



Diane Collier
Chair

Angel D. Mescain
District Manager

COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN
1664 PARK AVENUE
NEW YORK, NEW YORK 10035
TEL: (212) 831-8929/30
FAX: (212) 369-3571
www.cb11m.org

August 16, 2017

Marisa Lago
Director
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Re: Recommendation on ULURP Application Nos. C 170442 ZMM and C 170444 ZSM

Dear Director Lago,

On August 9, 2017, Community Board 11 (CB11) held a public hearing and voted on land use application, C 170442 ZMM and C 170444 ZSM, submitted by NBT Victory Development LLC (“the applicant”) with respect to a proposed mixed-use development project to be built at 2031-2033 Fifth Avenue (Block 1750, Lot 1) between 125th Street and 126th Street in the East Harlem neighborhood of Manhattan.

The applicant seeks to develop a mixed-use building consisting of residential, retail and theater uses. The residential component of this proposed project would be compliant with Mandatory Inclusionary Housing (MIH) and consist of a maximum of 240 units, comprised of 88 studios, 141 one-bedrooms, and 11 two-bedrooms. The theater component would provide a new home for the National Black Theatre (NBT) which is currently located at the proposed development site. The commercial component would include office uses for NBT as well as ground floor retail space along 125th Street and Fifth Avenue.

The land use actions requested in this Application include a zoning map change from C4-4A (4.0 FAR) to C4-7 (10 FAR), zoning text amendments to the Special District, a zoning text amendment to map a MIH designated area on the Development Site, and a special permit to waive accessory residential parking requirements.

The Applicant anticipates the submission of a follow-up application for a Chairperson’s certification for a Visual or Performing Arts (VPA) bonus for the National Black Theater under the Special District text. This application will follow the instant Application because several steps need to be completed, including but not limited to establishment of a Local Arts Advisory Council (LAAC), confirmation of the sources of funding, and advancement of the design of the theater.

Our board thoughtfully considered this project since June ULURP notification and hosted several presentations by the development team during our summer hiatus in July and August to reach the recommendation in our submission.

Project Description

The Proposed Building contains 203,128 square feet of floor area (11.96 FAR), including 148,827 (8.76 FAR) for residential use, 24,951 (1.47 FAR) for retail use, and 26,900 (1.58 FAR) for the NBT. The proposed 20-story, 245 foot tall building has an 85 foot tall base and 15 foot setbacks along 126th Street, and 10 foot setbacks along Fifth Avenue and 125th Street.

The cellar contains retail use and storage and the ground floor includes the primary NBT lobby facing Fifth Avenue, retail entrances on all three street frontages, and a residential entrance on 126th Street. The second floor is devoted to approximately 16,000 square feet of retail. The NBT occupies the third and fourth floors, including a double-height theater in the round, a black box theater, classrooms and offices. Two hundred forty residential units are located on the fifth through twentieth floors.

Actions Necessary to Facilitate the Project

The Special 125th Street District was adopted in 2008. At that time, there was no development proposal for the Development Site and an upzoning was deferred at the National Black Theatre's request. Now, with a conceptual design and a commitment for a permanent new home for the NBT, the following actions are requested:

Zoning Map Amendment

The proposed zoning map amendment from C4-4A to C4-7 consistent with the goals of the Special District and the City's policies with respect to bulk, density and affordable housing.

Zoning Text Amendments

The proposed text changes seek to fine-tune the Special District to reflect changes in the Zoning Resolution and to facilitate the Proposed Project. It should be noted that since the Special District's adoption, no VPA space has been provided.

The text amendments would allow NBT's marquee, signage and entrance to be located on Fifth Avenue, their historic location as Fifth Avenue is better suited to accommodate the queuing of NBT patrons than 125th Street.

Modification of glazing, transparency and accessory signage regulations on 125th Street would allow portions of the façade to be opaque. Historically, NBT's larger performing art spaces are the Theatre in the Round and the Black Box Theater. These spaces are generally "blind spaces" without windows. The building and envelop design, in conjunction with the signage and marquees, will take the place of windows in maintaining and attracting pedestrian interest.

A new Sub-district A would be created within the Special District, extending from 125th Street to 126th Street and Fifth Avenue to 100 feet east of Fifth Avenue. Within the Sub-district, the maximum base height remains 85 feet, the maximum building height is 245 feet, and the setbacks are 15 feet on 126th Street and 10 feet on Fifth Avenue and 125th Street. This establishes a viable building envelope for projects taking advantage of the MIH floor area.

A new certification by the Chairperson of CPC would allow the location of entrances to loading berths to be modified. Currently, the Zoning Resolution requires an entrance to be at least 30 feet from a residence district and 50 feet from an intersection, while the Special District prohibits entrances along 125th Street and 5th Avenue. This leaves only the 126th Street frontage. At 85 feet in length, only five feet of this frontage could accommodate a loading dock, which is not viable. The certification will allow the CPC

Chairperson to permit the location of loading berth entrances within 30 feet of a residential district boundary where certain findings are met.

Finally, an amendment to Appendix F of the Zoning Resolution would map the Development Site as an MIH Designated Area.

Zoning Special Permit

The Proposed Project will provide up to 72 affordable dwelling units, depending on the MIH affordability option pursued (i.e., 20%, 25% or 30%). These units do not require accessory parking because the Proposed Project is located in the Transit Zone. The remaining market-rate dwelling units are subject to a 40 percent parking requirement (68 to 77 spaces). Underground parking for these automobiles would require a two-level garage entered on 126th Street. The special permit, if granted, would waive the requirement for these spaces.

Conclusion

As proposed, the National Black Theatre (NBT) project will create affordable housing, a permanent new home for a treasured cultural institution and retail space along an important commercial corridor. The project will ensure NBT, a minority owned business, will retain ownership in development partnership, provide financial sustainability for the theater, continue available spaces for community events and expand cultural activity on 125th towards the East. Each of these factors are welcome benefits to our community. We are particularly pleased that the project advances the Arts and Culture goals of the East Harlem Neighborhood Plan, and the 2008 125th Street Corridor Rezoning.

Additionally, while we are pleased that the project's cross subsidy goals include new affordable housing, we encourage the developer to maximize the number of affordable units and review home ownership options that reflect the needs of our community as it relates to local household incomes and family sized units.

We look forward to continuing dialogue with the development team to ensure their commitments to the East Harlem community are honored as the project proceeds in the ULURP process.

Community Board Recommendation

Community Board 11 (CB11) recommends approval of ULURP Application Nos. C 170442 ZMM and C 170444 ZSMZSM.

Full Board Vote: 30 in favor; 1 abstained

If you have any questions regarding our recommendation, please contact Angel Mescain, District Manager, at 212-831-8929 or amescain.cb11@gmail.com.

Sincerely,



Diane Collier
Chair
Community Board 11

cc: Hon. Bill Perkins, New York City Council (via email)
Hon. Brian Benjamin, New York State Senate (via email)
Hon. Gale A. Brewer, Manhattan Borough President (via email)
Hon. Robert J. Rodriguez, New York State Assembly (via email)
Candy Vives-Vasquez, Community Board 11 (via email)
Judith Febbraro, Community Board 11 (via email)