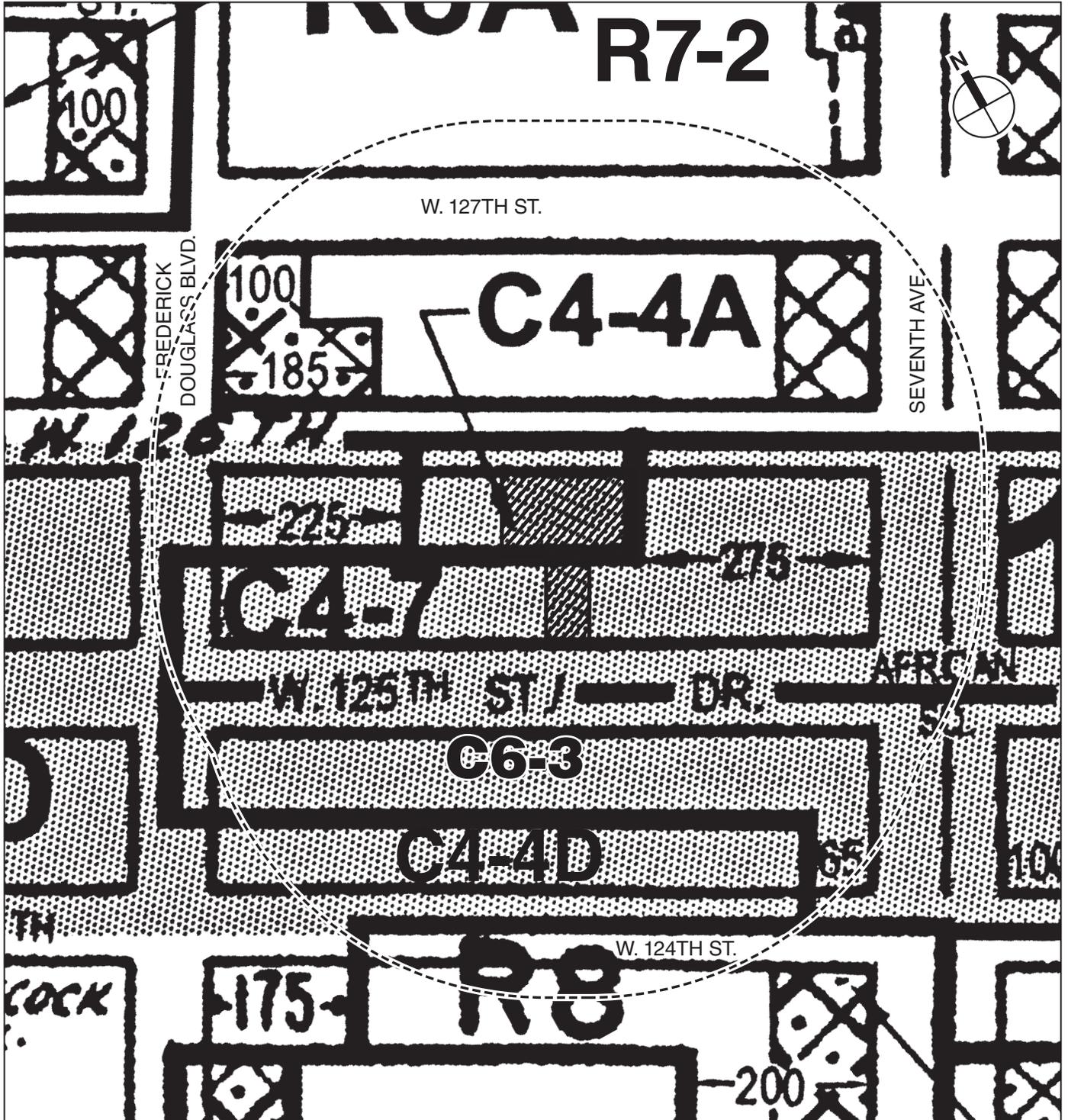
An approximately 15,000-square foot portion of the project site that fronts West 126th Street is within a C4-4A contextual commercial zoning district. C4-4A zoning districts allow a maximum FAR of 4.0 for residential and commercial uses, which can be increased for residential uses through the Inclusionary Housing Program. R7A zoning districts are the residential equivalents of C4-4A zoning districts. The maximum allowable base height for buildings in C4-4A districts is 65 feet and the maximum building height is 80 feet. In addition, there is a required setback of 15 feet above the base.

STUDY AREA

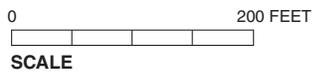
The Special 125th Street District extends throughout the majority of the 400-foot study area. The study area also includes underlying residential and commercial zoning districts, which are summarized in **Table 2-1**.

The C4-4A district that is mapped on the project site also contains a portion of the through-block lot adjacent to the project site to the west. The remainder of the northwest portion of the block is in a C4-4D contextual district, which allows a higher residential FAR and restricts the

¹ NYC Department of City Planning; <http://www.nyc.gov/html/dcp/html/125th/125th10.shtml>



-  Project Site
-  Study Area Boundary (400-Foot Perimeter)
-  Zoning District Boundary
-  Special Purpose District
-  C1-4 Overlay
-  C2-4 Overlay



commercial FAR to 3.4. The C4-7 district containing the project site covers the block to the east as well as the southwest portion.

**Table 2-1
Study Area Zoning Districts**

Zone	Allowable Floor Area Ratio (FAR)	Use
R7-2	0.87 to 3.44 residential; 6.5 community facility	Medium density residential, community facility district.
R8	0.94-6.02 residential; 6.5 community facility	Higher density residential district
C1-4	2.0 commercial; residential FAR dependent on residential zoning	Local retail overlay in a residential district
C2-4	2.0 commercial; residential FAR dependent on residential zoning	Local retail overlay in a residential district
C4-4A	4.0 commercial; 4.0 residential	Contextual commercial district with maximum building heights; residential and community facility
C4-4D	3.4 commercial; 6.02 residential ¹	Contextual commercial district with maximum building heights; residential and community facility
C4-7	<i>Within the Core Subdistrict of the Special District:</i> 7.2 commercial (8.65 with arts bonus); 5.4 residential (7.2 with arts or Inclusionary Housing bonus); 7.2 community facility.	High-density regional commercial district; residential and community facility allowed
C6-3	6.0 commercial ² ; 0.99-7.52 residential; 10.0 community facility ²	High-density general central commercial district; residential and community facility allowed
Notes:	1. Can be increased with Inclusionary Housing bonus. 2. Can be increased with 20% public plaza bonus. Within the Core Subdistrict residential FAR can increase from 5.4 to 7.2 and commercial FAR can increase from 6.0 to 8.0.	
Source:	<i>New York City Zoning Resolution</i> ; http://www.nyc.gov	

To the north of the Special 125th Street District, the study area is entirely within an R7-2 zoning district. R7-2 zoning districts are medium-density apartment house districts that encourage lower buildings on smaller lots and taller buildings with less coverage on larger lots. Off street parking is required for 50 percent of the units or may be waived if there are less than 15 spaces required.

On the east and west ends of the block north of the project site, the residential zoning is modified by C1-4 and C2-4 commercial overlay districts. The C1-4 district is mapped on the east side of the block along Adam Clayton Powell Jr. Boulevard, while the C2-4 district is mapped on the west side along Frederick Douglass Boulevard. These districts are typically found on streets that serve local retail needs and include mixed commercial and residential buildings. Because these commercial overlays are mapped in an R7-2 residential district, the residential FAR is regulated by the residential zoning, and the maximum commercial FAR for both the C1-4 and the C2-4 districts is 2.0. The two differ in that the C1-4 district requires more off-street parking.

The block south of the project site is in a C6-3 zoning district on its north side and along Adam Clayton Powell Jr. Boulevard. C6-3 zoning districts are high-density commercial districts typically mapped outside of central business cores. Within the Special 125th Street District, C6-3 districts have a minimum base height requirement of 60 feet, a maximum base height of 85 feet, and a maximum building height of 160 feet. Along the southern side of the block there is a C4-4D contextual district, the same zoning district mapped on the northwest corner of the project block.

Two blocks south of the project site, the portion of the block within the study area (containing the former Ennis Houses) is zoned R8. R8 zoning districts are high density residential districts where apartment buildings range from mid-rise to tall buildings set back from the street.

PUBLIC POLICY

EMPIRE STATE DEVELOPMENT

Empire State Development (ESD) is New York State's chief economic development agency. ESD aims to promote a vigorous and growing economy, encourage the creation of new job and economic opportunities, increase revenues to the State and its municipalities, and achieve stable and diversified local economies. ESD pursues these goals through leveraging private investment with loans, grants, tax credits and other types of financial assistance, assisting with site assemblage, and providing legal and regulatory relief for targeted projects, programs and initiatives. Among other approvals, the proposed project requires adoption and affirmation of a GPP by ESD (and HCDC, described below).

HARLEM COMMUNITY DEVELOPMENT CORPORATION

The project site is owned by the Harlem Community Development Corporation (HCDC). Created in 1995, HCDC is a subsidiary of ESD that serves the greater Harlem community, including Manhattan Community Districts 9, 10, 11, and 12. HCDC aims to strengthen Harlem's economic stability and cultural vitality through the redevelopment of vacant or underutilized property, in order to attract new businesses, create opportunities for existing businesses, and expand access to homeownership. HCDC also works to empower community-based organizations to engage in economic development projects by providing technical assistance and facilitating access to state financial resources.

UPPER MANHATTAN EMPOWERMENT ZONE

The Upper Manhattan Empowerment Zone is one of nine empowerment zones established in 1994 to revitalize distressed communities by using public funds and tax incentives as catalysts for private investment. The empowerment zone began operations on February 14, 1995, and made its first round of grants and loans in October 1996. Its mission is to sustain the economic revitalization of all the communities of Upper Manhattan through job creation, corporate alliances, strategic investments and small business assistance. It focuses on lending, grants, job creation and technical assistance for small businesses and non-profit organizations in the neighborhoods north of 96th Street, including the project site, land use study area and most of Central Harlem.

NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY

The mission of the New York City Industrial Development Agency (IDA) is to encourage economic development throughout the five boroughs, and to assist in the retention of existing jobs, and the creation and attraction of new ones. IDA programs are discretionary and provide companies with access to triple tax-exempt bond financing and/or tax benefits to acquire or create capital assets, such as purchasing real estate, constructing or renovating facilities, and acquiring new equipment.

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION

New York City Economic Development Corporation's (EDC) mission is to encourage economic growth throughout New York City by strengthening the City's competitive position and facilitating investments that build capacity, generate prosperity, and catalyze the economic vibrancy of City life. Created in 1991, EDC assumed services previously undertaken by other

quasi-public corporations, including the sale and lease of City-owned properties, the administration of financing and loan programs, and the economic development of the City's ports. EDC also administers the programs of IDA, described above.

*NYC DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT AND
NYC HOUSING DEVELOPMENT CORPORATION*

The NYC Department of Housing Preservation and Development (HPD) is the nation's largest municipal housing preservation and development agency. Its mission is to promote quality housing and viable neighborhoods for New Yorkers through education, outreach, loan and development programs and enforcement of housing quality standards.

The Housing Development Corporation (HDC) seeks to increase the supply of Multi-family housing, stimulate economic growth, and revitalize neighborhoods by financing the creation and preservation of multi-family affordable housing throughout New York City. HDC provides a variety of financing options, including a Mixed-Income Program. Under that program 20 percent of apartments in a multi-family rental building are restricted for low-income tenants, 30 percent are reserved for middle-income tenants and the remaining are rented at market rates. According to HDC, this approach allows a deeper level of affordability across many different economic levels.

In partnership together, HPD and HDC work to implement the City's *New Housing Marketplace Plan* to finance the creation or preservation of 165,000 affordable housing units by the end of the 2014 fiscal year.

125TH STREET BUSINESS IMPROVEMENT DISTRICT (BID)

The project site is included in the boundaries of the 125th Street Business Improvement District BID (BID). BIDs were established in New York City in the 1980s as organizations of property and business owners dedicated to promoting business development and improving their neighborhoods. BIDs typically provide supplemental sanitation and maintenance, public safety and visitor services, marketing and promotional programs, and beautification services within their districts. More specifically, the 125th Street BID seeks to develop a community-based vision to maintain the heritage of 125th Street, to help secure future cultural presentation and production in Harlem, and to encourage the ongoing revitalization of 125th Street as a premier art, culture and entertainment destination. The boundary of the 125th Street BID generally includes properties along 125th Street from Morningside Avenue to Fifth Avenue. As with other BIDs, the 125th Street BID is primarily funded by an additional tax assessment collected from property owners in the district.

NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL

The New York State Division of Housing and Community Renewal (DHCR) is part of a larger state agency, New York State Homes and Community Renewal, which includes all of the state's integrated housing and community renewal agencies and programs. DHCR is responsible for the supervision, maintenance, and development of affordable low- and moderate-income housing. As part of its mission, DHCR oversees and regulates public and publicly assisted rental housing, administers rent regulations and protection of rent regulated tenants, and manages housing development and community preservation programs for the State of New York. These programs include State and Federal grants and loans for the financing of construction and renovation of affordable housing.

NEW YORK CITY REGIONAL ECONOMIC DEVELOPMENT COUNCIL

The New York City Regional Economic Development Council is one of the 10 Regional Councils that cover all of New York State. The Regional Economic Councils were created to stimulate economic development and improve the business climate throughout the state. More specifically, the New York City Regional Economic Development Council seeks to reinforce the City's historic status as the business and financial capital of America, generate quality of life improvements for New York City residents through job creation, and to better leverage the City's academic and corporate assets in the technology industry. The Council's five-year strategic plan is focused on accelerating economic growth and job creation by building on the city's many strengths, while ensuring that economically distressed communities and populations have greater opportunities to participate in the benefits of growth. The strategic plan identifies 125th Street as an "opportunity zone" and specifically references the proposed project as contributing to the further economic resurgence of Upper Manhattan. The application for State funding of the proposed project will be reviewed, in part, by the New York City Regional Economic Development Council.

PlaNYC 2030

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York*. An update to PlaNYC in April 2011 built upon the goals set forth in 2007 and provided new goals and strategies. PlaNYC includes policies to address challenges related to population growth, aging infrastructure, economic competitiveness, air and water quality, and global climate change. The PlaNYC goals relevant to the proposed project include:

- Create capacity for new housing;
- Create new housing in existing neighborhoods;
- Foster the creation of Greener, Greater Communities;
- Promote walkable destinations for retail and other services;
- Activate the streetscape;
- Increase energy efficiency;
- Reduce emissions from buildings;
- Promote the use of cleaner-burning heating fuel; and
- Implement green building practices.

This chapter considers the consistency of the project with the goals outlined above.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Absent the proposed project, the Victoria Theater site is expected to remain largely vacant, deteriorated, and under the jurisdiction of the State. The State would continue to expend resources for the upkeep of the property, insurance, and to meet building and fire code requirements. The tenant occupying the storefront on the west side of the building would be expected to remain in the building. As it would be only minimally occupied, the project site

would remain an underutilized part of the West 125th Street commercial corridor. The site would continue to stand in contrast to the vibrant mix of active uses that characterize much of the study area.

STUDY AREA

Though several new developments are expected to be completed in Central Harlem by the 2014 analysis year, none fall within the 400-foot study area. Nonetheless, if market conditions improve and financing is available, other sites could be redeveloped given the higher density of residential and commercial uses allowed along 125th Street.

There are several large developments expected to occur outside of the study area by the 2014 analysis year. Though these background developments are not considered in the assessment of land use, zoning, and public policy since they are outside the land use study area, they do help to describe the context of the proposed project in the surrounding area and are taken into account in other parts of the EIS, such as the traffic, noise, and open space analyses.

2014 Background Developments Outside of the 400-foot Study Area

- The lot at 2329 Frederick Douglass Blvd (Block 1952, Lot 29) is expected to be developed as a shopping center with three floors (59,950 sf) of retail.
- The Harlem Village Academy High School is currently under construction at 32 West 125th Street (Block 1722, Lot 51). The school will accommodate 400 students and include a retail component. The project is expected to be completed by Spring 2012.
- The vacant lot at 5 West 125th Street (Block 1723, Lot 31) is expected to be developed with a four story building including 3,975 sf of office space and 118,739 sf of retail. The project is expected to be completed by Fall 2012.
- Promise Academy is currently being constructed at 245 West 129th Street (Block 1933, Lot 20), on the super block occupied by the St. Nicholas Houses, just north of the study area. The charter school will be operated by Harlem Children's Zone and accommodate approximately 1,300 students. The five-story, 120,000 sf building will be surrounded by the St. Nicholas development.
- The vacant, City-owned lot located at 2135-2139 Adam Clayton Powell Jr. Blvd (Block 1911, Lots 61 and 62) will be developed into a 10-story mixed use development, including 49 units of affordable housing, 13 units of supportive housing and 17,000 sf of program and administrative space for Harlem Dowling, a not-for-profit child welfare agency. The development is expected to be completed by 2013.
- EDC is leading a project to create the Harlem Incubator, which could include space for technology, media, or service sector startup businesses, and/or co-working space for freelancers, entrepreneurs, small businesses, and startups. The agency is currently seeking proposals for this project, which would preferably be located along or within two blocks of 125th Street and is expected to be operational in mid-2012.

ZONING AND PUBLIC POLICY

Absent the proposed project, there are no changes to zoning or public policy expected on the project site or elsewhere in the study area by the 2014 analysis year.

In the future without the proposed project, the goal of promoting commercial and residential development along the 125th Street corridor would not be realized on the project site. As

described above, the 125th Street rezoning aims, among other things, to support mixed use development along 125th Street, expand the retail and commercial character of the street, and to promote the street as a destination for visual and performing arts within the city. In addition, the project site would not be used in fulfillment of an important city-wide goal to create both affordable and market rate housing. In the future without the proposed project, the project site would remain occupied by a deteriorated State-owned asset that could otherwise advance these goals.

Absent the proposed project, none of the public policies identified above would be advanced through redevelopment of the project site. Economic revitalization in New York City and State and in Upper Manhattan—reflected in the policies and programs of the Upper Manhattan Empowerment Zone, IDA, the 125th Street BID, HCDC, EDC, and the Regional Council—would not be advanced through job creation and economic redevelopment on the project site. The goal of creating both market-rate and affordable housing that is reflected in the policies of HPD, HDC, and DHCR would also be unrealized, as the project site would not be redeveloped. Finally, the goals of PlaNYC that would be addressed by the proposed project would not be met in the future without the proposed project, including those related to housing creation in existing neighborhoods; creating walkable destinations for retail and other services; activating the streetscape; promoting the use of cleaner-burning heating fuel; and implementing green building practices.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

As described in greater detail in Chapter 1, “Project Description,” the largely vacant building on the project site would be redeveloped with mixed residential, hotel, cultural and retail uses. Thus, the proposed project would result in a major change in land use on the project site. However, the new land uses that would be introduced to the project site are permitted under zoning and would be compatible with land uses in the surrounding study area. The proposed residential development, with its primary entrance on West 126th Street, would reflect other residential uses found on the blocks to the north and south of the project block. Residential use would also complement and be supportive of other uses found throughout the study area, including community facilities and retail shops. The proposed commercial uses, including the hotel and retail, would also be compatible with the surrounding land uses—West 125th Street is the main commercial thoroughfare through Harlem and includes a wide range of retail and office uses. While the hotel component would be a new land use in the study area, it would be compatible with the other uses in the study area and would address growing market demand for an underserved area.

Cultural and entertainment uses proposed for the project site have a long history on both the project site and the surrounding area and would be compatible with the surrounding neighborhood—both the Victoria Theater and Apollo Theater are nearly 100 years old. In addition, the cultural programming envisioned for the project would be available for the education and enjoyment of area residents and schools and would be consistent with the overall mix of uses in the area.

Compared to conditions absent the proposed project, the proposed project would restore active uses and vitality to the project site and surrounding area. The proposed project would not have a significant adverse impact on land use.

GENERAL PROJECT PLAN AND ZONING

The proposed project would require ESD and HCDC adoption and affirmation of a GPP to support the proposed mixed-use development. This plan, which would be administered by ESD, would govern all development on the site, including site planning, land uses, and densities. As part of the GPP, the proposed project would require overrides by ESD of certain aspects of the *New York City Zoning Resolution* (ZR), as described below.

- Floor Area (ZR 97-42, ZR 97-421, ZR 97-422, ZR 23-145, ZR 34-112) and Floor Area Ratio (ZR 97-42; ZR 97-421, ZR 97-422, ZR 23-145, ZR 34-112). For the residential portion of the proposed project, the allowable floor area is 95,923 (of which 59,952 is permitted within the C4-4 district and 35,971 is permitted within the C4-7 district). For the commercial portion of the proposed project, the allowable floor area is 103,167 (of which 59,952 is permitted within the C4-4 district and 43,215 is permitted within the C4-7 district, which takes into account the arts bonus).

To accommodate the programmatic needs of the proposed project such that the goals and objectives of the project are realized, an override of floor area and FAR is being sought. The additional floor area will allow for an economically viable development that will create jobs, provide hotel space to serve increased market demand, and create a venue for cultural programming. At the same time, the proposed project would redevelop an underutilized and deteriorated site with much-needed housing to address the needs of the community. The uses proposed would activate the streetscape, improve the vitality of the streetscape and retail environment, reinforce 125th Street as a major mixed-use corridor, and enhance tourism.

- Maximum Number of Units (ZR 23-22). The maximum allowable number of residential units on the project site is 134; the proposed number of residential units is approximately 230. This override is necessary to accommodate the proposed housing, which would include 50 percent affordable units. There is an acute need for housing in New York City that is expected to increase as the population continues to grow, and the new market-rate and affordable housing units proposed to be created on the project site are a critical component of the proposed project that would address this need.
- Maximum Building Height (ZR 35-24, ZR 94-442). Along west 126th Street, the maximum allowable building height is 80 feet, and along West 125th Street it is 195 feet. To allow for the amount of program area needed while retaining and restoring the South Building, the proposed maximum building height is approximately 290 feet. The proposed building has been designed to keep the overall height of the building as low as possible while meeting the programmatic needs of the project. The strategy of building two connected towers (with one for residential uses and one for the hotel) as opposed to stacking the uses is meant to minimize the height of the building—a stacked scheme would result in a building approximately 40 feet taller. As described in Chapter 8, “Urban Design and Visual Resources,” while the new building would be taller than the maximum height limit allows, the overall bulk and height of the proposed building would be in context with the other tall buildings in the area, including the Adam Clayton Powell Jr. State Office Building (approximately 251 feet) and the Lionel Hampton Houses (244 feet).
- Maximum Base Height (ZR 35-24). The maximum base height along West 126th Street is 65 feet. The proposed project has been designed to set back a minimum of 30 feet from the façade of the South Building on West 125th Street to respect both the historic 125th Street façade of the Victoria Theater and the predominantly low-scale nature of the buildings along this block of West 125th Street. To accommodate a design that achieves the required

programmatic floor area while retaining the existing South Building and its distinct volume, the massing of the building has been shifted away from West 125th Street towards the middle and north side of the project site. Therefore, along West 126th Street the building would rise to a height of 266 feet before setting back.

While much of the building bulk would be along West 126th Street, the design of the proposed project would activate this side of the building and provide transparency. At ground level the façade would be opened up to accommodate the entrance to the residential portion of the new building and a vehicular drop-off area. A visually transparent, glazed curtain wall with pedestrian entrances would be located between the South Building and the vehicular drop off on West 126th Street, allowing visual and physical access into the restored foyer and lobby and reducing the bulkiness of the building at the ground floor. The presence of ground-floor retail uses would further activate this portion of West 126th Street.

- Initial Setback Above Base Height (ZR 35-24). The Zoning Resolution requires a 15 foot setback above the base of the building along West 126th Street. As noted in the preceding bullet, the proposed building would not comply with base height requirements as the streetwall would rise straight up along West 126th Street. Therefore, there would not be a setback until 266 feet.

The proposed project would provide a series of 3 foot recesses at the 11th floor level in order to vary the surface of the building. However, providing a full street wall setback along West 126th street is not feasible taking into consideration the goals of the proposed project. A building with the required 15 foot setback would reduce residential space by approximately 2,015 square feet per floor for every floor above the 65 foot base. This would result in residential floor plates of approximately 5,627 square feet compared to the proposed 7,642 square feet. To achieve the proposed residential floor area with these smaller floor plates would require a total of approximately 33 floors compared to the 26 stories proposed.

If the entire building were to be shifted back 15 feet from West 126th Street toward West 125th Street, there would be two fewer hotel rooms per floor and the new building would encroach further on the historic West 125th Street façade of the theater. The reduction in hotel rooms would result from shifting the floorplates south such that the legally required windows and natural ventilation could not be provided for the two rooms per floor proposed for the project. Under the proposed project, the hotel rooms that would be built on the site of the North Building would have east- or west-facing windows. Shifting the building south would push two hotel rooms per floor onto the narrower lot of the South Building, where they would be contiguous to the side lot lines of the adjoining parcels. Since the building code does not permit lot line windows as the only means of natural ventilation to a habitable space, the southernmost hotel rooms could not be built.

- Minimum [C4-7] Base Height and Streetwall (ZR 94-442, ZR 97-443). The minimum base height and streetwall requirement along West 125th Street is 60 feet. However, since the existing building (which is already non-complying) would be retained, the base height and streetwall would continue to be approximately 44 feet.
- Clearance when lot line is adjacent to neighboring rear lot line (ZR 33-303). A 20 foot rear yard is required under zoning. As with the non-complying condition that exists today, the proposed project would be flush with the neighboring properties, which are also built to the property line.

- Minimum Square feet per car in an attended parking facility (ZR 25-62). For an attended parking garage, a minimum of 200 square feet per space is required under zoning. With the proposed project, there would be approximately 114 square feet per space. This is due to the fact that the proposed project would include vehicle stackers that effectively double the amount of cars that can be parked in the same amount of square footage.

While the proposed project would not comply with these aspects of the Zoning Resolution and would be considerably taller and denser than what is permitted, the zoning overrides would collectively facilitate the development of the proposed project by allowing for the construction of the proposed building to house hotel, cultural, residential and retail uses as well as accessory parking, while also preserving and restoring historic components of the Victoria Theater. The goals and objectives of the proposed project—including the creation of an economically viable development that create jobs and affordable and market-rate housing; provides hotel space to serve market demand; and creates a venue for cultural programming—cannot be achieved while strictly meeting all zoning requirements. The proposed zoning overrides would apply to the project site only and would not affect zoning within the larger study area.

While the proposed project would not strictly comply with all zoning requirements, the proposed project would meet certain goals of the Special 125th Street District, which include promoting 125th Street as Harlem’s “Main Street,” expanding its retail and commercial character, increasing the presence of visual and performing arts space, supporting mixed use development and affordable housing, and enhancing the pedestrian environment. The proposed project would create a venue on 125th Street for cultural programming, event space, and support space for the project’s cultural partners, with approximately 25,000 square feet of cultural arts space on its 3rd and 4th floors, including a black box theater and a smaller performing arts space. The proposed project would preserve and celebrate the heritage of the Victoria Theater and its role in the history of 125th Street, contribute to the ongoing revitalization of 125th Street as a premier cultural and commercial district, and create a new mixed use development with market-rate and affordable housing. Therefore, the zoning overrides that would be employed for the proposed project would not have a significant adverse impact with respect to zoning.

PUBLIC POLICY

The proposed project would be consistent with the public policy goals identified above. The proposed project would advance the policies and programs of the Upper Manhattan Empowerment Zone, IDA, the 125th Street BID, ESD and HCDC, EDC, and the Regional Council that are aimed at economic revitalization, jobs creation, increased tax revenue, employment training, and revitalization of the 125th Street corridor, and support for non-profit organizations in the neighborhood. The proposed project would create new jobs during its construction and operation, including those associated with the hotel and retail components of the project. As described above, there would be outreach and training for the employment of local residents in the proposed hotel. In addition to providing jobs, the proposed hotel would provide a greatly needed hotel in Upper Manhattan. While Harlem is the third most requested tourist destination in New York City, Upper Manhattan is currently served by only one hotel property. The proposed project’s hotel would serve business travelers, tourists, and families and provide a convenient location for those attending events in the proposed cultural spaces, the adjacent Apollo Theater, and the surrounding neighborhood. A new marketplace for goods and services would be created, and residents would be added that would patronize existing local businesses. With the proposed project, a significantly underutilized property at the heart of the 125th Street corridor would be returned to productive and economically active use. For these

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reasons, the proposed project would be consistent with policies that encourage economic development and the creation of new opportunities for employment in the State, City, and Harlem.

The proposed project would be consistent with and in support the goal to create market rate and affordable housing that is reflected in the policies of HPD, HDC, DHCR—the proposed project would create approximately 230 units of new housing, with half of those being affordable apartments on the project site for low- and middle-income tenants.

The proposed project would also be consistent with goals identified in PlaNYC. As noted above, the proposed project would create 230 units of new housing in an existing neighborhood, on a site that is underutilized and substantially vacant; it would encourage sustainable neighborhoods by locating residents, jobs, retail and other services within walking distance from one another and in a mixed-use neighborhood that is well-served by transit; it would revitalize the streetscape by creating new active uses on the site and enhancing the pedestrian experience; and the proposed project will be designed to meet the standards for the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) Silver certification, resulting in increased energy efficiency and reduced emissions (specific energy efficiency and emissions reduction measures are described in Chapter 16, "Green House Gas Emissions"). It is anticipated that the proposed project will also use natural gas for heating fuel, consistent with PlaNYC's goal to encourage the use of cleaner-burning heating fuels.

For these reasons, the proposed project would be consistent with and in support public policy and would not have significant adverse public policy impacts. *