

ULURP No. N 070060 ZRX

FORM LR - ATTACHMENT # 3

REVISED 10/30/07

Description of Proposal

This application is for a zoning text change to Section 103-07 of the Zoning Resolution pertaining to the Special Planned Community Preservation District. The Special Planned Community Special District is mapped at three locations in New York City: Parkchester in the Bronx, Sunnyside Gardens in Queens and Fresh Meadows in Queens. The proposed text change will not affect any part of the Special Districts at Sunnyside Gardens or Fresh Meadows. The text change would affect only one building within Parkchester.

Parkchester is a 171-building mixed-use development which was constructed by the Metropolitan Life Insurance Company between 1939 and 1941. It contains 12,271 residential units and approximately 500,000 square feet of retail space.

The text change would allow the demolition of deteriorating one-story building at 2020 East Tremont Avenue that was formerly used as an automotive service center. The 7,300 square foot building is now vacant. The building is no longer marketable, creates blight in the community and is a security concern for the applicant. However, demolition of this building is not expected to attract new uses or tenants to the surrounding buildings.

The auto center building was constructed in 1961 and is not original to the Parkchester Planned Community. The former auto center is adjacent to three contiguous buildings that together are approximately 800 feet in length, containing the following uses: to the south of the auto center is a boiler house servicing the Parkchester development; to the east is a five-level parking garage and vacant commercial storefronts on the ground floor formerly used as automotive showrooms; to the west are professional office uses including medical offices, the management offices for the housing complex, and a vacant five-level garage. These buildings were completed in 1940 and 1941.

The text change adds language to Section 103-07 of the Zoning Resolution that would allow demolition of the former automotive center. The additional language is underlined as indicated:

103-07

Special Provisions for Demolition of Buildings

No demolition permit shall be issued by the Department of Buildings for any #building# within the Special District after July 18, 1974, or it is an unsafe #building# and demolition is required pursuant to the provisions of Chapter 26, Title C, Part I Article 8 of the New York City Administrative Code, or its successor, except pursuant to a #development# plan for which a special permit has been granted under Section 103-06 (Special Permit Provisions).

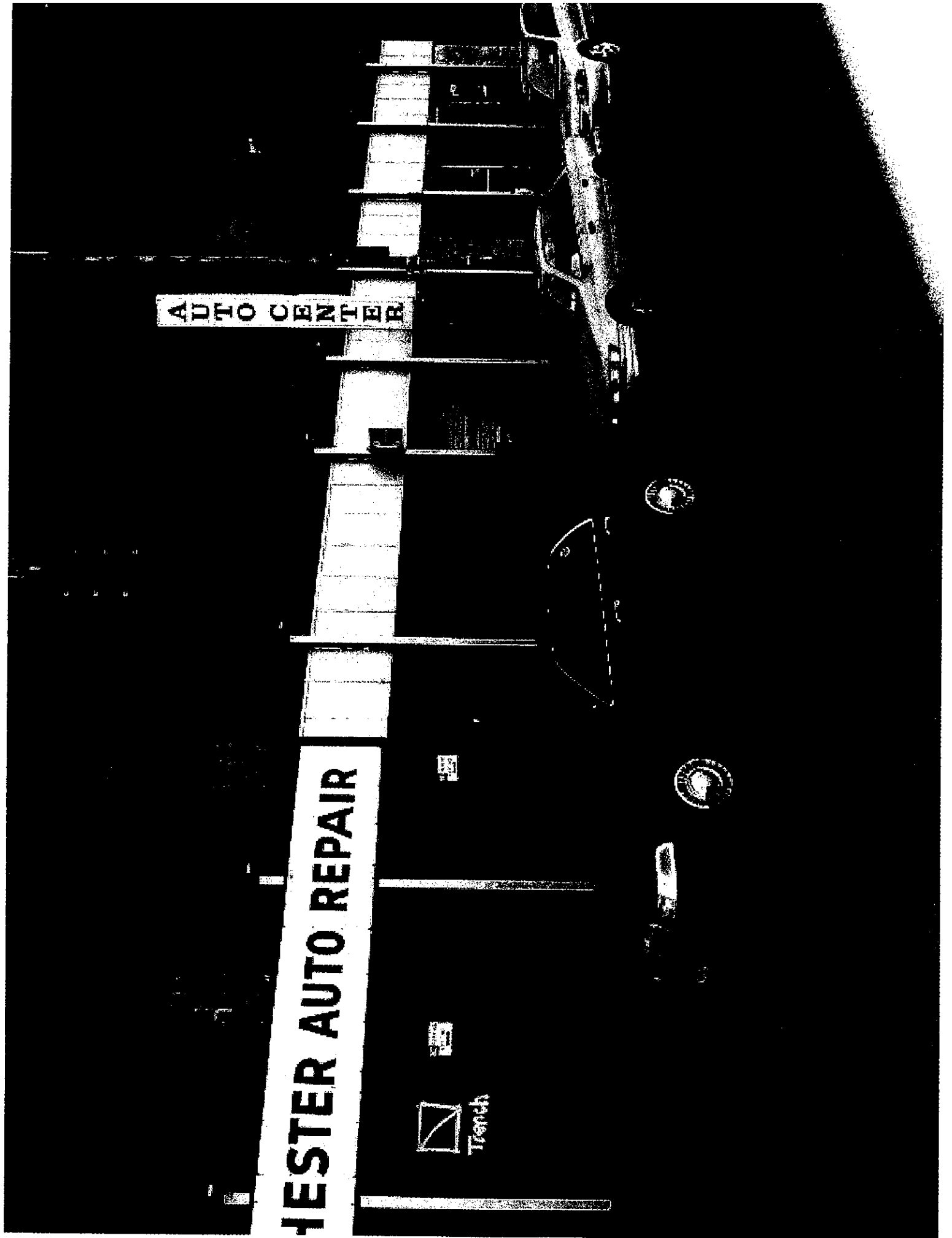
In a C8-4 District, however, a demolition permit may be issued for any #building# that is less than 10,000 square feet and was constructed after December 31, 1955, but prior to July 18, 1974.

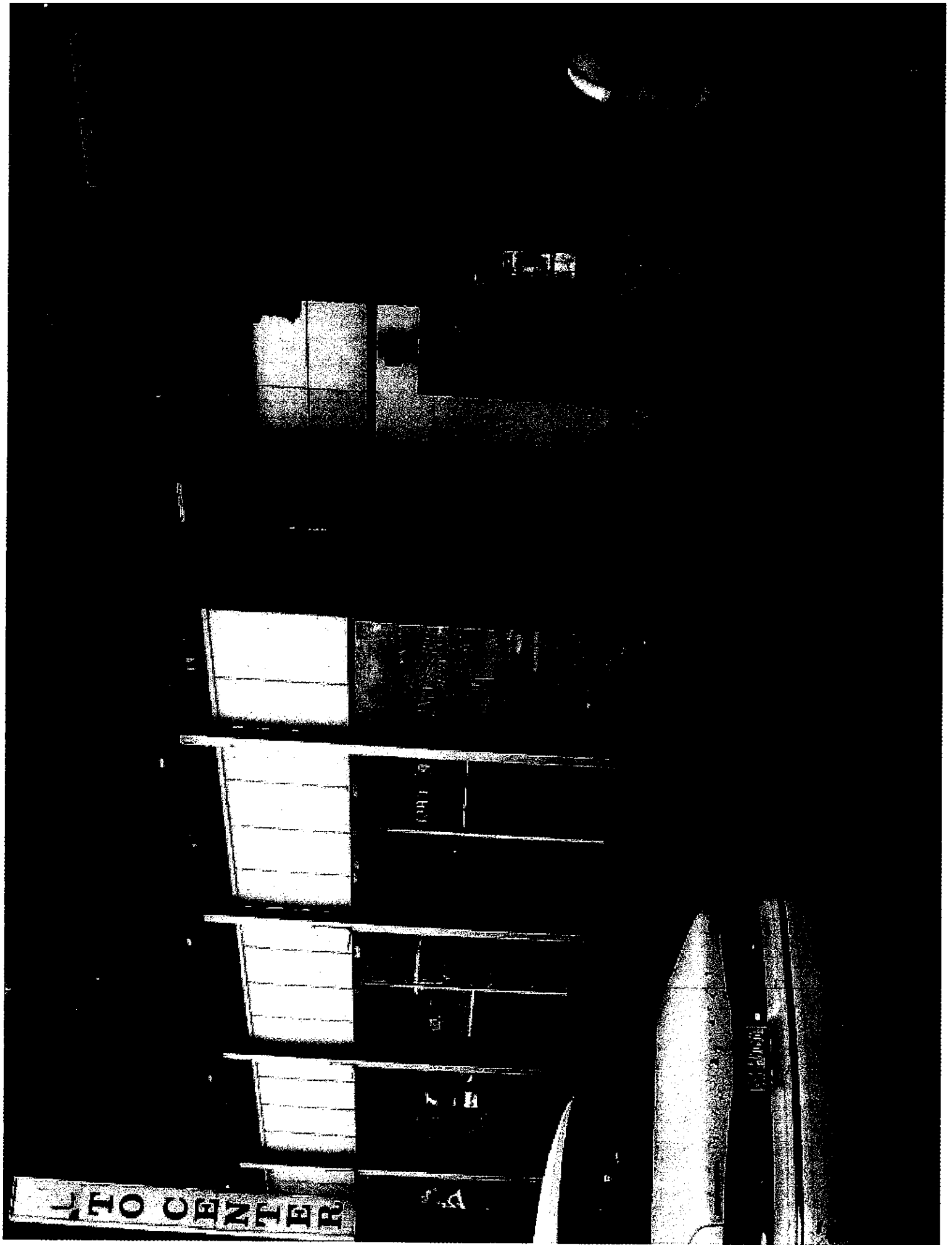
As noted above, this text change would affect only the 7,300 square foot vacant auto center building at 2020 East Tremont Avenue. The only other buildings in the C8-4 district are the three adjacent buildings containing the boiler house, two parking garages, commercial space and professional offices, which were constructed in 1940 and 1941 -- any demolition of those buildings would require a Special Permit under ZR § 103-06.

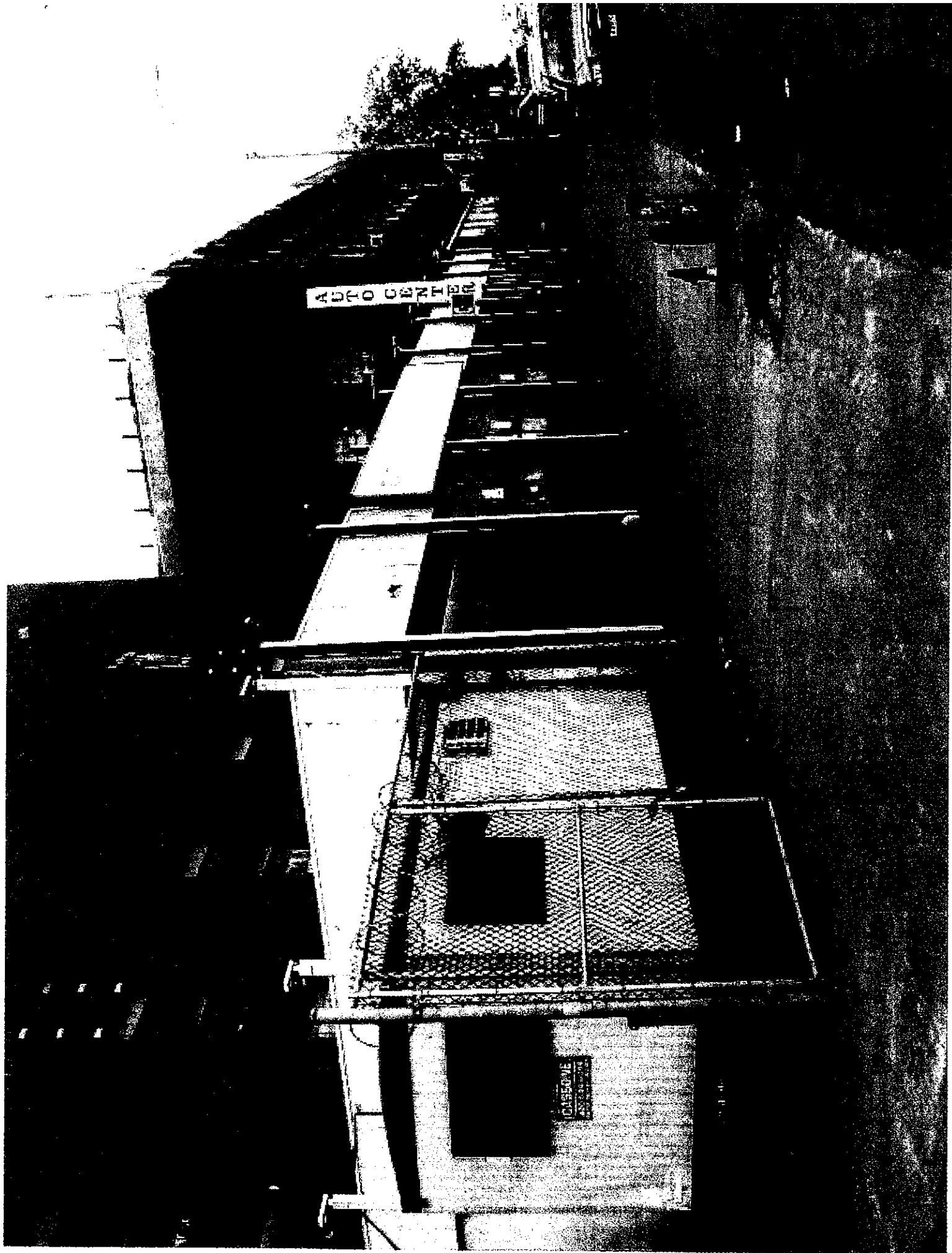
ALHO UENZEP

AUTO CENTER

HESTER AUTO REPAIR







COMMUNITY BOARD NUMBER 9

1967 TURNBULL AVENUE, SUITE 7
BRONX, NEW YORK 10473



(718) 823-3034

bxbrd09@optonline.net

FAX (718) 823-6461

ADOLFO CARRION
BRONX BOROUGH PRESIDENT

FRANCISCO M. GONZALEZ
DISTRICT MANAGER

ENRIQUE VEGA
CHAIRMAN

December 21, 2007

SERVING

BRONX RIVER

CASTLE HILL

CLASON POINT

HARDING PARK

PARKCHESTER

PARK STATION

**SOUNDVIEW/
BRUCKNER**

UNIONPORT

NYC Department of City Planning
Amanda M. Burden, Chair
22 Reade Street- 6th Floor
New York, New York 10007-1216

Dear Ms. Burden:

Pursuant to a unanimous vote by the full board of Community Board #9 members on Thursday, December 20th, 2007. We have voted in favor of #N-070060 ZRY the Proposed Text Amendment to the Parkchester Special Planned Community Preservation District.

Should you require more information please do not hesitate to call our office at 718 823-3034.

Sincerely Yours,

Enrique Vega,
Chairman

REAL ESTATE INDUSTRIALS, INC.
WEST 48TH/49TH STREET DEVELOPMENT

ULURP NUMBERS 070539 ZRM, 070289 ZMM AND 070290 ZSM

This is a proposal to facilitate the development of two new residential buildings and a public parking garage on the block between West 48th and West 49th Streets, 10th and 11th Avenues, in Clinton. The site is currently zoned M1-5 in the Other Areas of the Special Clinton District. The applications that are before the City Council are:

- (i) a zoning map amendment to change an M1-5 district to an R8 district with a C2-5 overlay,
- (ii) a zoning text amendment to make certain provisions that currently apply in the Preservation Area of the Special Clinton District applicable to portions of the Other Areas of the Special Clinton District that are zoned R8, and
- (iii) a special permit for an 88 car public parking garage, including 31 accessory spaces.

The zoning lot is located in a former industrial area which has become mixed-use in character. The site has been owned by the applicant since 1938 and was operated for many years as a commercial laundry, a distribution center for a linen supply company, and other industrial uses. The main building was sold to the Red Cross, which renovated the building for use as its new headquarters. The remainder of the zoning lot includes a small commercial garage and automobile storage building, a taxi repair business, and a 125 car public parking lot.

The project would include three new buildings. One would be constructed as of right in the R8 zone, and the other two buildings would be located in the area to be rezoned. The total development would include approximately 164 rental dwelling units, with not less than 20% of the units anticipated to be 2-bedroom units. The applicant is proposing to develop all three of the new buildings under the 80/20 program for affordable housing. The project would also include an 88 car public parking garage (including 31 accessory spaces) to replace the 125 car public parking lot on the site.

The zoning map amendment and the text change would allow new residential development that is consistent with the 4.2 FAR and height of 66 feet that is mandated in the Preservation Area of the Special Clinton District. Lot coverage would be 70%, with 20% of the zoning lot required to be open and landscaped for tenant use. The C2 overlay is needed to ensure that the American Red Cross in Greater New York remains a conforming use, and to allow the continuation of public parking on the zoning lot.

540 West 49th Street
New York, NY

REAL ESTATE INDUSTRIALS, INC.

City Planning Applications #070539 ZRM, #070289 ZMM and #070290 ZSM

H. THOMAS O'HARA

ARCHITECT, PLLC

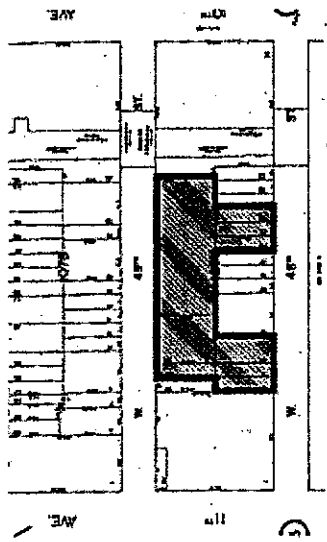
135 West 36th Street, New York, NY 10018
212 695 3117 212 695 3118 :fax



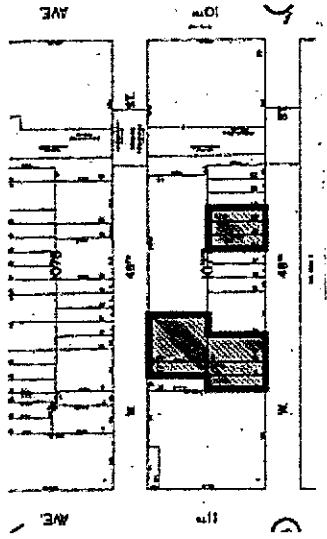
H. THOMAS O'HARA

ARCHITECT, PLLC

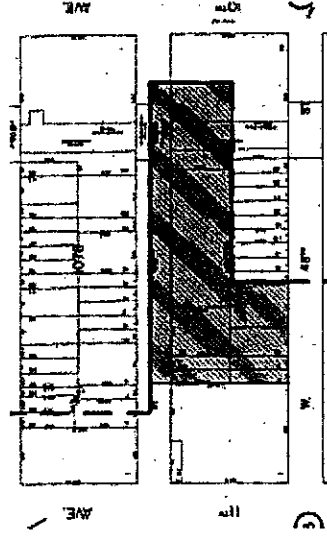
115 W. 16th Street
New York, NY 10011
212 485 3117
212 485 3118 : Fax



ZONING LOT



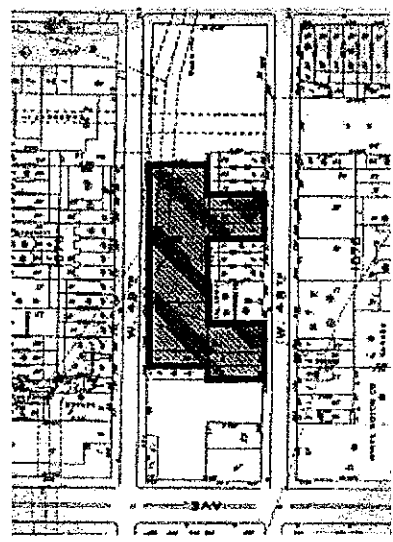
DEVELOPMENT SITE



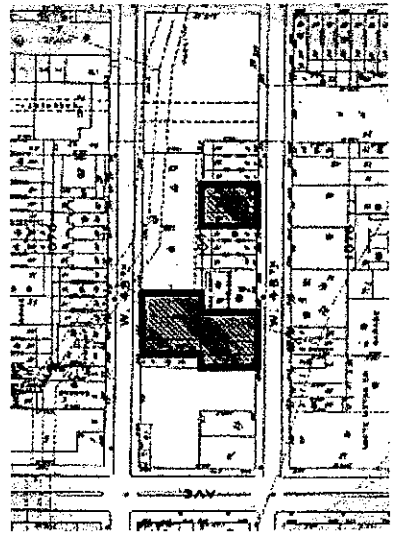
REZONING AREA

1 TAX MAPS

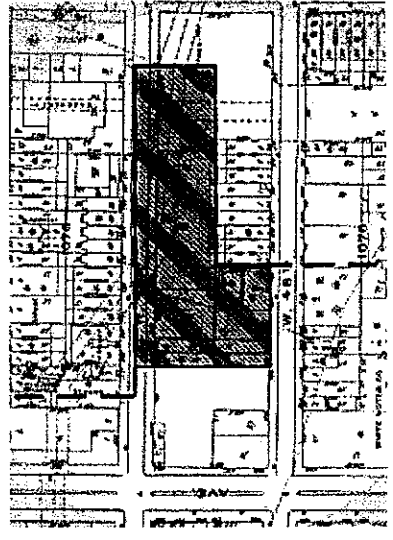
SCALE: N.T.S.



ZONING LOT



DEVELOPMENT SITE



REZONING AREA

2 SANBORN MAPS

SCALE: N.T.S.

540 West 49th Street
New York, New York

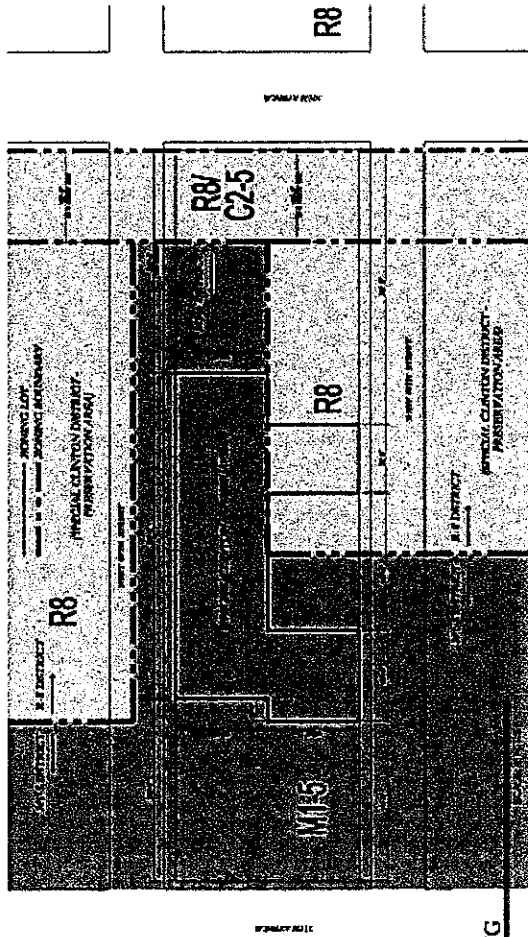


REAL ESTATE INDUSTRIALS INC.
FEBRUARY 29, 2008 DD-1

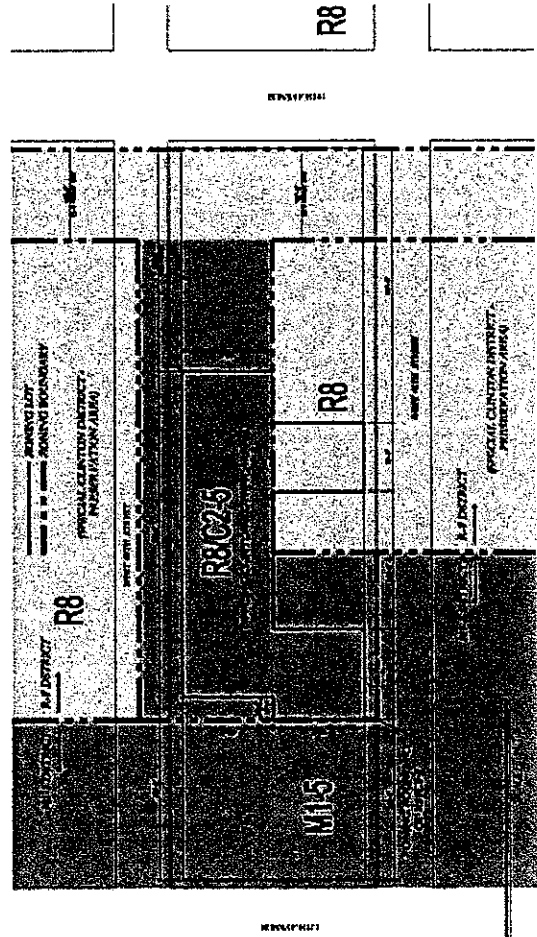
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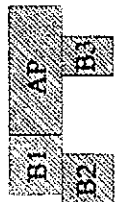
125 W. 50th Street
New York, NY 10019
212 693 3118 : fax



1 EXISTING ZONING



2 REZONED AREA



SPECIAL CLINTON DISTRICT - RESERVATION AREA
SPECIAL CLINTON DISTRICT - OTHER AREAS

540 West 49th Street
New York, New York



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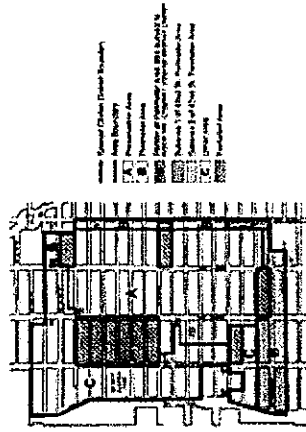
FEBRUARY 7, 2008 DD-4

H. THOMAS O'HARA

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125 W. 15th Street
 2nd Floor
 New York, NY 10011
 212 695 3717
 212 695 3718 : Fax

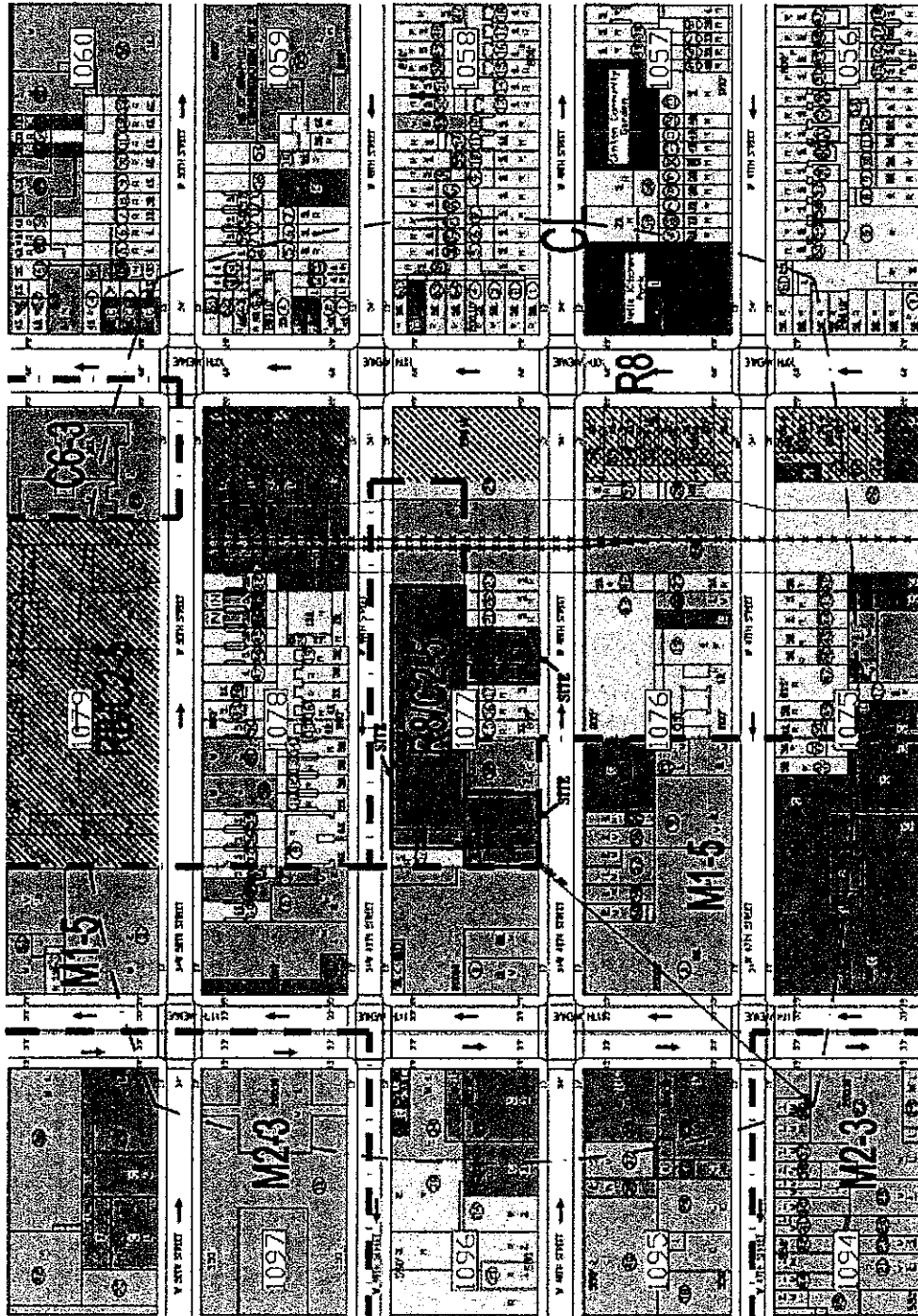
- BLOCK NUMBER
- LOT NUMBER
- COMMERCIAL BUILDING
- INSTITUTIONAL BUILDING
- MANUFACTURING/INDUSTRIAL BUILDING
- RESIDENTIAL BUILDING
- OPEN SPACE / RECREATION
- VACANT
- 4 STORY BLDGS.
- 5 STORY BLDGS. W/ BASEMENT
- 5 STORY BLDGS. W/ STORE
- 4 STORY BLDGS. W/ ESSENTIAL AND STORE
- ZONING DISTRICT BOUNDARY
- PROJECT SITE
- SPECIAL CLON DISTRICT (CL)
- STREET WIDTH
- BLOCK DIMENSIONS
- TRAFFIC DIRECTOR
- RAIL EASEMENT
- AMTRAK EMPIRE LINE
- 400' RADUS
- COMMERCIAL DISTRICT OVERLAY



PRESERVATION AREA MAP

540 West 49th Street
 New York, New York

REAL ESTATE INDUSTRIALS, INC.
 FEBRUARY 7, 2006 DD-6



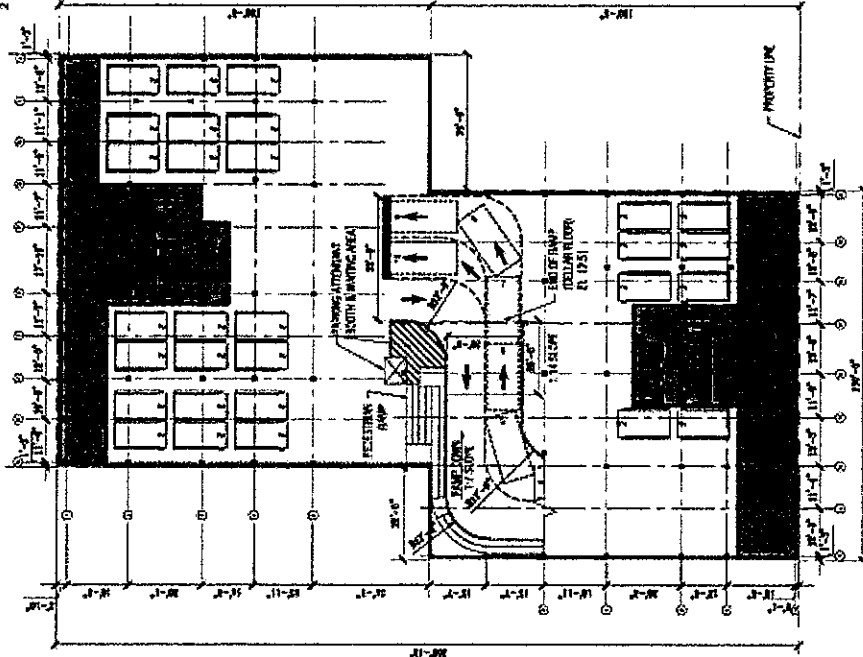
1 AREA MAP

SCALE: N.T.S.

H. THOMAS O'HARA

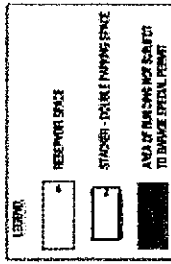
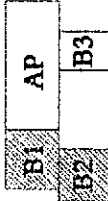
ARCHITECT, PLLC

115 W. 4th Street
 New York, NY 10014
 212 485 3117 : Fax
 212 485 3138 : Fax



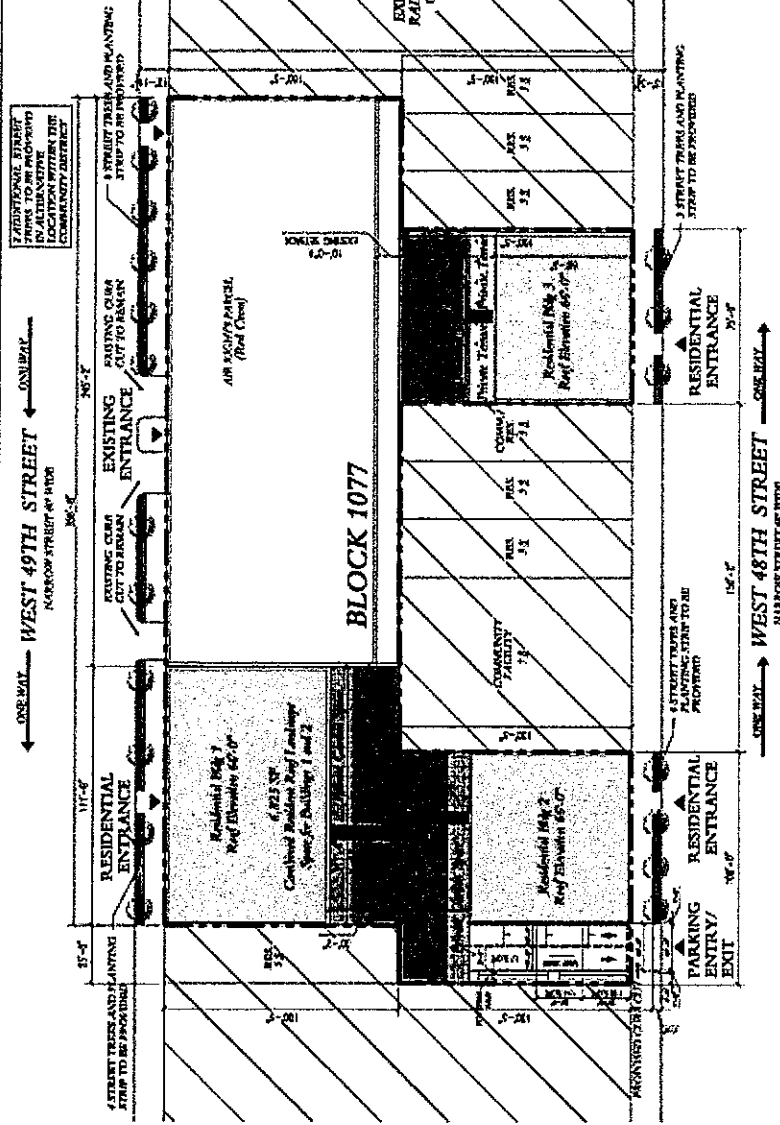
2 CELLAR LEVEL PARKING

SCALE: N.T.S.



QAKRF

QAKRF ENGINEERING, P.C.
 440 PARK AVENUE SOUTH
 NEW YORK, NY 10016
 Tel: (212) 946-8870
 Fax: (212) 729-0842



1 SITE PLAN

SCALE: N.T.S.

GARAGE AREA CAPACITY CALCULATIONS			
GROUND LEVEL	CELLAR LEVEL	TOTAL	
GROSS GARAGE FLOOR AREA 178,841**	15,883 sf	17,867 sf	
UNRESTRICTED PARKING AREA 178,841	15,883 sf	17,867 sf	
NUMBER OF 2 CAR STALLS	0	29	**
NUMBER OF ATTENDED PARKING SPACES REQUESTED		98	
NUMBER OF RESERVOR SPACES REQUESTED/PROVIDED		10	

** OF THE 1784 SF, 892 SF COUNT AS ZONING FLOOR AREA

540 West 49th Street
 New York, New York

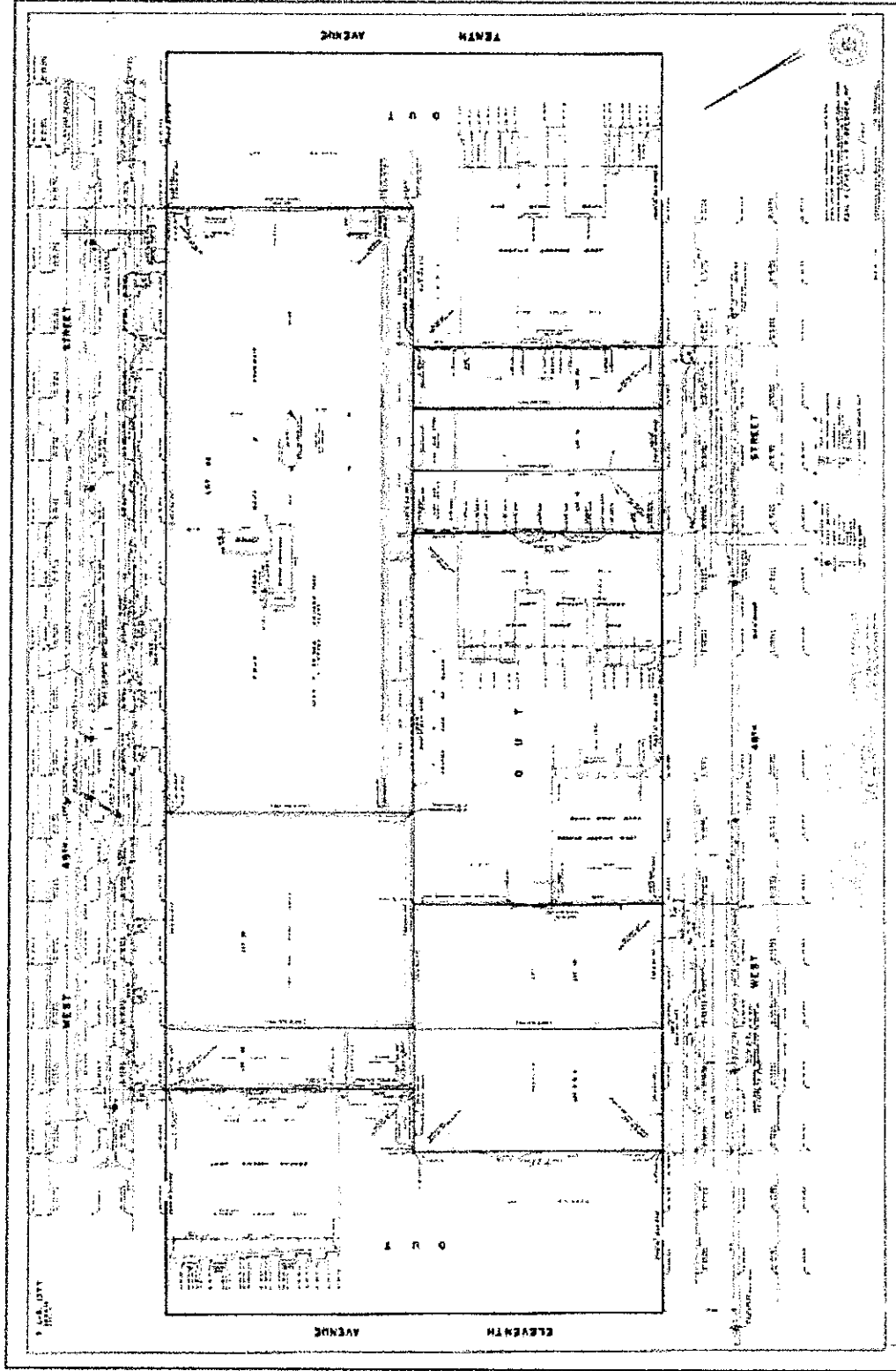
REAL ESTATE INDUSTRIALS INC.

FEBRUARY 7, 2008 DD-7

H. THOMAS O'HARA

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122 W. 25th Street
New York, NY 10011
212 485 3117
212 485 3118 / Fax



1 SITE SURVEY

SCALE: N.T.S.

540 West 49th Street
New York, New York



REAL ESTATE INDUSTRIALS INC.

FEBRUARY 29, 2008

DD-8



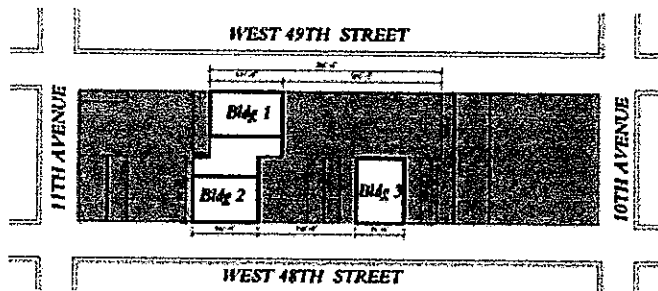
Building 1



Building 3

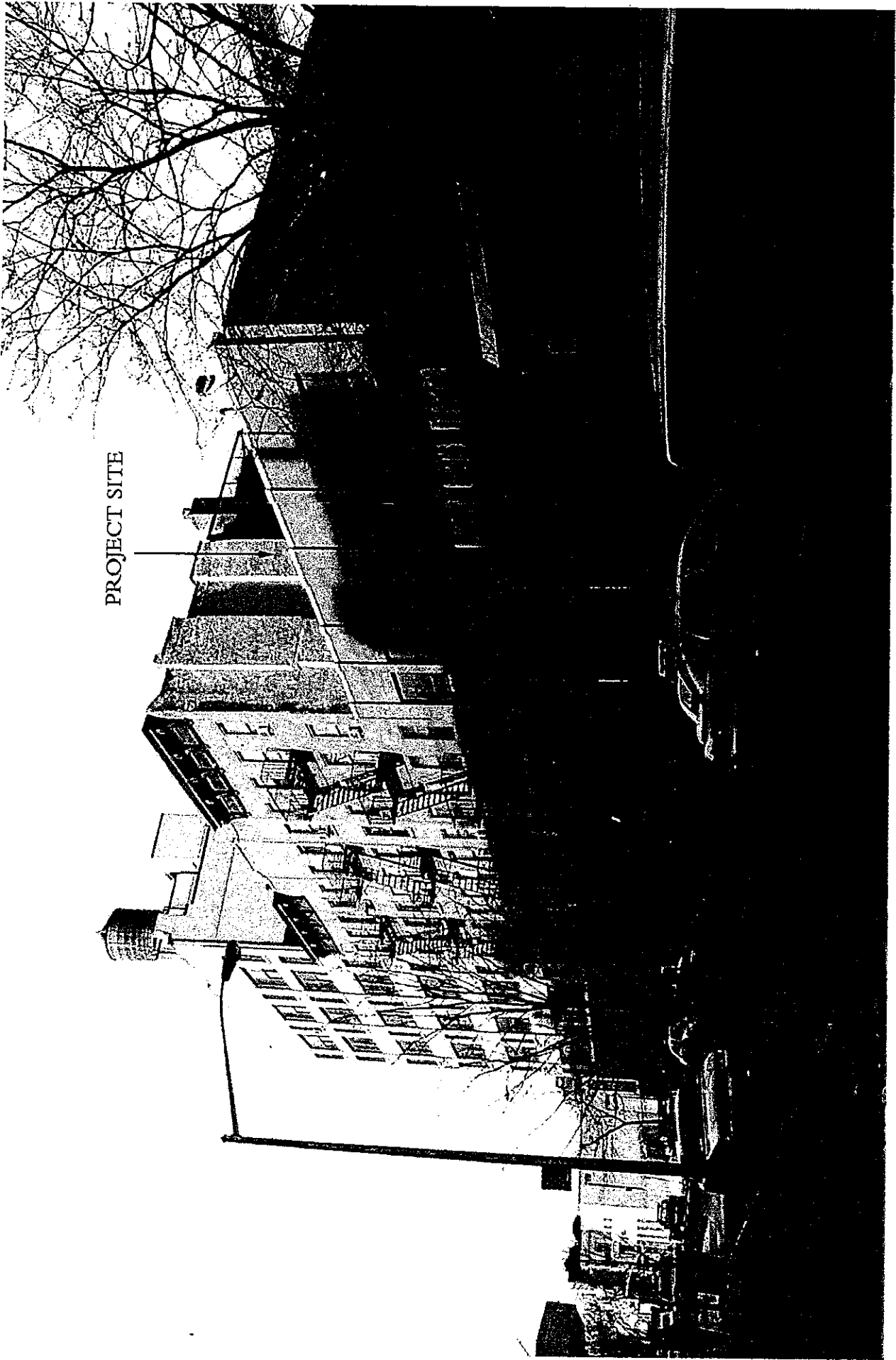


Prototype



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ARCHITECT PLLC 135 West 49th Street, New York, NY 10014
 212 693 8817 212 693 8187 fax

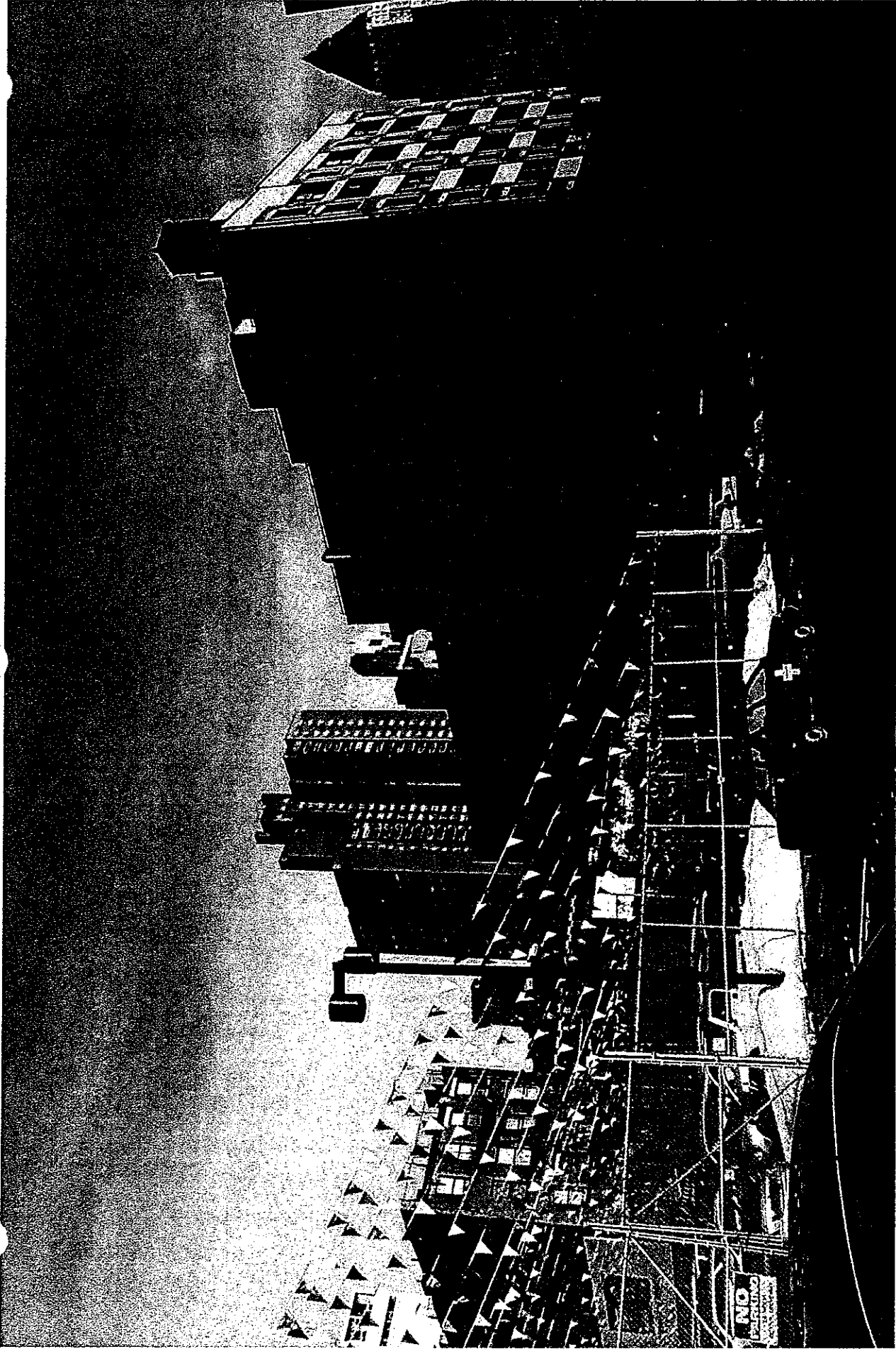


PROJECT SITE

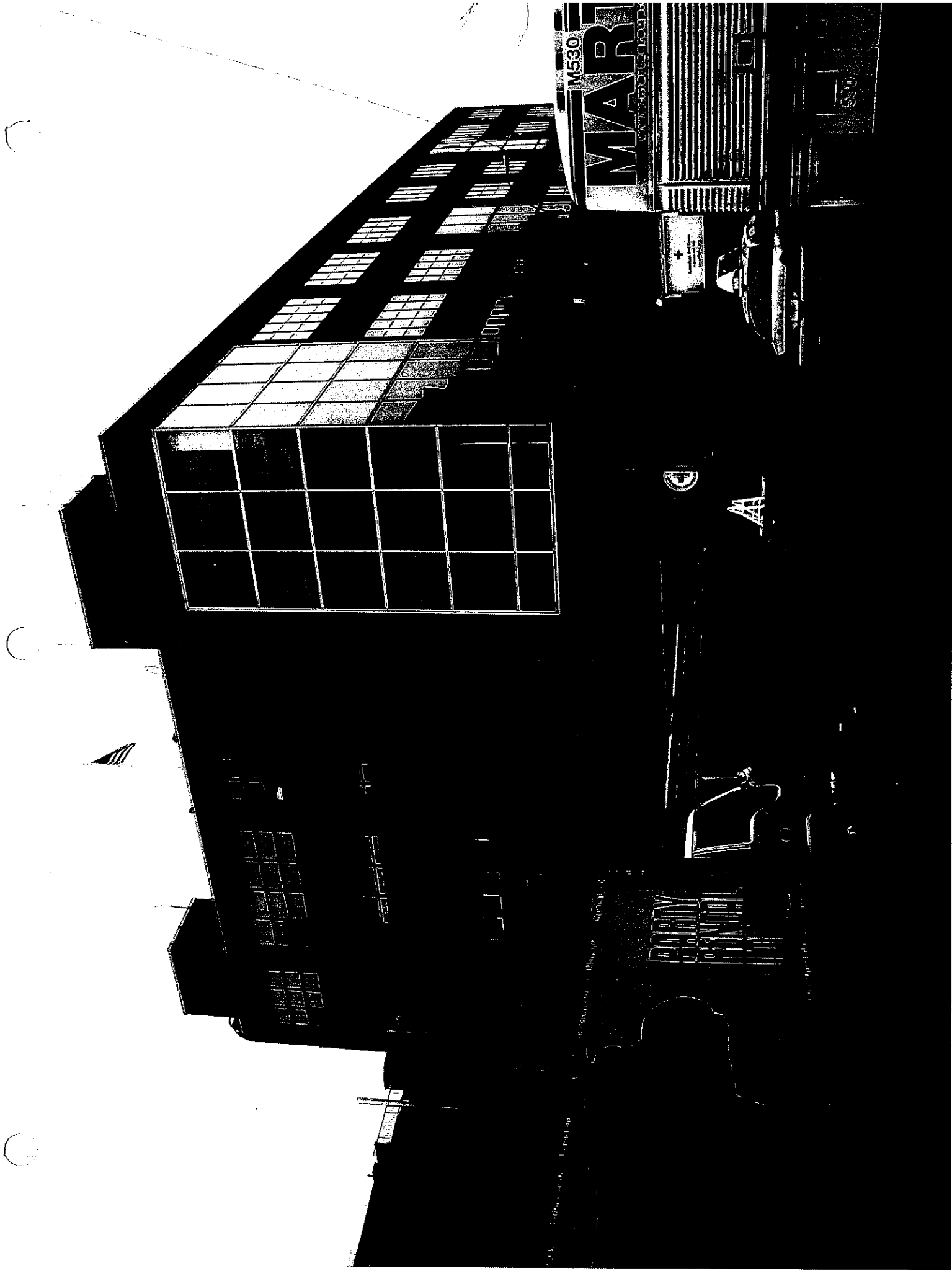
WEST 48TH STREET - PROJECT SITE - LOOKING WEST



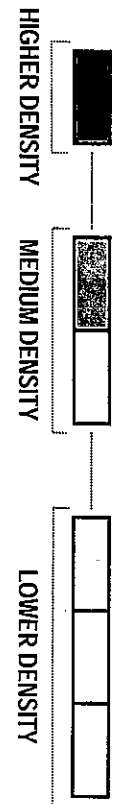
WEST 48TH STREET - PROJECT SITE - LOOKING NORTH



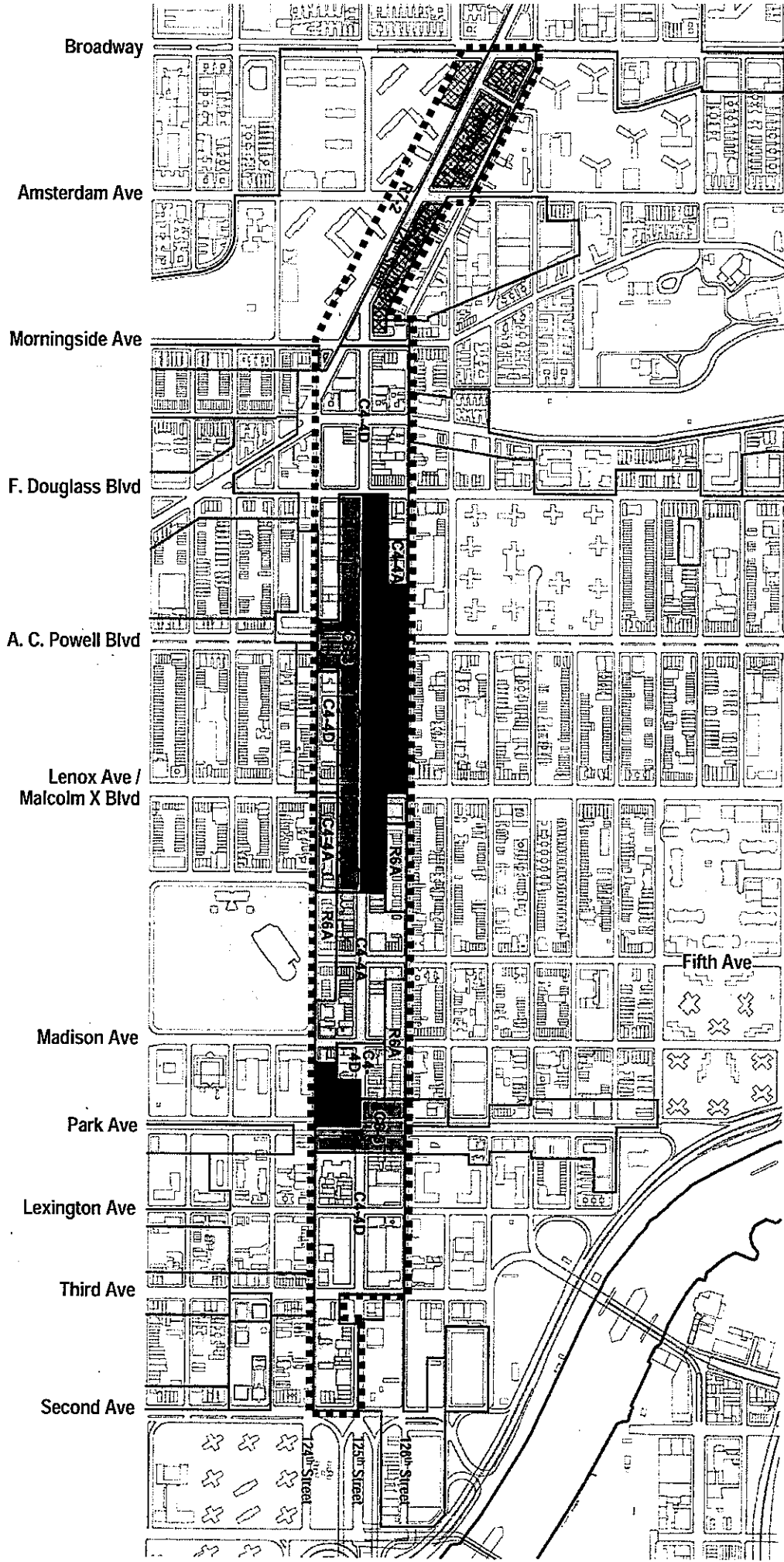
WEST 48TH STREET - PROJECT SITE - LOOKING EAST FROM 11TH AVENUE



THE 125th STREET CORRIDOR REZONING PLAN



PROPOSED ZONING



www.dny.gov/125thStreet

125th STREET

THE 125th STREET CORRIDOR REZONING PLAN

- The 125th Street Corridor Rezoning Plan is the result of over four years of public outreach and public input. The Plan:
- Maintains and enhances 125th Street's unique character and identity as Harlem's Main Street
- Supports and increases 125th Street's heritage and stature as a premier arts, culture and entertainment destination and as a regional business district;
- Strengthens arts, culture and entertainment by requiring arts and entertainment related uses, and by creating –for the first time in New York City–an Arts Bonus to incentivize the creation of not-for-profit visual and performing arts space;
- Employs a balanced rezoning approach that creates incentives for new mixed-use development here appropriate, and protects the corridor's existing scale and character where there is occupied housing or a strong brownstone context;
- Creates opportunities for affordable, income-targeted housing and for approximately 8,200 new jobs;
- Enhances and improves the pedestrian experience along 125th Street with streetscape improvements and initiatives to ensure a rich diversity of active retail; and
- Expands the range of uses on 125th Street to enliven the street during the day and evening.

[There will be no use of eminent domain as part of this rezoning plan]

DEPARTMENT OF
CITY PLANNING



CITY OF NEW YORK

For more information on the proposed 125th Street Corridor Rezoning Plan contact
Edwin Marshall at the Manhattan Office of the NYC Department of City Planning at (212) 720 3560

FOR MORE INFORMATION PLEASE VISIT

www.nyc.gov/125thStreet

125TH STREET REZONING

DEPARTMENT OF
CITY PLANNING

PLAN GOALS

- Maintain and enhance 125th Street's **unique character** as Harlem's Main Street
- Sustain and enhance the **ongoing revitalization** of 125th Street as a unique Manhattan Main Street
- Support and increase 125th Street's stature as a **premier arts, culture and entertainment destination**
- Employ a **balanced rezoning** approach that creates **incentives for new mixed-use development** where appropriate and that **protects the corridor's existing scale and character**, particularly along those portions of the corridor where there is occupied housing
- Create opportunities for **income-targeted housing** – couple increases in density with inclusionary housing bonuses
- Improve the **pedestrian experience** along 125th Street
- Use urban design controls to encourage new development where appropriate, while **maintaining the scale and character** of areas with a strong built context and brownstone character
- Encourage mixed-use development – catalyze the production of commercial, office, retail, residential, arts and entertainment uses **to enliven the street during the day and evening**
- Expand the extent and **range of uses** permitted along the street

THE PROPOSAL - OVERVIEW

- The 125th Street Rezoning is the first comprehensive plan for Harlem's Main Street in over 40 years, and aims to strengthen this regional business district and bolster its historic role as an arts, entertainment, and retail center.
- The plan capitalizes on 125th Street's internationally-recognized status as a cultural destination and puts forward a zoning framework that unlocks its potential as a mixed-use, 24/7 corridor.
- The centerpiece of the plan is the 24-block 125th Street **Special District**, which was created to respond to the unique needs of the 125th Street corridor.
- To meet those unique needs, the proposal provides new opportunities for development while at the same time preserving existing lower-rise areas including existing residential properties by limiting the size and scale of new buildings and imposing height limits for the first time.

•

125TH STREET REZONING

DEPARTMENT OF
CITY PLANNING

- Regulations governing densities position the highest densities at the transit hubs, with a gradual decrease at locations further away from the hubs, providing for a more fine-grained transition to the neighboring lower density neighborhoods.
- The Plan is expected to lead to **2.1 million square feet** of new commercial space (retail, office and hotel), more than **2,500 dwelling units**, including close to **450 affordable housing units**, and over **8,200 new jobs**.
- The Plan contains a number of **special features** to respond to the unique character and needs of 125th Street.
 - 1) In certain areas, developments over a certain size would be required to provide space for arts and entertainment related uses.
 - 2) For the first time in New York City, an **Arts Bonus** would allow additional density in exchange for providing not-for-profit visual or performing arts spaces. **The Arts Bonus is projected to create close to 90,000 square feet of visual and performance space on 125th Street.**
 - 3) Other incentives would encourage **income-targeted** housing in conjunction with residential development.
- The special district incorporates a number of innovative provisions to ensure that 125th Street remains a vibrant pedestrian environment:
 - Special ground floor use regulations will encourage a variety of retail uses while prohibiting such uses as offices on the ground-floor.
 - **Bank uses will be permitted on 125th Street, but must be located primarily on the second floor of buildings.** The special ground floor use regulations will restrict the amount of space they can occupy at street level (primarily for ATM's).
 - **These regulations will also restrict the size of residential and office lobbies on 125th to ensure that the ground floor of these developments is dominated by active uses, such as retail, entertainment and restaurant uses.**
 - Referred to as a “transparency requirement” the stores and ground floor of buildings along 125th Street will be required to consist predominantly of windows, and not solid security gates. Solid “roll down” gates will be prohibited for new developments.
- Modeled on the Apollo and other Harlem theaters, **new signage regulations** will permit distinctive marquee signs for visual or performing arts uses to reinforce the street's identity as an arts and entertainment destination.

125TH STREET REZONING

DEPARTMENT OF
CITY PLANNING

- The Plan will also facilitate the development of the **Kingsgate**, a residential project at Second Avenue and 124th Street, which includes a significant component of affordable housing.
- The Plan does not include the designation of urban renewal areas nor does it include or anticipate any use of eminent domain.
- Modifications were introduced by the CPC reduce the potential residential presence on the corridor by prohibiting residential lobbies on 125th Street in the Core area, in those cases where a development also has frontage on the Avenues or Boulevard or on 126th or 124th streets.
- The Plan is part of the Bloomberg Administration's economic development strategy to fuel regional business districts throughout the five boroughs, while furthering the goal of a **sustainable city** by directing growth to transit-rich corridors.
- Much of the current zoning on 125th Street has been in place since 1961. Private investment on 125th Street has been limited by this outmoded and inflexible zoning. The proposed changes would introduce innovative zoning practices to provide for appropriate growth that builds upon the strengths of the 125th Street Corridor and provides for its long-term needs.
- The 125th Street Rezoning is the result of over four years of public outreach and more than 150 meetings with a broad spectrum of community stakeholders, neighborhood residents and local elected officials.
- The 125th Street Rezoning was guided by a community-based **Advisory Committee** comprising more than 100 Harlem business and local civic representatives, community board members and elected officials. The committee's input informed key elements of the rezoning plan, including the balance of density and height limits, incentivizing arts and entertainment uses, and including provisions to require active uses at street level.
- The rezoning area spans three Community Districts in Manhattan (Community Boards 9, 10, and 11) from 124th to 126th Streets, between Broadway and Second Avenue.
- City Planning has led this interagency initiative with the active participation of the Economic Development Corporation, Housing Preservation & Development, Landmarks Preservation Commission, Department of Cultural Affairs, Small Business Services, and Department of Transportation, who have worked together and with the community to establish this Plan and will continue to work to ensure its success in the years to come.

125TH STREET REZONING

DEPARTMENT OF
CITY PLANNING

ARTS BONUS

- For the first time in New York City, a density bonus would be allowed in exchange for providing arts related uses. Responding to community requests for such a bonus, City Planning incorporated an Arts Bonus in order to strengthen the critical mass of arts and entertainment venues, promote 125th Street's identity, and foster complementary uses.
- The Arts Bonus provides a floor area bonus in exchange for providing visual or performing arts space, such as a gallery museum or theater for a not-for-profit organization. For one square foot of arts space, the developer would receive four square feet of developable floor area. Rehearsal and below-grade performance space would also qualify for the Arts Bonus. Zoning height limits would continue to apply.
- Commercial uses such as a restaurant or club would not qualify for the Arts Bonus.
- The Arts Bonus is projected to create close to 90,000 square feet of visual and performance space on 125th Street.
- The Arts Bonus would be applicable throughout the higher density C4-7, C6-3 and C4-4D districts. This makes the Arts Bonus available in all the areas of the special district where density would be increased.
- Commercial uses such as a restaurant or club would not qualify for the Arts Bonus.

ARTS AND ENTERTAINMENT REQUIREMENT

- To further reinforce the street's role as an arts and entertainment center, within the Core Subdistrict where the plan anticipates new investments, developments with 60,000 square feet of floor area or more would be required to allocate five percent of their space in the building to qualifying arts and entertainment-related uses (listed below). Modeled on a similar provision in the City's theater district, required arts and entertainment uses could be located anywhere within the new development but would be required to be accessible from 125th Street.
- Qualifying uses include: art galleries, auditoriums, bookstores, clubs (including music, dance or comedy clubs), dance halls, eating or drinking establishments

125TH STREET REZONING

(with table service only), historical exhibits, museums, music stores, performance spaces, studios (art, music, dancing or theatrical), studios (radio, television or motion picture), and theaters.

NEIGHBORHOOD PRESERVATION

- As part of the administration's ongoing commitment to preserve the character of neighborhoods, the zoning along key low-scaled portions of 125th Street would be mapped with contextual (height-limited) zoning districts that match and preserve the built character. These include the brownstone blocks close to 5th Avenue and within the Mount Morris Historic District, including two full blocks and significant portions of four adjacent blocks, and two blocks between Morningside Avenue and Broadway. The current zoning has no height limit.

AFFORDABLE HOUSING

- The 125th Street Plan establishes the first use of the Inclusionary Housing Program in Upper Manhattan and is expected to generate approximately **450 units** of permanent income-targeted housing.
- The Inclusionary Housing Program provides a powerful incentive for the development of income-targeted affordable housing by allowing developers, including non-profit and affordable housing developers, increased density (within the height limitations) in return for the development or preservation of such units.
- Developments using the full bonus of 33 percent are required to provide an amount of affordable housing equaling 20 percent of the residential floor area developed on the site. The affordable housing could be achieved through new units either within the new development or a new building within the community district or one-half mile from the site in an adjacent community district, within the same borough, or by preserving in perpetuity existing affordable units.
- The income-targeted affordable units would be available to households making less than 80% of the Area Median Income [\$56,720 for a family of four].
- Developments using the floor area bonus in the new program may also use various city, state and federal housing subsidy programs and tax incentives to finance affordable units.

125TH STREET REZONING

DEPARTMENT OF
CITY PLANNING

- The highly successful inclusionary housing program is part of the Mayor's New Housing Marketplace Plan to provide 165,000 units over 10 years.
- The 421-a Exclusion Zone tax benefits, which take effect in June 2008, are expected to provide an added incentive to use the inclusionary housing bonus and provide the affordable units on-site. Under the modified program, tax benefits are allowed on 125th Street only if 20 percent of the units within the building are affordable. Previously, developments on 125th Street could receive tax benefits under this program without providing any affordable housing. As a result, the inclusionary zoning bonus coupled with the revised 421-a program is expected to be a powerful incentive to provide affordable housing.

**Amanda M. Burden
Remarks for the 125th Street Rezoning
Hearing before the Subcommittee on Zoning & Franchises
City Council of New York**

April 1, 2008

Good morning Chair Avella, Chair Katz, Councilmembers Dickens, Jackson, Mark Viverito, and members of the Zoning Subcommittee. I am Amanda Burden, Chair of the City Planning Commission and Director of the Department of City Planning, and I want to thank you for the opportunity to speak to you today about one of the most significant initiatives undertaken by this administration – the 125th Street Rezoning. I am joined by Edwin Marshall, the Project Manager who will make a brief presentation of the proposal after my remarks as well as Ray Gastil, Director of the Manhattan Office, and representatives from HPD and SBS who will be here to answer any questions you may have.

The 125th Street rezoning is the first comprehensive plan for Harlem's Main Street in over 40 years.

This plan has been carefully crafted to strengthen this regional business district and bolster its historic role as an arts, entertainment and retail center.

It will establish, for the first time, height limits and an urban design framework to guide future development on this world renowned street.

It will preserve many of Harlem's extraordinary brownstone blocks and help build on the historic strengths of this corridor and its community.

It will encourage mixed use development, catalyzing the production of commercial, office, retail, residential, arts and entertainment uses to enliven the street during the day and in the evening.

And, very importantly, for the first time in Upper Manhattan, it will utilize the Inclusionary Housing program and create opportunities for income targeted housing.

The proposed Arts Bonus – a first for New York City – will incentivize the creation of not-for-profit visual and performing arts space as well as rehearsal space.

Coupled with a requirement for entertainment-related uses, this rezoning will result in a rich range of retail and arts and entertainment offerings creating an economic engine for Harlem with over 2 million square feet of office space and more than 8200 jobs.

A hallmark of this rezoning has been the extensive public engagement which has shaped the land use review process. All told, the Department has held well over 170 meetings with stakeholders and elected officials on this plan. It has benefited from their wisdom, and we have made a number of

modifications to respond to issues of concern.

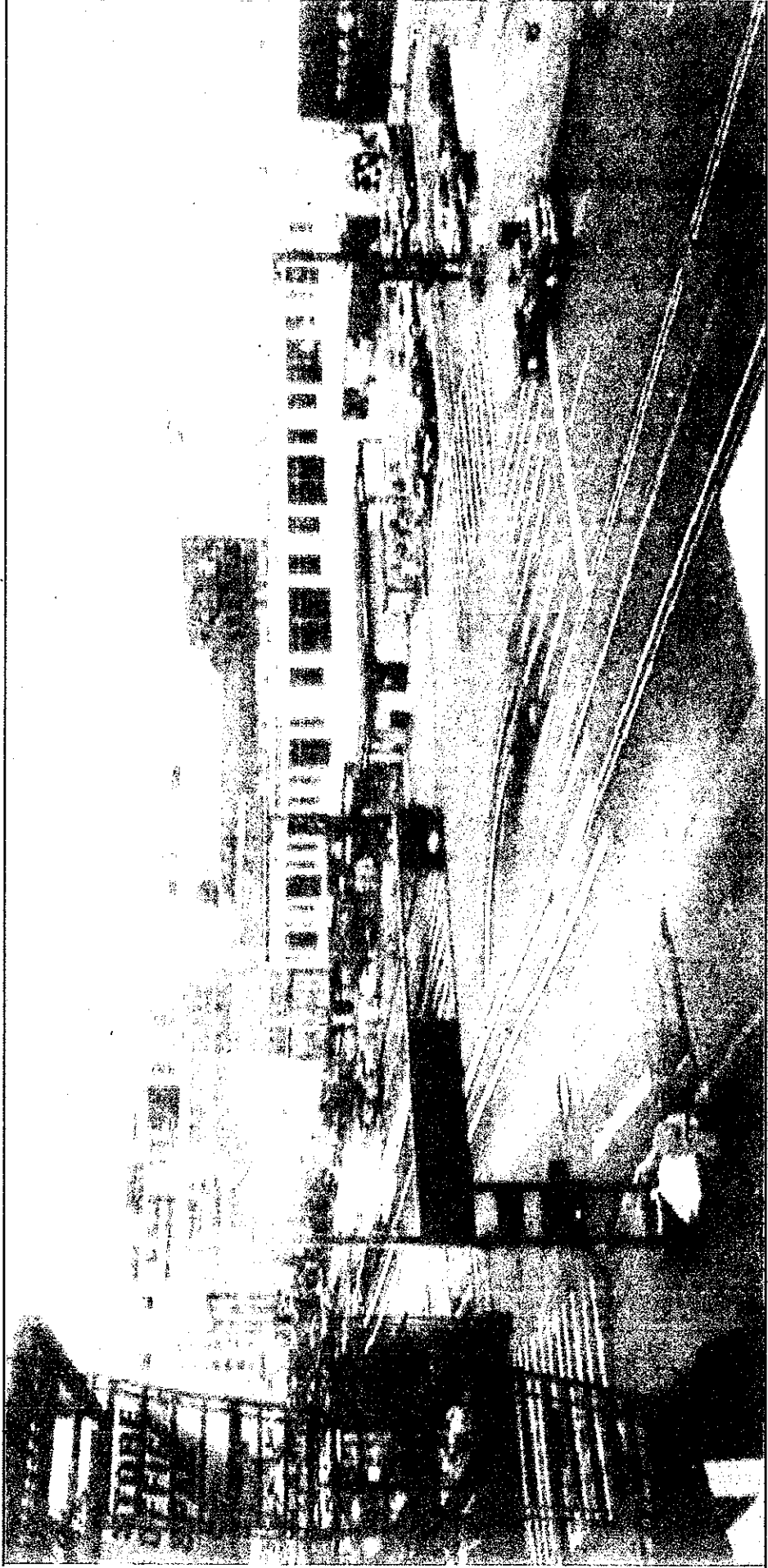
I want to thank the Harlem's local civic and business organizations and elected officials – including Councilmembers Inez Dickens, Robert Jackson and Melissa Mark Viverito, as well as Chairman Rangel and Governor Paterson who have taken time to meet with me to discuss this proposal. I'd like to thank Ken Knuckles and the Upper Manhattan Empowerment Zone for their invaluable partnership. I'd also like to commend the leadership of Community Boards 9, 10 and 11, who have worked tirelessly to represent their constituencies.

We believe that this plan fulfills the objectives and the priorities that we, together with the community, set out to achieve: a long range strategy to enhance 125th Street's unique character and identity as Harlem's Main Street.

Thank you and I look forward to answering any questions you may have. Edwin Marshall will now present the 125th Street Rezoning.

PRESENTATION TO ZONING AND FRANCHISES SUBCOMMITTEE

125th Street Corridor Rezoning and Special District



125th STREET

REZONING AREA



125TH STREET

REZONING GOALS AND OBJECTIVES

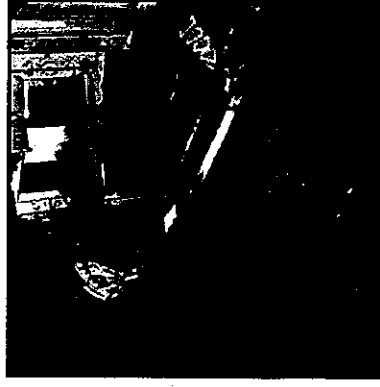
To sustain and enhance the ongoing revitalization of 125th Street as a unique Manhattan Main Street



To provide a balanced rezoning that:

- **Creates incentives for new mixed-use development**
- **Preserves the scale and character of areas with a strong built context**

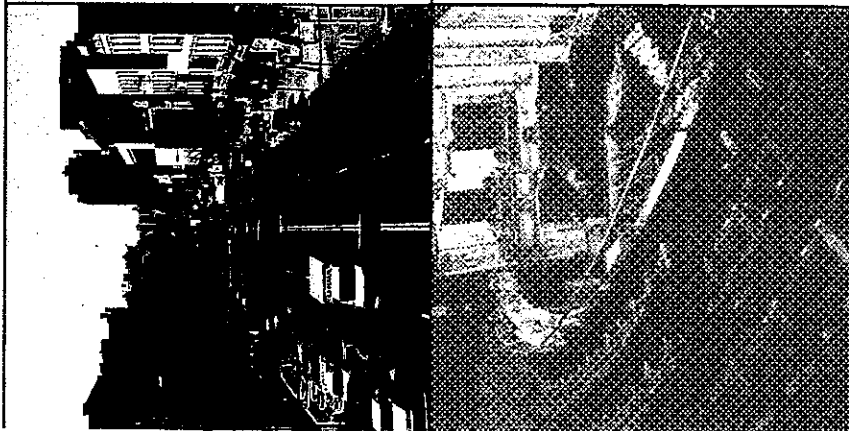
To support 125th Street's role as a premier arts, culture and entertainment destination and regional business district



125TH STREET

CHANGES TO ZONING OVERVIEW

Changes to zoning that support the goals of the vision



Sustain and enhance the revitalization of 125th Street as a unique Manhattan Main Street

- Strategies:**
- Establish Special District
 - Create incentives for new development
 - Promote affordable housing
 - Protect existing scale and character

Support the revitalization of 125th Street as a unique Manhattan Main Street by...

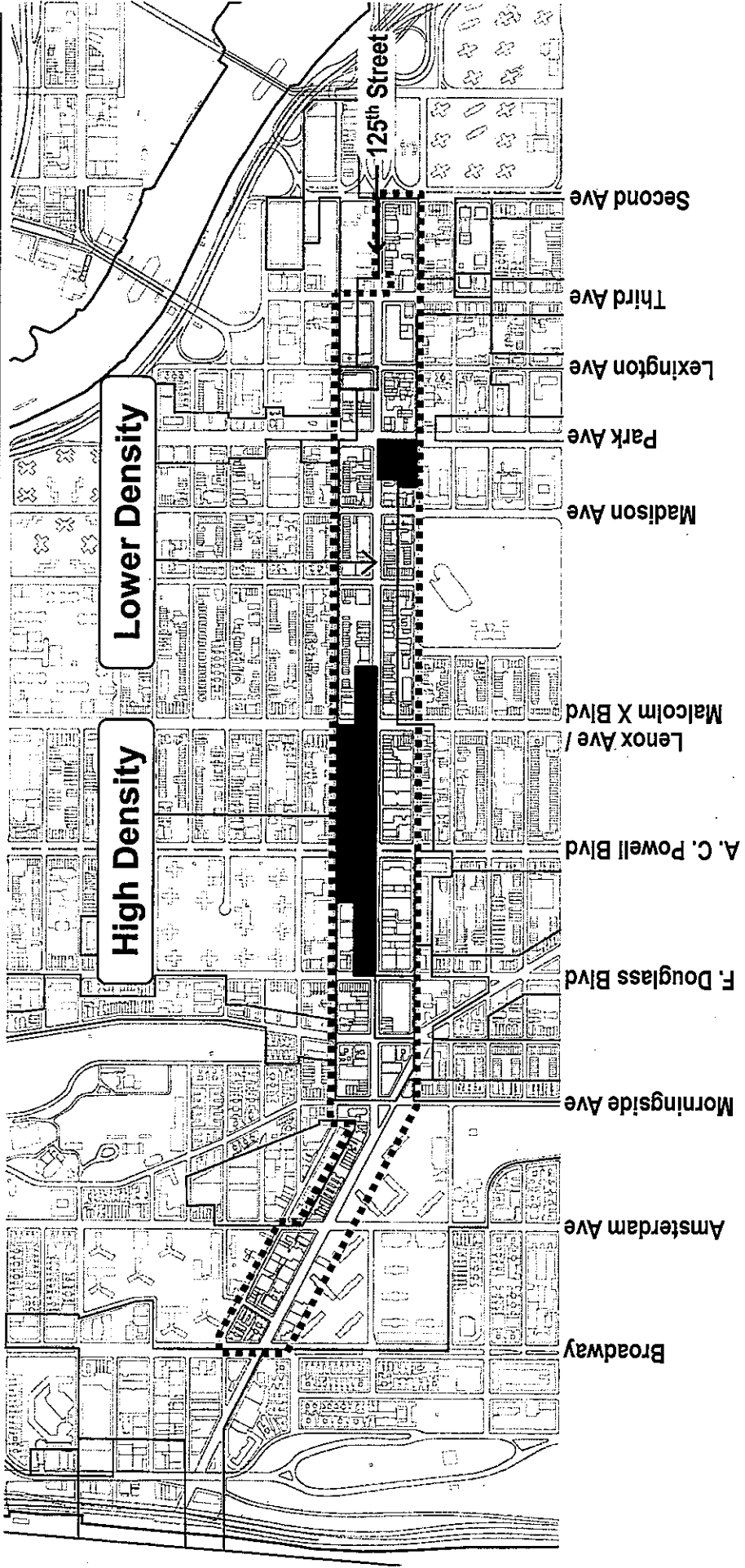
→ Establish Special District

→ Create incentives for new development

→ Promote affordable housing

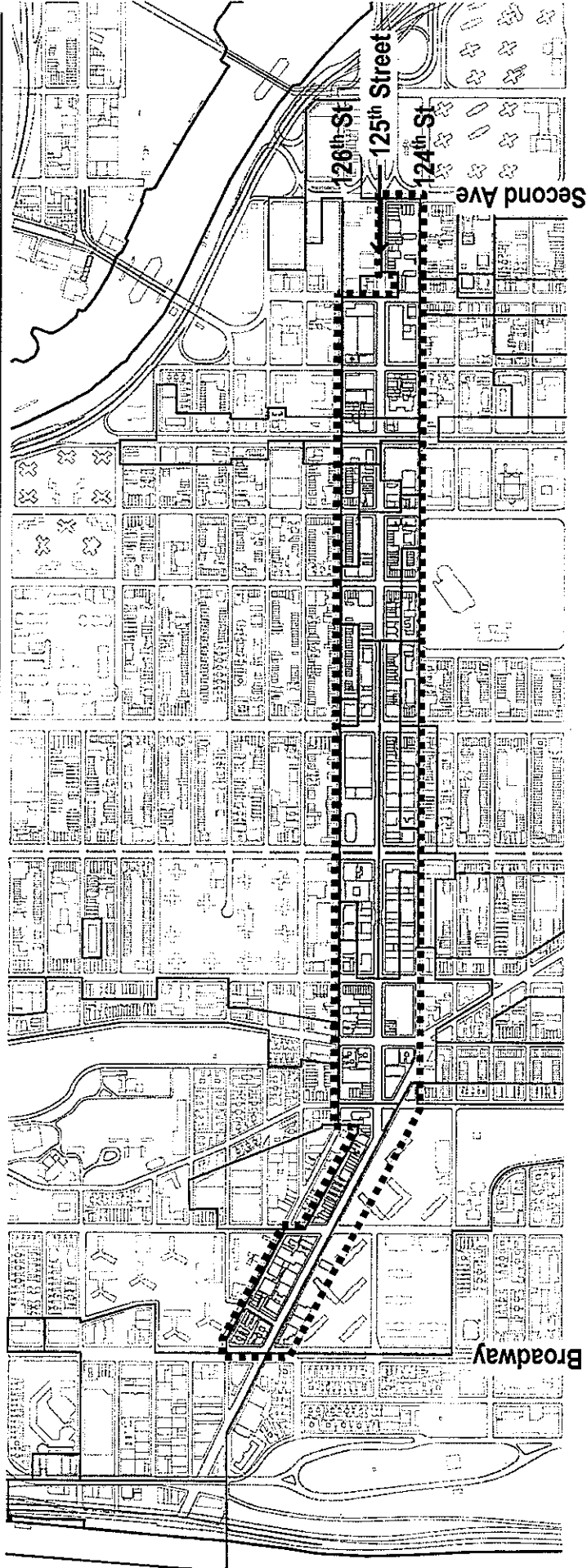
→ Protect existing scale and character

EXISTING ZONING



125TH STREET

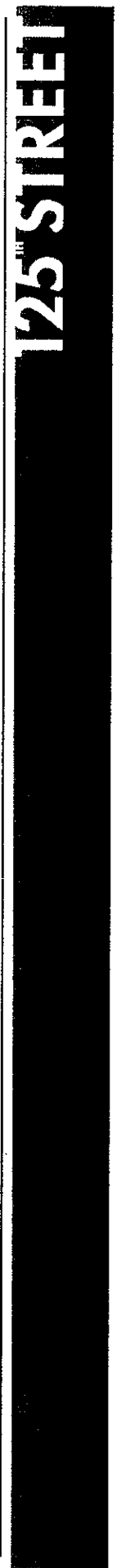
PROPOSED ZONING OVERVIEW



Special 125th Street District

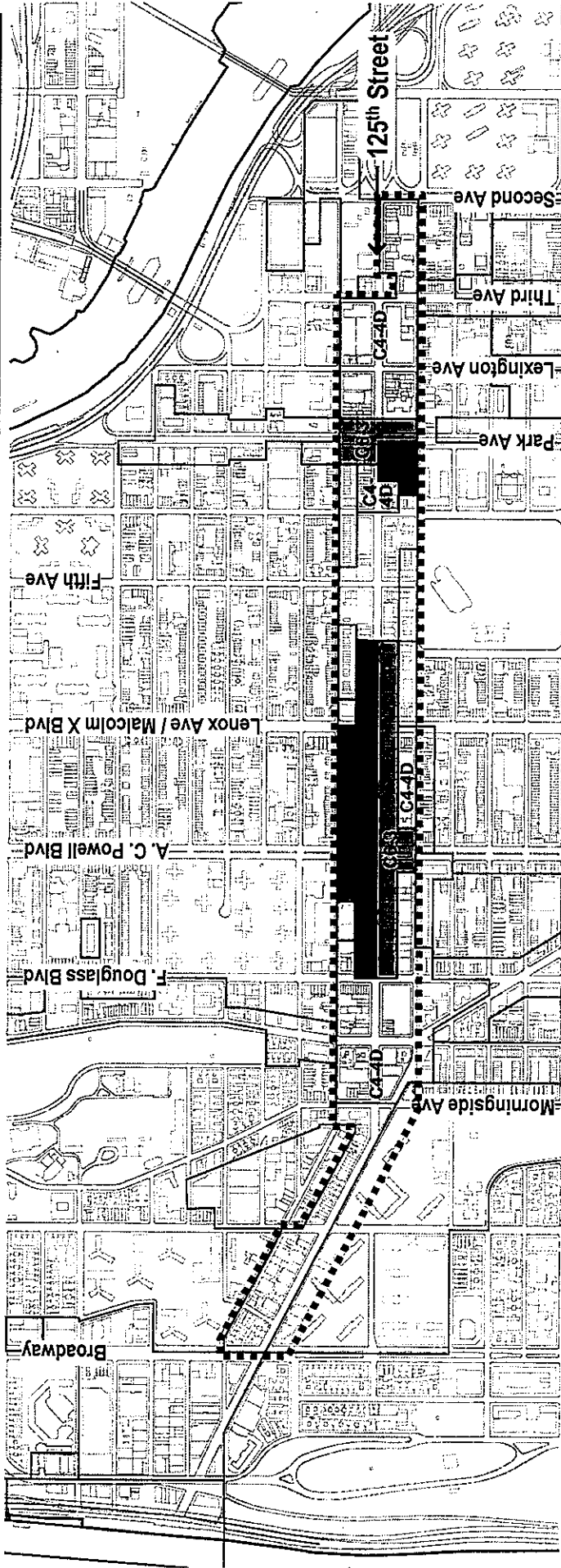
Tailored controls to respond to the corridor specific conditions on:

- Building Form
- Density
- Uses



PROPOSED ZONING OVERVIEW

OVERALL DENSITY
 LOWER HIGHER



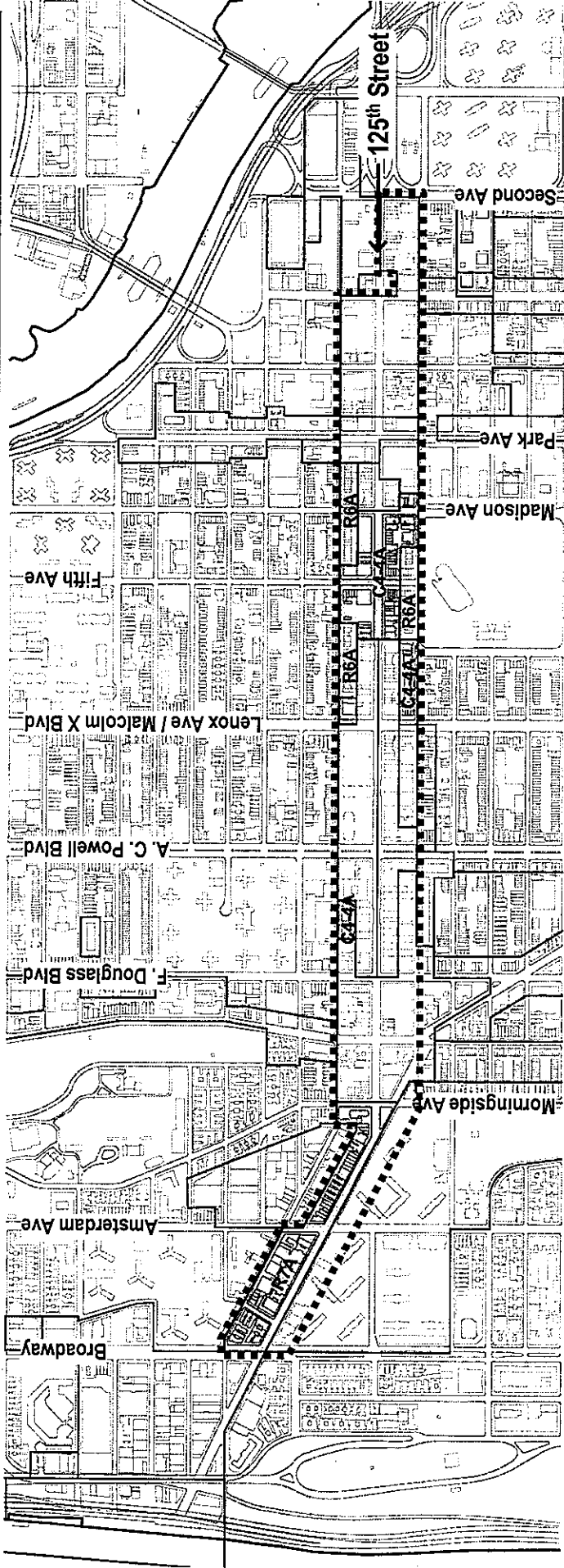
Changes to zoning that create incentives for new mixed-use development:

- C6-3 DISTRICTS
 - C4-7 DISTRICTS
 - C4-4D DISTRICTS
- Inclusionary Housing
 Bonus Available

125TH STREET

PROPOSED ZONING OVERVIEW

OVERALL DENSITY
 LOWER     HIGHER



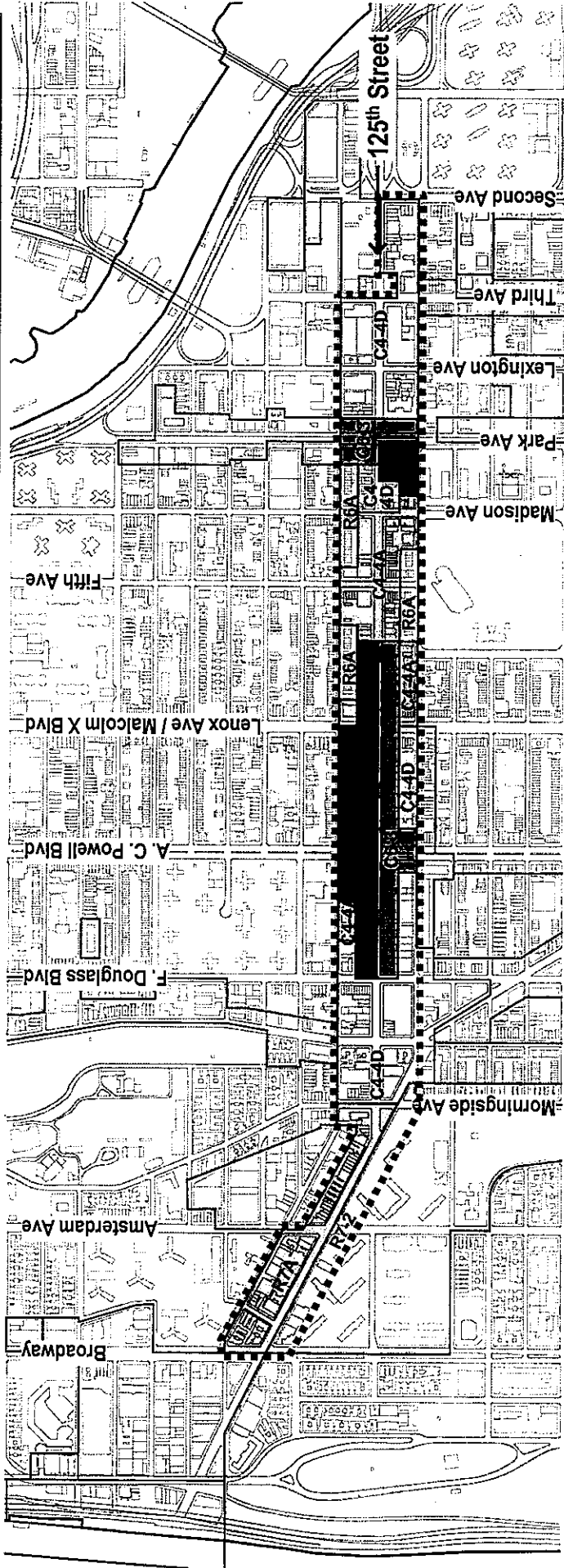
Changes to zoning that protect the existing scale and character of predominately residential areas:

-  R7A DISTRICTS
-  C4-4A DISTRICTS
-  R6A DISTRICTS

125TH STREET

PROPOSED ZONING OVERVIEW

OVERALL DENSITY
LOWER     HIGHER

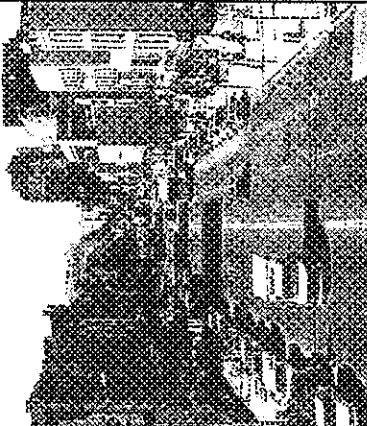



Proposed zoning

125TH STREET

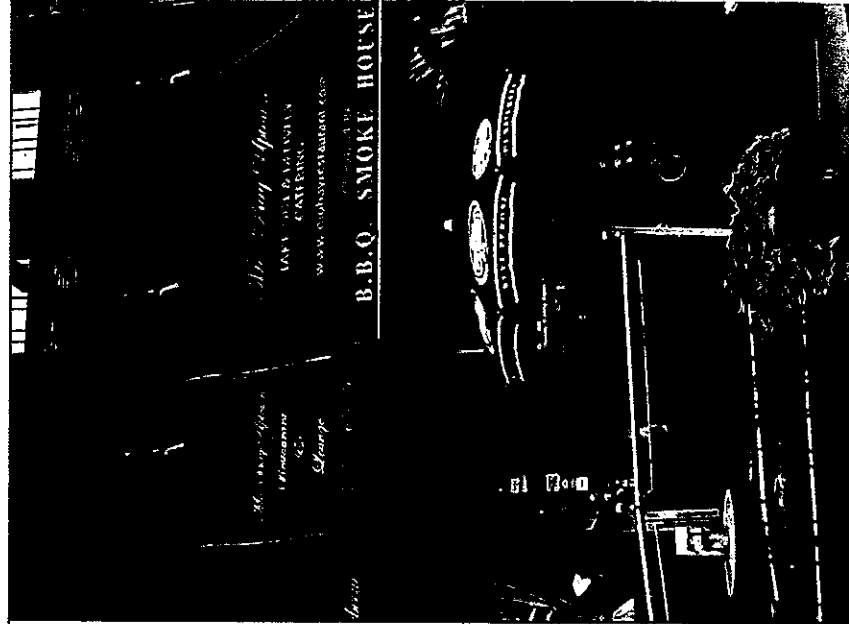
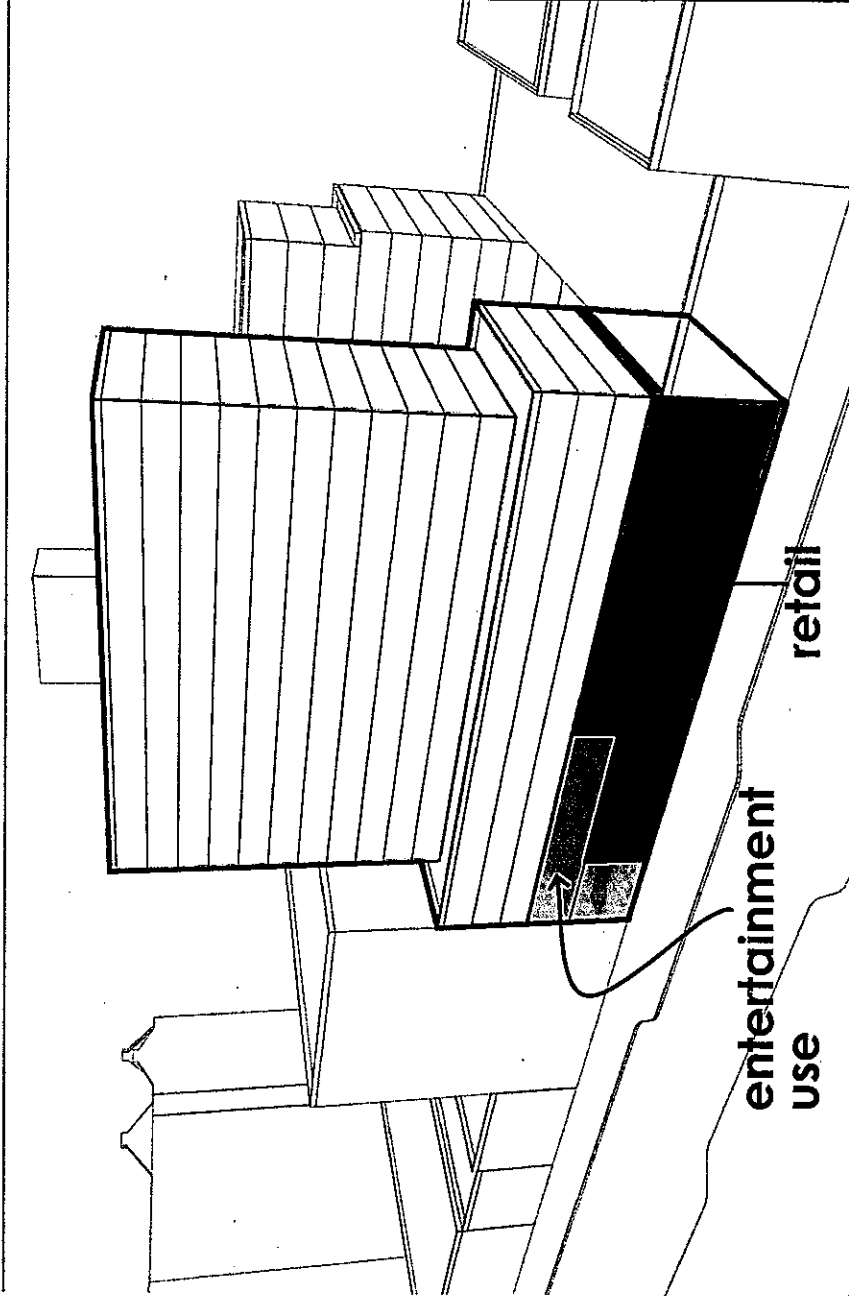
CHANGES TO ZONING

Changes to zoning that support the goals of the vision

	<p>Streets are essential to the success of urban centers and a unique character of our streets</p> <p>→ Establish Special Districts</p> <p>→ Create incentives for new development</p> <p>→ Promote affordable housing</p> <p>→ Preserve existing scale and character</p>
	<p>Support the creation of a premier arts, culture and entertainment destination</p> <p>Strategies:</p> <ul style="list-style-type: none">→ Foster complementary uses within core subdistrict→ Improve the pedestrian experience→ Support 125th Street special character

FOSTER COMPLEMENTARY USES

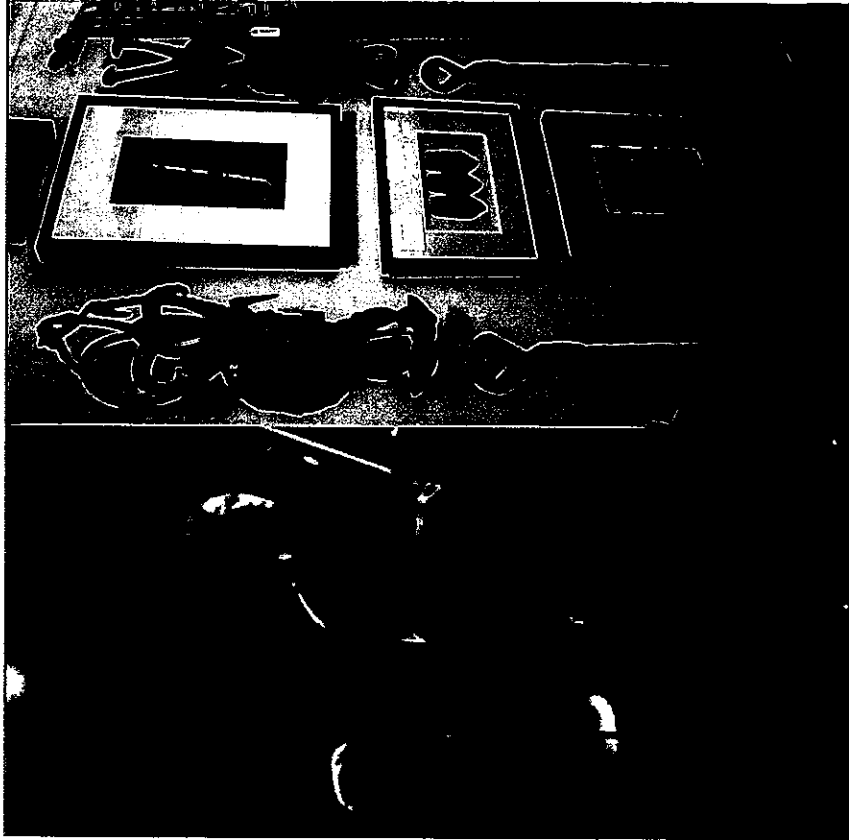
- ◆ Entertainment use requirement: For new developments of 60,000 sf or more -within core subdistrict- require that 5 percent of their floor area be set aside for qualifying entertainment-related uses



125TH STREET

FOSTER COMPLEMENTARY USES

◆ Sample of qualifying entertainment-related uses:



- Art galleries
- Art studios
- Bookstores
- Dance studios
- Museums
- Music stores
- Music studios
- Performance venues
- Radio or television studios
- Record stores
- Restaurants
- Theaters



125TH STREET

IMPROVE THE PEDESTRIAN EXPERIENCE

- ◆ Require retail and active uses to occupy the ground floor fronting on 125th Street



125TH STREET

IMPROVE THE PEDESTRIAN EXPERIENCE

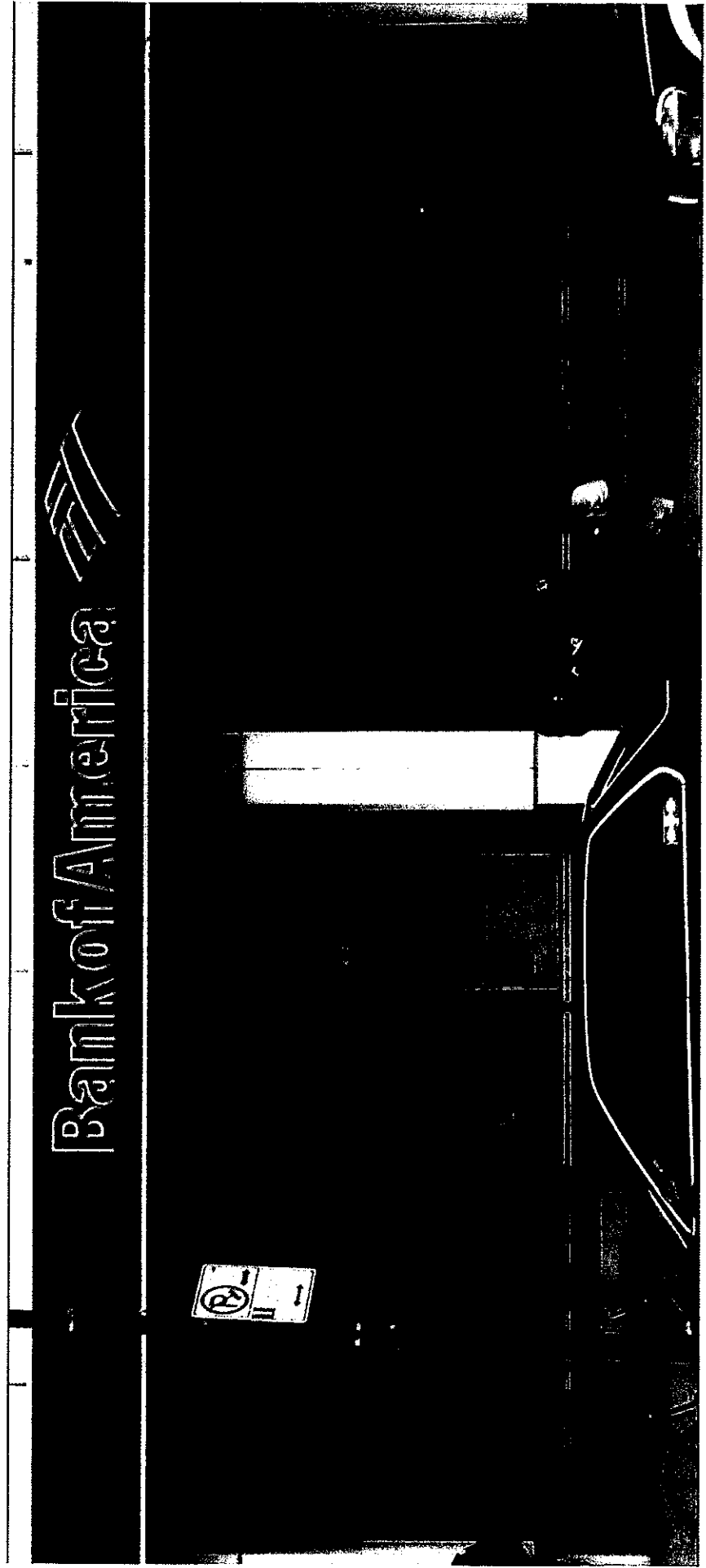
- ◆ Transparency requirements for the ground floor fronting on 125th Street and mesh roll-down gates



125TH STREET

IMPROVE THE PEDESTRIAN EXPERIENCE

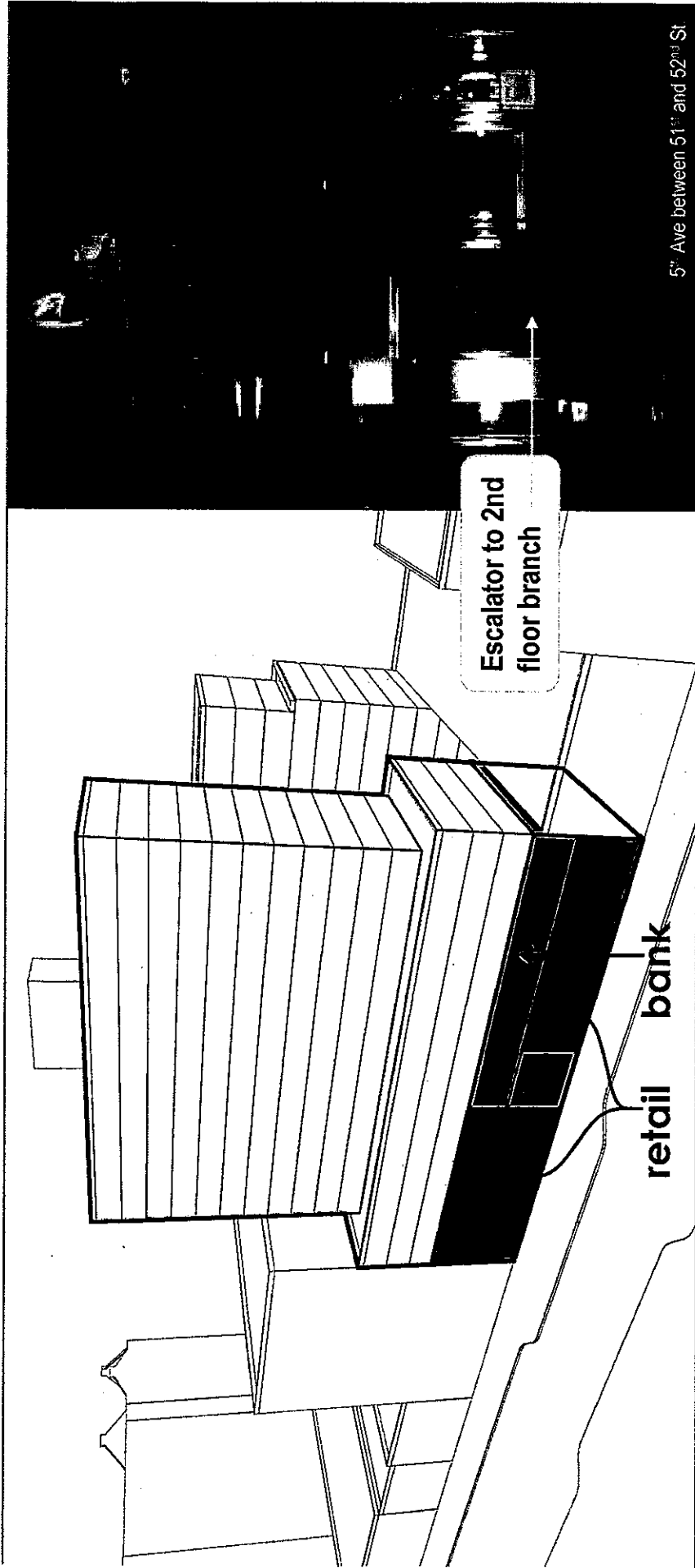
- ◆ Limit the ground floor frontage of banks and similar non-active uses



125TH STREET

IMPROVE THE PEDESTRIAN EXPERIENCE

- ◆ Limit the ground floor frontage of banks and similar non-active uses



5th Ave between 51st and 52nd St

125TH STREET

SUPPORT 125th STREET SPECIAL CHARACTER

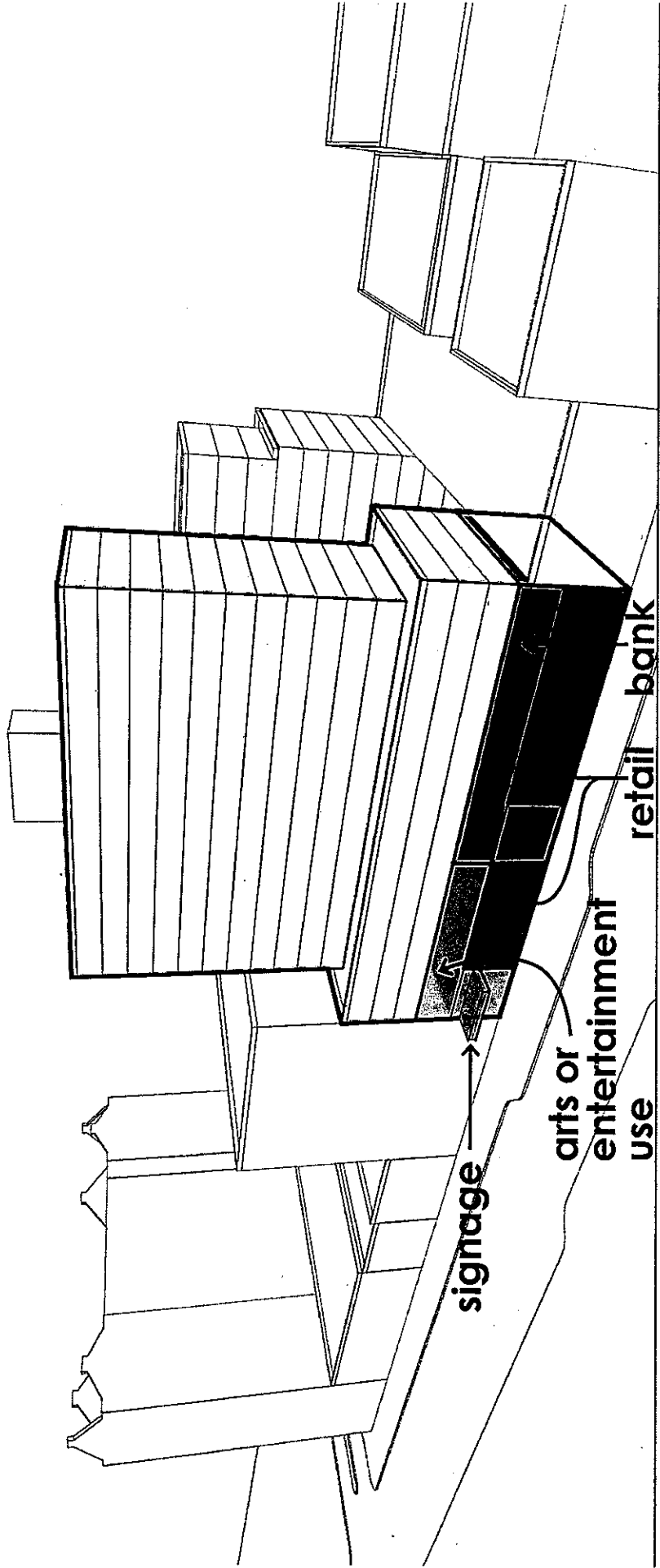
- Establish sign regulations to allow for marquee signs for arts uses that relate to the special character of the street



125th STREET

SUPPORT 125th STREET SPECIAL CHARACTER

- Arts or entertainment use requirement, ground floor bank restrictions and distinctive signage combined result



125th STREET

SUPPORT 125th STREET SPECIAL CHARACTER

Arts Bonus

Provides a floor area bonus in exchange for the provision of visual or performing arts space within new development

Would help sustain and enhance the district's identity as a premier arts destination



→ **Applicable within the C4-7, C6-3 and C4-4D districts through out the entire Special 125th Street District**

→ **Available for a limited range of non-for profit arts uses:**

- Art galleries
- Historical exhibits
- Museums
- Theaters
- Performance venues

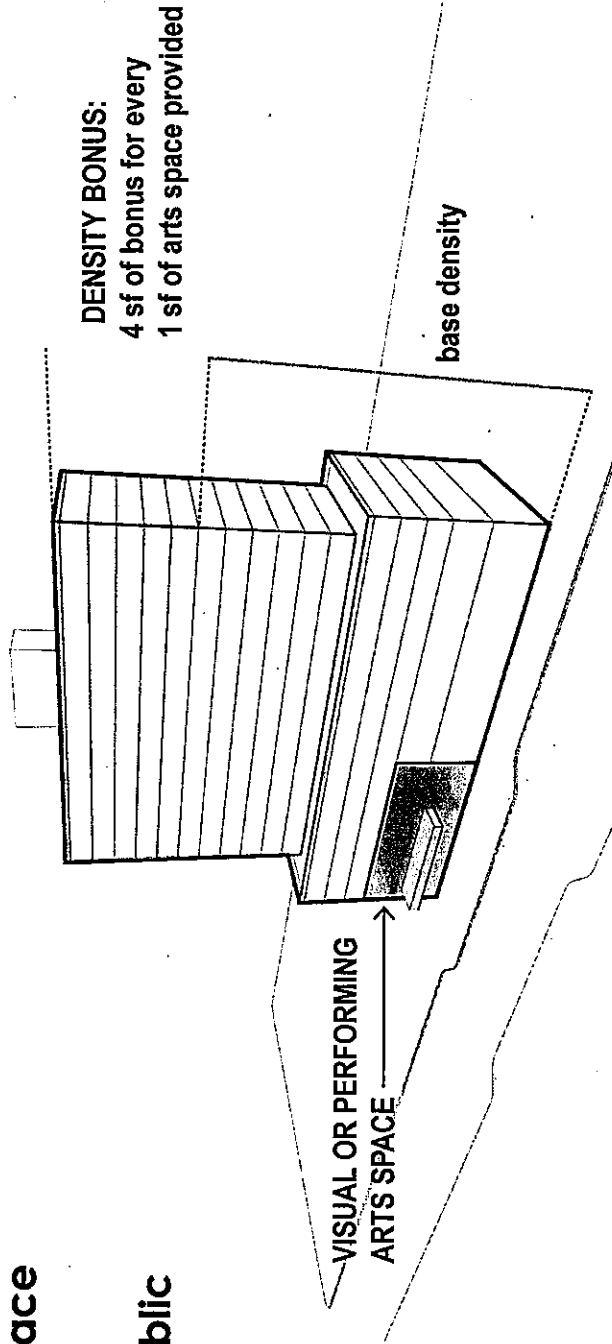
SUPPORT 125th STREET SPECIAL CHARACTER

Arts Bonus

Allowed increase in density
within prescribed height limits:

Zoning District:	Residential FAR:		Commercial FAR:	
	Base	Max.	Base	Max.
C4-7	9	12	10	12
C6-3	6	8	6	8
C4-4D	5.4	7.2	4	5.4

- In exchange for providing visual or performing arts space
- Open to the public
- Accessible to the public from 125th Street



CITY PLANNING COMMISSION MODIFICATIONS

Changes to the Arts Bonus

- **Allow below-grade performing spaces to qualify for the bonus**
- **Allow rehearsal spaces above grade to qualify for the bonus**
- **Strengthened Arts Bonus enforcement**

Additional Changes

- **Restrict residential entrances on 125th Street within the Core Subdistrict**
- **Increase the allowed maximum height from 290' to 330' for Harlem Park site**

125TH STREET

FOR MORE INFORMATION PLEASE VISIT

www.nyc.gov/125thStreet

Description of Proposed Stairwell Text Amendment

The Department of Buildings adopted a new Building Code in July 2007. The new Code will be phased in over time and become fully mandated in July 2009. Many provisions of the new code address building safety measures. One provision requires wider stairwells in residential buildings taller than 125 feet. Currently, the Building Code requires such stairwells to be at least 36 inches wide. The new Code will require a minimum width of 44 inches to better ensure adequate egress in the event of a fire or other emergency. Since the Zoning Resolution counts stairwells towards the allowable floor area within a building, the amount of floor area available for apartments in residential buildings taller than 125 feet will be reduced.

This proposal is a city-wide text amendment that would exclude from the definition of floor area the additional eight inches in width that the new Building Code will require for residential buildings taller than 125 feet. The additional eight inch width required by the new Code would amount to approximately 40 square feet per stairwell on each floor. Since the allowable floor area for residential buildings is not being increased, this additional 40 feet of floor area would be taken from the apartments, resulting in slightly smaller apartments on each floor. The purpose of the proposed amendment is to retain the existing allowable floor area for apartments while accommodating the stricter fire safety standards for stairwells.

Zoning districts where residential buildings can exceed 125 feet are R6 through R10 non-contextual districts and their commercial equivalents, R8X, R9A, R9X, R10A and R10X districts and their commercial equivalents, and various special purpose districts.

Beginning in July of 2008, new residential buildings taller than 125 feet will have the option of complying with the wider stairwell requirement. Beginning in July of 2009, the option will expire and all residential buildings taller than 125 feet must comply with the new stairwell requirement.

STAIRWELLS TEXT AMENDMENT

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is old, to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Floor Area

* * *

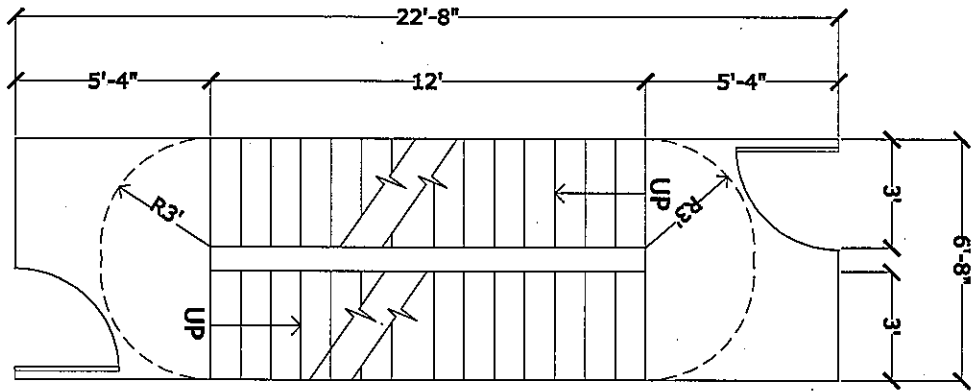
However, the #floor area# of a #building# shall not include:

* * *

- (11) floor space within stairwells at each floor of #residential buildings developed# or #enlarged# after (date of amendment) that are greater than 125 feet in height; provided:
- (i) such stairwells are located on a #story# containing #residences#;
 - (ii) such stairwells are used as a required means of egress from such #residential buildings#;
 - (iii) such stairwells have a minimum width of forty four inches;
 - (iv) such floor space excluded from #floor area# shall be limited to a maximum of eight inches of stair and landing width measured along the length of the stairwell enclosure at each floor; and
 - (v) where such stairwells serve non-#residential uses# on any floor, or are located within multi-level #dwelling units#, the entire floor space within such stairwells on such floors shall count as #floor area#.

* * *

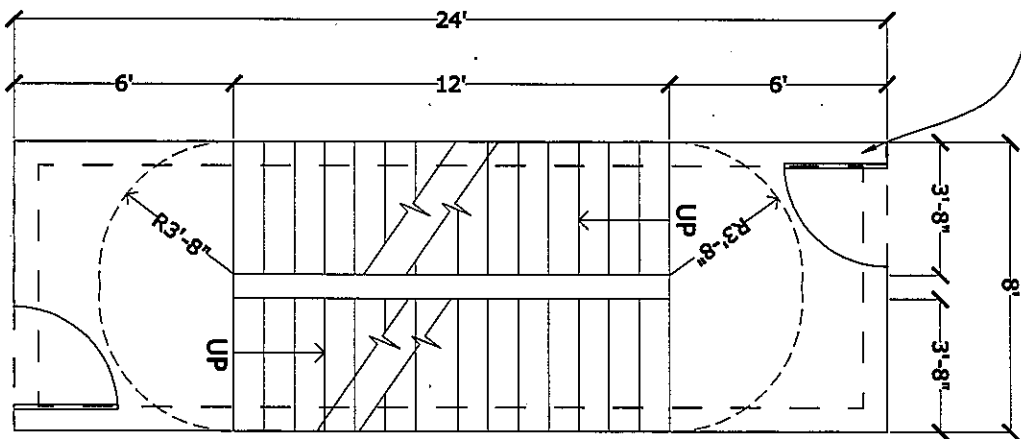
EXISTING



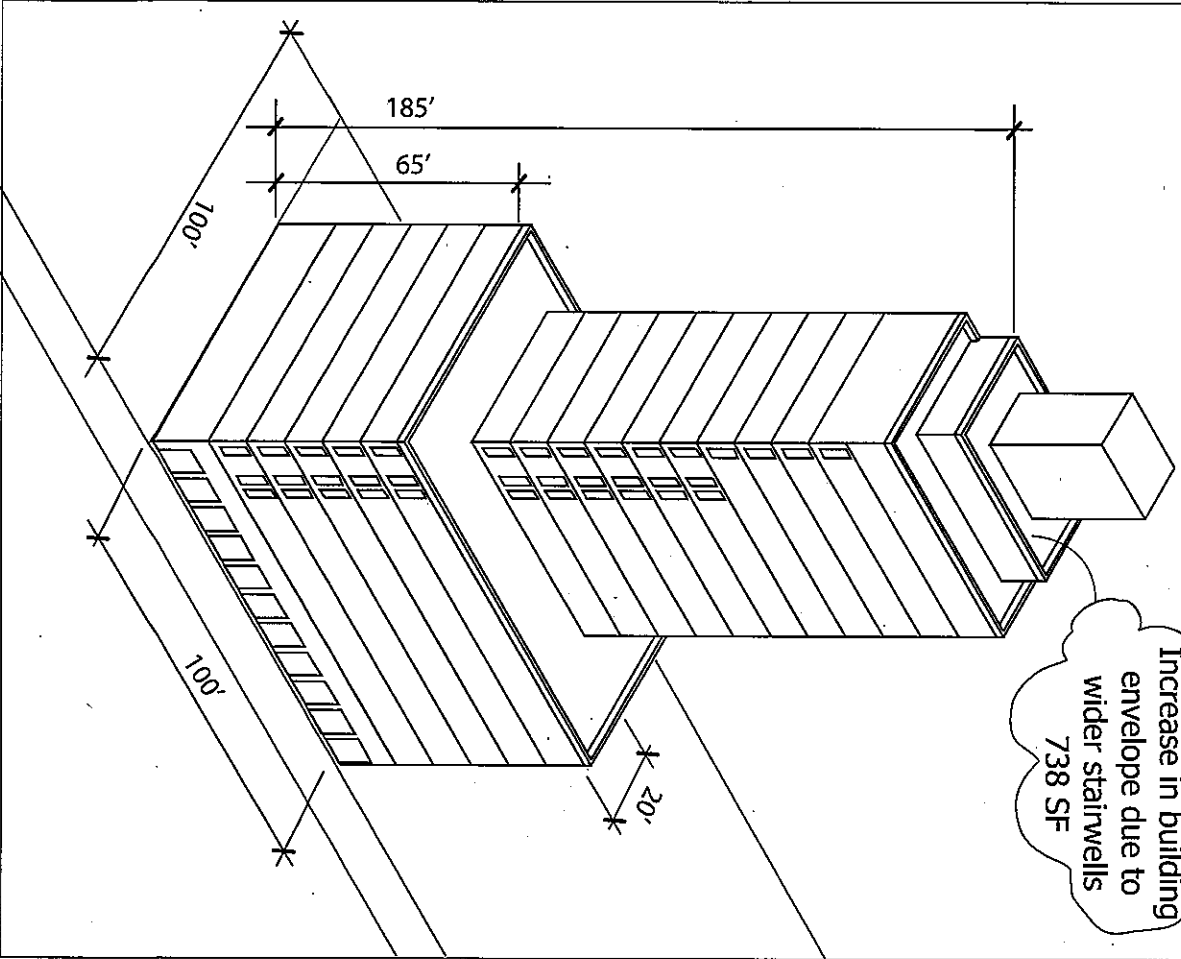
This area is proposed to be excluded from floor area calculations (41 SF)

Additional 8" width required by new building code.

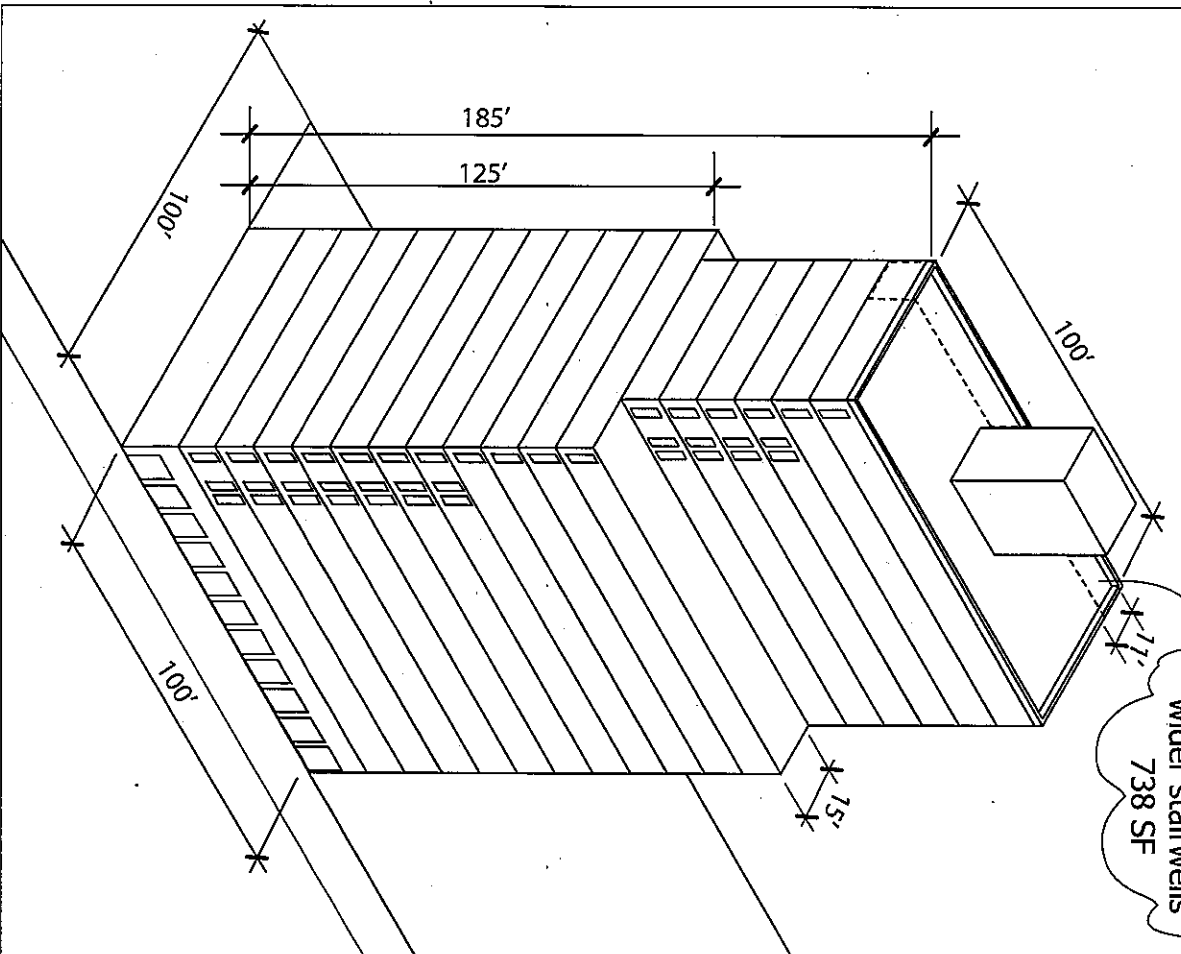
PROPOSED

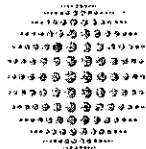


R8 WIDE STREET
HEIGHT FACTOR BUILDING



R10A NARROW STREET
18 STORY BUILDING (185' HIGH)





Partnership for New York City

FOR THE RECORD

125th STREET REZONING PLAN

TESTIMONY BEFORE THE NEW YORK CITY COUNCIL ZONING & FRANCHISES SUBCOMMITTEE

TUESDAY, APRIL 1, 2008

**KATHRYN WYLDE
PRESIDENT & CEO
PARTNERSHIP FOR NEW YORK CITY**

Good morning. Thank you Chair Avella and Chair Katz, and members of the committee for the opportunity to testify today -- particularly Council members Dickens, Jackson and Mark-Viverito, whose districts will be affected by this rezoning.

The Partnership for New York City represents the city's business leadership and its largest private sector employers. Through its housing programs, the Partnership helped launch the renaissance of Harlem during the 1980s and 1990s. We sponsored development of thousands of units of affordable housing throughout Northern Manhattan and we helped to bring many local and minority-owned companies into the city's affordable housing industry.

We have known the communities of Harlem for many years and understand the frustration of those residents and local businesses that have not fully shared in the benefits of the neighborhood's renaissance. We believe this rezoning plan has been designed to help address that inequity, thanks to the input of the Community Boards and Council Members Dickens, Jackson and Mark-Viverito.

For example, to a large extent, tour buses and other visitors still tend to drive through Harlem, rather than patronize local stores, galleries, cultural institutions and professional firms. The rezoning and coordinated redevelopment along this

key corridor will make 125th Street a true destination. Visitors will get off the bus and out of their cars and taxis to patronize local merchants. Moreover, indigenous artists, professionals and entrepreneurs will finally have a cluster of activity that reinforces and strengthens their individual efforts to grow and prosper within Harlem. We have confidence in the entrepreneurial spirit and creative talents of the people of Harlem to maximize these opportunities.

The 125th Street Rezoning plan, if enacted, will launch an exciting new phase of Harlem's renaissance. It will strengthen this regional business district and bolster its historic role as an arts, entertainment and retail center. The plan will provide long-needed zoning updates through the creation of the 24-block 125th Street Special District. It will create new opportunities for development, while preserving those blockfronts with a strong residential character. The plan will also impose height limits, which currently do not exist, throughout the Special District.

Moving forward with the 125th Street rezoning is particularly important at a time when the national economy is faltering. Harlem is a magnet for international interest in its music, art and culture. With this zoning in place, Harlem will attract international investment to fuel continued economic growth. This will translate into an ongoing source of jobs and business activity.

Under this innovative rezoning program, for the first time developers could take advantage of an Arts Bonus, which offers a floor area bonus in exchange for providing nonprofit visual or performing arts spaces, such as a gallery, museum or theater. This arts bonus is expected to create nearly 90,000 square feet of arts and performance space on 125th Street. In addition, in the proposed Core Subdistrict, developments over 60,000 s.f. would be required to allocate five percent of their space for arts and entertainment related uses such as galleries or restaurants. These actions are bound to attract new philanthropic support for many of the neighborhood's well-established and emerging arts and cultural institutions.

The zoning along key low-scale portions of 125th Street (namely, the brownstone blocks close to Fifth Avenue and within the Mount Morris Historic District and the two blocks between Morningside Avenue and Broadway) would be mapped with contextual zoning districts that match the built character of the neighborhood. The current zoning has no height limit.

The plan also provides the opportunity for development of 2,500 new units of housing, of which approximately 450 will be restricted to affordable rents. It establishes the first use of the Inclusionary Housing Program in Upper

Manhattan, allowing increased density (within the height limitations) in return for the development and preservation of affordable units.

We urge the City Council to embrace this important zoning initiative and look forward to working with you to encourage community-oriented private investment that will insure that 125th Street is restored to world-class status as a vibrant center of culture and entertainment that reflects its rich history and depth of talent.

GOOD MORNING. MY NAME IS FRANC PERRY AND I HAVE THE HONOR OF SERVING AS CHAIR OF MANHATTAN'S COMMUNITY BOARD 10. I SPEAK TO YOU TODAY AS A REPRESENTATIVE OF BOARD 10 AND AS A RESIDENT OF CENTRAL HARLEM.

FIRST, I WISH TO THANK THE MEMBERS OF BOARD 10 FOR THEIR DEDICATED WORK AND LONG HOURS OF RESEARCHING, READING AND RELATING TO THE COMMUNITY AT LARGE THE SPECIFICS OF THE PLAN BEFORE YOU. COMMUNITY BOARD 10 MEMBERS HAVE SPENT COUNTLESS HOURS INFORMING THE COMMUNITY ABOUT THE PLAN AND ABOUT THE PROCESS ENGAGING THE PLAN SO THAT ALL, NOT JUST A FEW, MAY PARTICIPATE IN THIS PROCESS.

I ALSO THANK BOROUGH PRESIDENT SCOTT STRINGER AND HIS STAFF FOR THEIR SUPPORT AND TECHNICAL ASSISTANCE WHICH HELPED US CIRCUMNAVIGATE THE MURKY WATERS OF THIS REZONING PLAN.

FINALLY, I WISH TO THANK AND LIFT UP THE WORK OF OUR COUNCIL PERSON, INEZ DICKENS, WHO HAS CONTINUALLY CHAMPIONED THE WISHES AND DESIRES OF THE CITIZENS OF CENTRAL HARLEM.

CONTRARY TO WHAT SOME MIGHT HAVE YOU BELIEVE, COUNCIL MEMBER DICKENS HAS TAKEN THE RESOLUTION OF COMMUNITY BOARD 10 AND USED IT AS A BANNER TO ENSURE THAT THE ISSUES OF GREAT

IMPORTANCE TO THE COMMUNITY ARE SEEN AND HEARD.

COMMUNITY BOARD 10 RECOGNIZES THAT IN ORDER FOR A NEIGHBORHOOD TO GROW AND THRIVE, CHANGE IS NECESSARY. HOWEVER, THE CHANGE SHOULD NOT COME AT THE EXPENSE OF THE CITIZENS OF THAT NEIGHBORHOOD OR AT THE BEHEST OF THOSE WHO PROPOR TO SPEAK ON BEHALF OF THAT NEIGHBORHOOD. NOT EVERYONE WHO CLAIMS TO SPEAK FOR THE CITIZENS OF CENTRAL HARLEM HAVE A BONAFIDE CONSTITUENCY. HOWEVER, COMMUNITY BOARD 10 DOES.

IN THIS REGARD, ON BEHALF OF COMMUNITY BOARD 10, I STATE THAT WE RECOGNIZE THAT THE PRESENT ZONING LAW MUST CHANGE.

IN ITS PRESENT FORM, THE LAW PROVIDES NO PROTECTIONS FOR INCOME TARGETED HOUSING, THERE ARE NO HEIGHT RESTRICTIONS FOR PROPOSED CONSTRUCTION PROJECTS, THERE ARE NO INCENTIVES TO HAVE DEVELOPERS HOUSE ARTS AND CULTURAL INSTITUTIONS, AND THERE ARE NO PROVISIONS TO PROTECT THE 71 BUSINESSES WHICH MAY BE DISPLACED.

COMMUNITY BOARD 10'S RESOLUTION ADDRESSES ALL OF THESE ISSUES. WE ADAMANTLY INSIST UPON INCOME TARGETED HOUSING, THAT BEING HOUSING AFFORDABLE BY THOSE HARLEM RESIDENTS WHO EARN LESS THAN \$30,000.

WE INSIST THAT NO CONSTRUCTION PROJECT RESULT IN A STRUCTURE HIGHER THAN THE CROWN OF THE TERESA HOTEL.

WE INSIST THAT A LONG TERM AND VIABLE PLAN TO HOUSE INDIGENOUS ARTS AND CULTURAL INSTITUTIONS BE FLESHED OUT SO THAT THESE INSTITUTIONS ARE ABLE TO MOVE INTO AND STAY ON 125TH STREET.

WE, ALSO, INSIST THAT TANGIBLE AND CONCRETE ASSISTANCE BE GIVEN TO THOSE BUSINESSES WHO WILL BE DISPLACED BY THE REZONING.

AS THIS REZONING PROCESS CONTINUES, COMMUNITY BOARD 10 IS CONFIDENT THAT AS OUR COUNCIL REPRESENTATIVE SITS AT THE TABLE, THE NEEDS AND DESIRES OF CENTRAL HARLEM WILL BE COMMUNICATED AND ADDRESSED AND THAT 125TH STREET, OUR MAIN STREET, WILL RETAIN ITS VIBRANT AND COMMERCIAL CHARACTER IN MY HOMETOWN, THE VILLAGE OF HARLEM.



The Greater Harlem
Chamber of Commerce
200A West 136th Street
New York, NY 10030
Telephone: (212) 862-7200
Fax: (212) 862-8745
E-mail: Harlemchamber@hotmail.com
www.harlemdiscover.com
Established in 1896

**Testimony Provided to The New York City Council
Re: The Proposed Re-Zoning of 125th Street
On Tuesday, April 1, 2008**

**Testimony from Lloyd Williams, President & CEO –
The Greater Harlem Chamber of Commerce**

On behalf of the officers, directors and members of the Greater Harlem Chamber of Commerce, which is proudly celebrating its 112th year of continue service to Upper Manhattan, I am pleased to provide this statement.

The Greater Harlem Chamber of Commerce's is please to firmly restate its commitment to work closely with Councilwoman Inez Dickens on the new plans to re-zone 125th Street. We have a great deal of trust and faith in her leadership as she and her family continue to have a long standing commitment to the growth and development of the community of Harlem for the best interest of its residents, small business, arts & cultural organizations, etc.. Councilwoman Dickens has always demonstrated her concern for affordable housing for existing Harlemites, the preservation of our local small business sector and Councilwoman Dickens has also been a great supporter of and advocate for local entertainment and cultural community.

The Greater Harlem Chamber of Commerce is therefore prepared to work closely with Councilwoman Dickens and Chairperson Amanda Burden of the City Planning Commission to provide and develop additional affordable housing and small business opportunities for residents of Manhattan Community Boards # 9, #10 and #11.

The Greater Harlem Chamber of Commerce is pleased to announce that under the leadership of Councilperson Dickens, Congressman Charles B. Rangel, State Senator William Perkins and Assemblyman Keith L. T. Wright that it will shortly embark on a new initiative to provide additional affordable housing opportunities for the residents of Central Harlem.

Respectfully submitted by Lloyd Williams



United Tenants Association of Cathedral Parkway Towers, Inc.

424 Cathedral Parkway – Suite Two – New York, New York 10025

Telephone: (212) 749-1100 Fax: (212) 678-5219

Board Members

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Evelyn Moylan
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Angela Rooks
Secretary

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Leah Brannigan
Donna Brown
Juanita Cabey
Mercedes Estrada
Sheila Evans
Jose Hidalgo
Juanita Johnson
Mary Phillips
Oscar Rios

April 1, 2008

Good Morning/Afternoon:

My name is Willie Mae Anderson and I along with the other 308 family residents in my development took control of our project for the protection of our building in which we live. The residents now own our building.

I have lived in Harlem for more than 53 years, raising my children, sending them public schools in Harlem, working, fighting to maintain a good life for my children.

I have lived to witness many changes in my Harlem, from times when no one was interested in Harlem, no one created housing in Harlem, no one brought business to Harlem, our schools deteriorated as did our churches, housing become depleted. Yet, many of us stayed, fought and kept our families together in Harlem.

Change is inevitable and frequently we are fearful of change. We do not know what that means. But there is one thing in life that I have learned and that is that we must have laws to protect us, we must have laws in place that will allow us to shape the changes that will come.

The current zoning law for 125th Street has absolutely no protection for my community that I have lived in for 53 years. There is no protection for height restrictions, there is no protection for housing that we who have lived for years in Harlem can afford to rent or buy. There is no protection for the current businesses on 125th Street and although most are owned by those not of my community, don't live in my community, those businesses do sometimes sell what we in Harlem may want. There is no protection for our cultural institutions that make up the fabric of our community. The ONLY way to get protections is for the current law to be changed and

changed NOW. Harlem must have input in creating and shaping the changes and the protections that we need today. I strongly support my Council Member Inez E. Dickens. I have known her for more than 35 years. She was born and raised in Harlem and went to our public schools. I know her family. I know how she fights for our community. She helped our residents to secure ownership of our development. With her and others direction and help, I am the President of a 308 unit development owned by all of us, the residents of Cathedral parkway Towers. Without Inez there to fight with and for us, to help give direction and assistance, we would have been in jeopardy of losing our long fight for ownership. Inez is fighting now to change an obsolete, unfair, zoning law with NO protections for the people of Harlem.

We, 308 plus families of Cathedral Parkway Towers, support Inez's struggles to change TODAY, the current 125th Street zoning laws to allow us to help shape the direction that we want to see our community go, how we will survive. Inez E. Dickens is our representative, we voted here in to represent us. I have no doubt that she will secure for our community, the best that can be gotten.

Thank you,



HARLEM BUSINESS ALLIANCE, INC.

275 Lenox Avenue, 2nd Floor, New York, NY 10027 • Phone (212) 665-7010 • Fax (866) 429-6319

OFFICERS: Walter J. Edwards, *Chairman* • DeLores Richards, *Second Vice President*

Paula Wadley, *Secretary* • Wallace Cooke, *Treasurer* • Regina L. Smith, *Executive Director*

To: Members of the NYC Zoning & Franchises Committee

Date: April 1, 2008

The Harlem Business Alliance (HBA) is troubled by the continued loss and displacement of African American businesses and residents as a result of Harlem's "second renaissance". We are reminded of past public policy initiatives that have adversely affected our people. The destruction of Seneca Village, a thriving Black community, to facilitate the creation of Central Park is one example. Another is Robert Moses' massive "urban renewal" developments which resulted in the razing of brownstone neighborhoods depriving Black homeowners and entrepreneurs of their basic wealth creation vehicles.

Today our concern first and foremost is the development of the Harlem community in a manner in which its indigenous residents, businesses and cultural institutions benefit. The proposed 125th Street River-to-River rezoning will have a tremendous adverse impact on the entire Harlem community. As the corridor is further developed higher property values, real estate taxes, commercial and residential rents will result in greater displacement forces than those currently afflicting the community.

HBA found disturbing the Department of City Planning's (DCP) preliminary assessment that the rezoning's potential displacement of "approximately 71 firms and 975 employees would not cause a significant adverse direct business impact because the displaced businesses are not found to have substantial economic value to the City"...nor do they "individually or collectively, contribute substantially to neighborhood character".

The proposed rezoning has the potential to generate the following economic benefits for the city, developers, and property owners:

- approximately 8 million square feet of new development space;
- the potential for over \$7 billion in development activity revenue; and
- an additional \$500 million in city property tax revenues.

"Leading The Way Through Partnership"



This exponential increase in the economic value of 125th Street will not benefit the Harlem community which suffers from a 34% poverty rate; median income of \$23,460; less than 20% of the population college educated; and an adult male unemployment rate in excess of 40%. Increased opportunities to **rent, shop and be entertained** will not suffice.

Overall HBA is in agreement with Community Boards 10 & 11 request for affordable “income targeted” housing; a local business requirement; an arts/culture bonus; consistent building heights and streetscape. However the Harlem Business Alliance further supports the linkage of regulatory zoning policy to a distributive policy of benefits.

Specifically, HBA recommends:

- The creation of a Local Small Business Requirement for new developments of 60,000 square feet or greater, whereby no less than **10%** of the total space would be allocated for qualifying local businesses. Qualifying local business shall be defined as a business domiciled for at least three years prior to the determination of eligibility in CB9, CB10 or CB11 and not a national chain store or franchise. Also, the space must be provided as a condominium space or permanently affordable. This would encourage entrepreneurship along 125th Street.
- A low cost condo option to maintain rents at below market level: Property would be conveyed to a local development corporation at no cost. These commercial condominiums would be dedicated to local businesses and arts and related uses, leased to local businesses at below market rents. In this option the local business development corporation would be required to manage the property or to contract with a property management organization.
- Land use and zoning
 - Require a total of 20% set aside for local businesses and arts and related uses and mandate that one-half of that space be reserved for displaced Local Retailers.
 - Allow National retailer and Chain Stores by special permit subject to findings by the CPC. These findings could include regulating the size of these establishments, retail mix, and impact on local businesses.

“Leading The Way Through Partnership”



- Tax incentives
 - Lower Property Tax Assessment for property owners providing office and retail space to local businesses, arts and related uses at below market rents on 125th Street.

HBA further recommends a community benefits package which includes:

- A 125th Street Local Development Fund
 - The re-zoning of 125th Street under any of the proposals that currently exist will spur large scale development in the foreseeable future. Impacts of such development will expand well beyond the narrowly conceived boundaries of the DCP/EIS report.
 - It is recommended that a community benefit fund be established as a part of the re-zoning that provides for the transfer of resources from the development resulting from the re-zoning. All new developments along the 125th Street Corridor would be required to contribute to a fund based on a square foot basis through the payment of commercial linkage fees. The fund would be used to mitigate the negative impacts of the re-zoning and subsequent development and advance community efforts in the areas of business, education, and housing.
 - The fund will assist in the retention of local business presence on 125th Street and indigenous businesses along Harlem's secondary retail corridors to gain from the agglomeration potential. This will provide the resources necessary and insure the success of the set-aside requirement of the re-zoning. The fund could be used for affordable rents for local businesses meeting the LDC's criteria; provide business development assistance; and education and job training programs.
 - The proposed Fund would be managed by a Local Development Corporation.

EVENT TITLE: PUBLIC HEARING
CITY PLANNING COMMISSION
125th STREET REZONING

DATE: TUESDAY, APRIL 1ST 2008

HOUSING TESTIMONY
QUEEN MOTHER MOORE INTERNATIONAL HOUSE
ALSO KNOWN AS
477 WEST 142ND STREET HDFC

1. My name is **Queen Mother Dr. Delois Blakely**, the Community Mayor of Harlem, Founder/Chairwoman of Queen Mother Moore International House {QMMIH}, President/Treasurer of 477 West 142nd Street Housing Development Fund Corporation {HDFC}, CEO/Manager of New Future Foundation, Inc of said property {477 West 142nd Street HDFC} and Graduate of Columbia University, Harvard University and Massachusetts Institute Technology {MIT}, vow to God to keep this Sanctuary {477 West 142nd Street HDFC} for the good of our seniors/elders, handicapped and those persons in dire need, **NOT IN GREED.**
2. As the Community Mayor of Harlem, I oppose the rezoning of 125th Street.
3. The 125th Street Rezoning Project will affect our air quality tremendously leaving our children and youths health condition failing, increasing density and intensity of both residential and commercial uses in the City of Harlem and its Community.
4. The Village of Harlem would change drastically. A People's Culture includes, their beliefs, rules of behavior, language, rituals, art and technology, styles of dress, ways of producing and cooking food, religion, and political and economic systems and more overly...**THEIR RESIDENCE, that are be targeted for predatory lending because of the 125th Street Rezoning.**
5. African Descendants have kept Harlem International and as their Sacred and Hollow Ground since the early 1900's through **OUR** music evolution, performances, historical protests and speeches among various other chronological and monumental events that **HAVE CHANGED** the course of history transitioning into today's viable society.
6. It is important that **WE** all realize **HOW** we have come to this point and make a fair assessment. We **MUST** keep 125th Harlem wholesome...that is what makes Harlem **GREAT!** Residents and tourist alike want to see 125th Harlem the way she became famous; changing her will change Harlem and its entire legacy making her **mundane and lifeless.**
7. We should invest in businesses already existing on 125th Street Harlem! Make them viable; make them more attractive; work with them; and keep those in the Community who have sustained the Community! Discarding them will only lead to an imbalance of energy, which affects the economy!
8. We oppose the 125th Street Rezoning, as we save **Queen Mother Moore International House** as a legacy to the Community in the City of Harlem.

THANK YOU,

QUEEN MOTHER DR. DELOIS BLAKELY
COMMUNITY MAYOR OF HARLEM
(212) 368-3739



COMMUNITY WORKS NEW YORK CITY
Building Community Through Art and Education

**Testimony for the New York City Council
125th Street Rezoning Hearings FY 2009,
From Barbara Horowitz, Founder and President of Community Works**

I am Barbara Horowitz, Founder and President of Community Works, an 18-year-old citywide cultural organization reaching 300,000 youth and community members through our exhibits, multi-cultural performances and workshops.

Thank you for the opportunity to voice my support of Inez Dickens' plan for the redevelopment of 125th Street.

Community Works has offices on the Upper Westside and on 138th Street with our major collaborating partner New Heritage Theatre Group. Community Works has worked in Harlem since our founding 18 years ago. Our programming for youth began on 125th Street with an important collaboration with Tunde Samuels of the National Black Theater. It was in 1990, a year after the announcement and launch of the National Black Theater's new and historic home.

And 18 years later, we still present performances for youth there as well as at 15 locations in Harlem from the Schomburg to Aaron Davis Hall, serving over 100,000 community members each year. We employ over 200 artists from upper Manhattan, and our Harlem is... exhibition has toured to 25 locations in Harlem and beyond. We proudly work with over 40 schools in this community and conduct 4 significant after-school programs here.

I have witnessed first hand the extraordinary commitment of Inez Dickens to small, emerging and established arts organizations in this community. I strongly support her plan for the rezoning of 125th Street that will ensure a home for Harlem-based arts groups. As development continues on the changing 125th Street, Council Member Dickens' participation is crucial, along with the local community boards sitting together at the table guaranteeing that the voices of the community are heard and acknowledged in the future development of 125th Street.



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Web Site: www.harlemdiscover.com

**Testimony Provided to The New York City Council
Re: The Proposed Re-Zoning of 125th Street
On Tuesday, April 1, 2008**

**Testimony from Winston Majette, Board Member
HARLEM WEEK, Inc.**

On behalf of the officers and directors of HARLEM WEEK, Inc. I am please to submit this statement. For over 33 years, HARLEM WEEK one of the countries largest cultural celebrations has worked in close partnership with Inez Dickens first in her ongoing role as a life long Harlem resident, then as a Harlem businessperson of note, and now as the Councilperson representing most of Harlem. Through those 30 plus years, Inez Dickens and HARLEM WEEK have worked closely together to promote, preserve and market the local small businesses that existed on or near 125th street corridor and beyond. Councilwoman Dickens has worked aggressively to promote the many new business opportunities which the corridor of 125th street can bring.

Councilwoman Dickens has always sought to provided numerous opportunities for Harlem based cultural, arts and entertainment organizations to grow and develop and maintain the right to have these institutions to continue to call Harlem their home.

Councilwoman Dickens has always looked out for the best interest of our community, and we are here today to let her know of our commitment and strong support for her leadership.

Although we have various questions concerning the rezoning initiative, we will work with Councilwoman Dickens to bring about the best interest of our community.

Respectfully submitted by Winston Majette.



125th Street Corridor Rezoning Plan
City Council Land-use and Franchise Subcommittee Hearing
April 1, 2008

The Municipal Art Society of New York is a private, non-profit membership organization whose mission is to promote a more livable city. The MAS offers the following testimony to the City Council Land-use and Franchises subcommittee with the intention of identifying where the proposed rezoning plan should be modified and where procedural processes must be improved upon. The MAS is pleased to submit testimony on the 125th Street Corridor Rezoning.

City Planning has stated that the “rezoning seeks to sustain and enhance the ongoing revitalization of 125th Street as a unique, diverse, Manhattan mainstreet.” However, MAS believes the plan still falls short of these very desirable goals. Our recommendations correspond to the following five principles:

1. Maintain one of New York’s strengths, its urban retail diversity by safeguarding local and independently-owned retail.
2. Respect the existing built context.
3. Foster Harlem’s arts and cultural institutions
4. Ensure that affordable housing is affordable to local residents.
5. Preserve important historical resources in Harlem before they are lost to redevelopment.

1. Maintain Urban Retail Diversity

As Harlem’s Main Street, 125th Street today still offers a diversity of retail and entertainment experiences. But, more must be done to foster a healthy balance of local and national retailers. The EIS has identified that 71 firms and 975 employees are threatened with direct displacement, with the largest displacement occurring in the retail sector, in particular, businesses providing clothing and accessory products.

It is hard to fathom how 125th Street will continue to function as Harlem’s Main Street if independent small retailers are gone. MAS has mapped businesses that fall within projected and potential development sites on 125th Street. Using Reference USA data, MAS identified 88 for-profit businesses within the affected lots that are listed as having a

single business location, thus, deliberately excluding branch location of business enterprises. This calculation also excludes social service agencies, religious institutions and government offices. Additionally, MAS conducted 15 interviews with people shopping and vending on 125th Street. Although respondents shop at both chains and local stores, they overwhelmingly cite local retail as crucial to defining the identity of 125th Street. As one respondent noted the local stores “stick with the neighborhood through the mean and lean times not just the good times.” Furthermore, small businesses are important to the City’s economy because dollars spent at these businesses and spent by them as well tend to circulate longer in the local economy. Small businesses also form important linkages to local chains of production and distribution.¹

MAS urges City Council members to look to municipalities across the country who have adopted zoning language to balance the retail mix of formula businesses with that of independently-owned businesses. The Pratt Center has conducted considerable research into the zoning tools available to achieve the preservation of urban retail diversity through these mechanisms.

The following are some strategies to maintain urban retail diversity:

- Consider limiting store frontage or store sizes in specific areas along the 125th Street corridor.

While City Planning rejected the C6-3 alternative proposed by Manhattan Community Board 10, partly because limiting building frontage could require developers to build two buildings on lots wider than 100 feet, a restriction on the width of retail store frontages in the zoning districts designed to preserve the built context, such as the C4-4A, may achieve similar results by creating a more varied street-level retail environment. Similarly, store size caps in these districts might achieve this goal.

- Modify language in the proposed zoning text to disqualify formula and chain stores in large developments subject to the Arts and Entertainment Use Requirement.

In order to ensure that the 5% floor area set aside requirement for development larger than 60,000 square feet contributes to the uniqueness and diversity of the 125th Street commercial corridor, language must be developed to restrict chains and formula stores from reaping the benefit of this innovative zoning tool.

- Extend the 5% floor area set aside requirement to independently-owned, preferably locally-owned businesses, and included a provision for permanently affordable space.

MAS urges city council members to consider proposals elaborated by Harlem organizations, who understand the specific small business environment on 125th Street. The 5% set aside through the arts and entertainment use requirement for large developments, for example, could be modified to benefit independently-owned,

¹ See the 2007 study by CivicEconomics, entitled “The San Francisco Retail Diversity Study,” available at http://www.civiceconomics.com/SF/SFRDS_May07.pdf for an economic analysis of how local businesses versus chain retailers impact the local as well regional economy. See also, Mitchell, Stacy (2006). *Big-Box Swindle: The True Cost of Mega-Retailers and the Fight for America's Independent Businesses*. Beacon Press.

preferably locally-owned, businesses more broadly. Inclusion of permanently affordable space for locally-owned businesses, furthermore, could create small business incubation spaces along the corridor to promote and support entrepreneurship along 125th Street.

2. Respect the existing built context.

Increasing density on a 125th Street is advisable, given that it is well served by public transit; however, in order to meet City Planning stated intention to respond to the specific scale and character of the corridor as well as its built context (DEIS 2.0-3 and CPC Final Report N 080100(A) ZRM, pg. 2),

MAS proposes two modifications to proposed zoning districts along 125th Street:

- Change the proposed C4-7 district in the Core Sub-district to a C6-3, an alternative analyzed by CB 10 and studied by City Planning.

The proposed 290 foot height restriction under the C4-7 is too high; it takes its cue from the State building (250 feet), an exceptionally tall building on the corridor. Instead, the zoning plan ought to adopt the C6-3 alternative which makes the historic Theresa Hotel the anchor on this streetscape. This alternative still allows building heights of 160 feet, and would foster a streetscape development more in keeping with the current urban fabric. It would also spread density and bulk more uniformly across the corridor.

- Consider changing the C6-3 district on the south side of 125th Street between Malcolm X Blvd. to 5th Avenue to a C4-4A district.

This change would help foster rehabilitation of a continuous and definable built context from Malcom X Blvd. to Madison Avenue on the South side of 125th Street.

3. Foster Harlem's Arts and Culture Institutions

125th Street deserves the attention it receives as an inimitable center for African American arts, culture and entertainment. The Visual and Performing Arts bonus represents an innovative strategy to employ zoning as one tool to direct development. However, the zoning text as currently written does not satisfactorily secure benefits for Harlem's existing community members and organizations

MAS urges City council members to refine the text defining the Visual and Performing Arts bonus to ensure Harlem-based organizations benefit from the floor area bonus in order to promote the unique character 125th Street. Provisions should also be included to ensure that the space remains permanently affordable. Additionally, allocation of the spaces should be subject to some form of community review. A local advisory committee could be authorized to participate in the selection of these groups rather than conferring decision-making power and monitoring responsibilities solely in the Chairperson of City Planning in cooperation with the Department of Cultural Affairs and the Buildings Department.

4. Ensure that affordable housing is affordable to local residents.

MAS recognizes that City Planning commissioners specifically recommended that the affordability of the housing projected to be produced through the Inclusionary Housing

Bonus be coordinated with other subsidy programs in order to meet the needs of local residents. City Council should ensure that the housing produced will be income-targeted and affordable to current Harlem residents whose median income is considerably lower than the Area Median Income used to calculate affordability under the 80/20 program.

5. Preserve important historical resources in Harlem before they are lost to redevelopment.

There is no other Harlem in the world; its truly unique historic resources have national cultural and historical significance and should be considered national treasures. We applaud City Planning's goal for maintaining the unique character of 125th Street, and believe that the future of the fabled street depends on retaining its character and its history.

The majority of significant buildings in the EIS are unprotected by local landmark designation, and the upzoning leaves them vulnerable to increased development pressures. Although outside of the current review process, we believe the Landmarks Preservation Commission should designate as many significant buildings as possible prior to the rezoning taking place. The project's indirect impact on these historic resources will substantially increase due to development pressures. All of the resources listed in the EIS should be considered threatened.

Public Notification

Finally, we appreciate the opportunity to testify today regarding the 125th Street Rezoning plan. This hearing is a potentially determinative point in the public review process, and it is important that the public is able to make their voices heard on issues that affect their neighborhoods and daily lives. We are concerned, however, that the public notification of this hearing was not easily accessible. As of Friday afternoon, the web-based calendar on the Council's website had not been updated. We urge the Council to address the issue of public notification in a way that maximizes participation in the process by making full use of the Council's on-line calendar and website capabilities.

**Testimony to City Council
On
125th Street River to River Study
125th Street Business Improvement District
Barbara Askins, President and CEO**

April 1, 2008

Good Afternoon,

I am Barbara Askins and I serve as President and CEO for the 125th Street Business Improvement District.

The proposed strategies from the Department of City Planning “seek to sustain the ongoing revitalization of 125th Street as a unique Manhattan Main Street, enhance its regional business district character and reinforce the street’s premier arts, culture, and entertainment destination identity.

The 125th Street Business Improvement District (BID) organization supports these goals and has been pursuing implementing many of them for the past 13 years. Over the last 4 years, we conducted several studies.

Our pedestrian counts study revealed that over 150,000 people are walking the BID District (Morningside to Fifth Avenue) between the hours of 9 and 5 from Monday to Friday.

During a property owners retreat, the stakeholders agreed that culture was the way to restore the best of the past, expand the potential of the existing, and lay out a framework for the future.

Our retail market retail study revealed that people want 125th Street to:

- Be Easy to get to and get around
- Be A Great place to visit and just walk around
- Be Vibrant and full of energy – a focal point for the history and culture of Harlem
- Have Stores cover a full range – inexpensive, everyday needs to stylish
And sophisticated, small businesses and chains
- Be a Fun place which links entertainment, food and culture
- Feel safe and comfortable to be there - for everyone, young and old, rich and poor, etc.

Utilizing the information gathered, the Real Estate Development Committee of the BID developed a concept utilizing cultural bonuses to encourage cultural uses and production and proposed it to City Planning. Subsequently, the BID conducted a cultural sustainability study with the assistance of the Urban Design Lab of Columbia University to demonstrate how the concept could work (You should have received copies). This concept has been vetted with all three community boards, elected officials and other community organizations in Harlem.

City Planning made changes to address concerns raised, and we are happy to support the culture bonus proposal that you have before you today.

We support this concept because:

- We are concerned about the potential threat to the cultural sustainability of the street that to many of us epitomizes the cultural heritage of Harlem and holds the greatest opportunity for a culture-based future.

Our Concerns Regarding Culture:

Business and cultural leaders agree on the necessity of preserving Harlem's distinctive cultural character. Harlem in general and 125th Street in particular, is not just another New York neighborhood, but a place that is defined by its historical relationship to indigenous cultural development. Arts and culture has been a primary component of growth that already has occurred in neighborhoods from Harlem.

The 125th Street Corridor Cultural bonus proposal preserves Harlem's cultural legacy and cultural future for several reasons:

- The BID maintains that cultural production should precede housing production. Any housing development should be directed to 124th and 126th Street.
- Cultural production and the arts are linked to direct employment, improved quality of life, and increases in social capital; the production of housing is not directly linked to the sustainability and enhancement of cultural resources.
- The cultural bonus proposal maintains the heritage and helps secure the future of cultural production in Harlem and promotes the ongoing revitalization of 125th Street as a premier arts and culture destination. It responds to the needs of indigenous cultural NFPs and small businesses.

Our Concerns Regarding Business, Jobs and Tourism

The economic impact of cultural districts is measurable. Local economies are instilled with the character that provides a competitive edge in comparison with generic suburban developments.

With a 52 percent growth rate over the past nine years, New York's cultural industry is responsible for more than 150,000 jobs (Neil Scott Kleiman et.al, 2002, "The Creative Engine" (Center for an Urban Future). According to the New York Foundation for the Arts (2001) "Culture Counts: Strategies for a More Vibrant Cultural Life for New York City", 'The Economic Impact of the Arts on New York City and New York State', the total economic impact of the arts on New York City in fiscal year 1995 was \$11.1 billion — or \$12.3 billion in

inflation-adjusted dollars. Visitor spending alone generated \$2.5 billion (nearly \$2.8 billion in inflation-adjusted dollars). In 1995, New York City invested \$91 million (just over \$100 million in inflation-adjusted dollars) in the arts. The arts returned \$221 million in taxes to the City (or \$245 million in inflation-adjusted dollars) — a return on investment of approximately 240%. This rate of return meant only a minimal investment risk to the City. Our study reveals that most of this revenue for New York City was generated below 125th Street.

The cultural bonus proposal is good for business, jobs and tourism for several reasons:

- Cultural organization and the creative community are already leaving 125th street and Harlem. It is important for New York City to develop the economic incentives to support the City's creative sector.
- Culture is linked to long-term job creation as well as exports and revenues at the local level.
- The cultural bonus should extend river to river to leverage the opportunities for pedestrian and tourist connections with major redevelopment projects such as those planned by Columbia University, the RFP Site at the Tri Borough Bridge, or the Empire Zone in East Harlem, which is attracting significant numbers of artists.
- It unites business, culture, education, job creation, entrepreneurship and increases the overall economic vitality of the community.
- It will spur the development of a cultural industry to the north, south, east and west that will facilitate the growth of indigenous not-for-profits and other small cultural businesses such as stores that sell instruments, art supplies and other supporting uses.
- It creates the critical mass of people that is necessary to sustain local small businesses, particularly restaurants. It takes Harlem's most valued indigenous resource, Arts and Culture, and establishes it in its rightful position at the forefront of the planning efforts.

Our Concerns Regarding Sustainability

The single most pressing development issue cited by cultural groups and artists themselves is space. Simply put, artists cannot work without affordable studios and offices. There is no issue more central to their ongoing growth and vitality.

Street level retail rents per square foot on 125th Street now range from \$50 to \$100 in the western section (from the Hudson River to St. Nicholas Avenue), \$125 to \$175 in the central section (from St. Nicholas to Lenox Avenue), and from \$75 to \$125 in the eastern section (from Lenox Ave to the Harlem River). Retail space above 125th Street and on the avenue blocks up to 145th Street is considerably cheaper, ranging from about \$30 to \$60 a square foot, according to local real estate brokers. But many small art and cultural organizations still can't afford such prices, and the limited space available is often unsuitable for groups with specific space needs, such as theater or dance companies.

In many cultural plans, city and natural amenities are linked by the cultural zone. For example, Fort Lauderdale's Arts and Science District abuts the New River and includes access to a developed riverwalk. The Pittsburgh Cultural District flanked by the Allegheny River includes improvements for pedestrian access (Craig Dreeszen, Ph.D. 1998 "Community Cultural Planning. A Guidebook for Community Leaders" Americans for the Arts). There is an opportunity for this River to River Plan to link natural, cultural and historic amenities along the entire length of 125th Street.

Therefore the 125th Street Business Improvement District supports:

- The inclusion of the economic and social value of culture to urban development particularly in Harlem and on 125th street. We maintain that housing should be on 124th and 125th Street. We are pleased the Department of City Planning, the 3 community boards #9, 10, and 11, our elected officials and the Harlem Community has accepted the BID's Vision and Economic Model and we look forward to continuing to working together towards our common goals and objectives of supporting and enhancing the economic revitalization of 125th street and fostering new opportunities for mixed-use development. We all hope to secure a future for the street that epitomizes the cultural heritage of Harlem and holds the greatest opportunity for our local culture-based future.

Thank you.

125th Street Rezoning Hearing

Submitted by: Voza Rivers, Founding Member, Executive Producer New Heritage Theatre Group (Est. 1964), Chairman Harlem Arts Alliance.

I have lived and worked in Harlem for more than 6 decades. 125th street has been, and continues to play, a significant role in my life.

In 1950, I attended dance classes with my sister next door to the Loews' Victoria Theatre.

In 1960, I started my first full time job as a shoe salesman at Thom McAnns at 125th & Lenox next door to Micheaux's book store.

In 1964, I took public speaking classes at the Harlem YWCA next door to the post office and joined in the creation of New Heritage Theatre Group.

In 1968, our theatre company was located at 35 W 125 Street, over the famed Celebrity Club.

In the 1970s, as a co-producer of events for Harlem Week, we began presenting outdoor concerts for thousands of community residents on 125th Street, in front of the Harlem State Office Building.

In the 1980s and 90s NHTG theatre company was located at 290 Lenox Ave on 125th Street. We presented the first wave of black South African actors to Harlem to perform in that famed building that also housed Diane McIntyre's *Sound and Motions Dance Company*, Vivian Robinson's *AUDELCO* and the offices of *Fight Back*. In the 1990s, New Heritage moved to our last home at the Victoria Theatre. We produced plays, film festivals and special events at the Victoria until it closed.

I have witnessed the changes on 125th street over the years that has impacted this historical destination. Currently, the 125th street corridor is like a wild west location. The rich and mighty can walk the streets, buy property and do what they want as long as they have the money and resources to do it. I understand change is inevitable, however, I know that change without the participation and protection of land marking our indigenous businesses,

Voza Rivers

04/01/2008

cultural institutions and residents will destroy the historical significance of Harlem being known as the cultural capital of black America.

I have participated with community leaders, community boards, housing activists, long term residents, business owners and elected official regarding this issue.

I support Council Member Dickens rezoning plan that will immediately bring focus and attention to this significant corridor, whereby all of the Harlem stake holders will be at the table to plan for Harlem's future.

I believe her plan is ripe for those in this community who have struggle through the good and bad times.



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**Testimony Provided to The New York City Council
Re: The Proposed Re-Zoning of 125th Street
On Tuesday, April 1, 2008**

**Testimony from Winston Majette, Board Member
HARLEM WEEK, Inc.**

On behalf of the officers and directors of HARLEM WEEK, Inc. I am please to submit this statement. For over 33 years, HARLEM WEEK one of the countries largest cultural celebrations has worked in close partnership with Inez Dickens first in her ongoing role as a life long Harlem resident, then as a Harlem businessperson of note, and now as the Councilperson representing most of Harlem. Through those 30 plus years, Inez Dickens and HARLEM WEEK have worked closely together to promote, preserve and market the local small businesses that existed on or near 125th street corridor and beyond. Councilwoman Dickens has worked aggressively to promote the many new business opportunities which the corridor of 125th street can bring.

Councilwoman Dickens has always sought to provided numerous opportunities for Harlem based cultural, arts and entertainment organizations to grow and develop and maintain the right to have these institutions to continue to call Harlem their home.

Councilwoman Dickens has always looked out for the best interest of our community, and we are here today to let her know of our commitment and strong support for her leadership.

Although we have various questions concerning the rezoning initiative, we will work with Councilwoman Dickens to bring about the best interest of our community.

Respectfully submitted by Winston Majette.

125th Street Rezoning Hearing Testimony
Rev. Doris Tongo April 1, 2008

FOR THE RECORD

Rev. Doris Tongo, founder and pastor of the Ark of Safety Fellowship Church in the village of Harlem since 1999. I give full support to Council Member Inez E. Dickens's city planning proposal rezoning modifications.

I am here as an instrument of intercessory prayer, as a leader of the faith community in Harlem, in order to give support to assist in combating the current zoning law and bring modification to the city's planning proposal rezoning and to help to bring about the changes necessary to protect the people in the village of Harlem as we put into law changes necessary for the rezoning of 125th street.

As a small business entity, I have already experienced what it is like to have no protection. I lost my church location. We need desperately financial aid to assist our current businesses to remain on 125th street or to have the option to relocate to a comparable space. We need technical assistance, skills, tools and business planning support in order for our businesses to continue to thrive.

Every Culture is powerful, precious and extremely important to its people. It is all people who embody culture, in order to know one self and one's value. All of you today that are able to vote, I pray this day that you support the grass root small businesses in the Harlem Community as we set priorities to protect the local cultural groups to find new spaces that are community based and selected specifically for our cultural groups and give free low cost shared use of space for our grass root organizations.

The Ark of Safety Fellowship Church provides a Feeding Program a Clothing Program and a Health & Nutrition Program to the Harlem Community, we know how important it is for us to have programs to manage the adverse impacts of development in order to protect our people who suffer from asthma, high blood pressure, diabetes, and other illnesses. We must try very hard to prevent problems such as problems from dust and hearing loss.

Thank you for holding this hearing. Thank all of you who love and serve the Harlem Community. Special thanks, to Council Member Inez E. Dickens, for her hard work in this effort. Again I fully support Council Member Inez E. Dickens's modifications to the city's 125th street rezoning proposal.

FOR THE RECORD

April 1, 2008
125th Street Rezoning Hearing Testimony
Oni Tongo

My name is Oni Tongo. I am a recent graduate of Wesleyan University and currently working as a research assistant for Weill Medical College of Cornell University with plans to pursue a career in psychiatry. I have been in the Church in the Harlem Community since my inception. I am a member and trustee of the Ark of Safety Fellowship Church where my mother, Rev. Doris Tongo is the pastor and founder. I am in support of the Council Member Inez E. Dickens's city planning proposal-rezoning modifications.

It is imperative that I speak on the importance of preserving the greatest culture in the world, the culture of the people of color. We cannot sit and not speak up for the image, voice and identity of the people of Harlem to remain as the dominant image. It is imperative to provide community space for our cultural groups, especially for grass roots organizations. The culture of the African people and its character and influence has provided a fundamental image for the village of Harlem, which needs to be preserved.

Youth and young adults need spaces like the Marcus Garvey Park to be a first class recreation and community space in Harlem.

During the summer of 2007, my mother, Pastor of the Ark of Safety Fellowship Church, and members experienced eviction and had no direct financial assistance to remain in the area as a thriving church with comparative space. There were no technical assistance marketing tools or support for business plans after the eviction. I fully support the proposal to provide direct financial aid to assist current businesses to remain on 125th Street or relocate to comparable space areas.

Thank you for this hearing and for giving me this opportunity to share with you today. Special thanks to Council Member Inez. E. Dickens for her hard work.

**THE GREATER HARLEM HOUSING DEVELOPMENT CORPORATION
200A WEST 136TH STREET
HARLEM, NEW YORK 10030
212- 862-8299**

Testimony Provided to The New York City Council

Re: The Proposed Re-Zoning of 125th Street

On Tuesday, April 1, 2008

Testimony from Emmett Causey, Vice President

The Greater Harlem Housing Development Corporation

On behalf of the officers and directors of The Greater Harlem Housing Development Corporation, I am pleased to speak on their behalf in support of our Councilperson, the Hon. Inez E. Dickens.

The Greater Harlem Housing Development Corporation had a very close working relationship with Councilperson Inez Dickens on the development of 170 1, 2 and 3 bedroom affordable apartments at The Striver's Gardens Complex, located between 135th and 134th Streets, from Frederick Douglass Blvd. and St. Nicholas Ave.

It is largely through Councilperson Inez Dickens never ending initiative to bring affordable housing to Harlem for existing and long standing Harlem residents, that this project was successfully completed.

Therefore, we are strongly committed to working with Councilperson Dickens and The City Planning Commission to develop all of the affordable housing components available to the rezoning benefits of 125th Street, (on and off the corridor) as well as to build on the existing local small business development components of the proposed rezoning (also on and off the corridor).

We know that much more input is required from the broader Harlem community, but we are sure that under the leadership of Councilperson Dickens, the additional input will be sought and the greater Harlem community will benefit.

Respectfully submitted by Emmett Causey.

**Statement for the New York City Council Hearing
on the 125th Street Rezoning**

by

L. Nicolas Ronderos, Senior Planner, Regional Plan Association

April 1, 2008

Good morning. My name is Nicolas Ronderos and I'm a Senior Planner for Regional Plan Association, a private, nonprofit research and planning organization serving the greater New York metropolitan region.

As with any action of this scale, the 125th Street rezoning will impact the lives of residents and businesses both within and surrounding the rezoning area, and interact with development pressures that will transform it in the coming years. 125th Street boasts a unique character and many distinct assets that this action will need to enhance. It offers a multitude of cultural, commercial and institutional resources, many of which have historic importance for the Harlem community.

Regional Plan Association supports the proposed action, and wishes to suggest enhancements that would help insure that benefits are fully shared by the surrounding community. The rezoning would enhance the corridor through a balanced strategy which provides new opportunities to catalyze future mixed-use commercial and residential development, including affordable housing and arts and entertainment space. The proposed densities and uses are appropriate for a thriving central business district served by multiple subway, commuter rail and bus lines.

The 125th Street Plan will enable Harlem to fulfill its potential as a leading business and residential district in the City. Given the change that this will bring to existing firms and organizations, we suggest that the Arts Bonus and Arts/Entertainment Requirement be modified to support local institutions and businesses by including a local preference to organizations from Harlem in the Departments of City Planning and Cultural Affairs eligibility and qualification determinations. Going further, one lesson here is that zoning alone can only go so far to mitigate neighborhood impacts. Coordinated economic and workforce development strategies are also essential for Greater Harlem as follow-up actions.

The rezoning and enhancements will encourage a diverse mix of businesses, including arts and entertainment, expand career opportunities for Harlem residents, and sustain and enhance the revitalization of 125th Street as a unique Manhattan Main Street. We also hope that the Council's hearing will facilitate continued dialogue to reach the best outcome for the community, Upper Manhattan and the City. Community Boards 9, 10 and 11 and the Manhattan Borough President have expressed ideas for enhancing and reinforcing the existing larger Harlem community. These are legitimate concerns and deserve further consideration by the City Council. Of special interest are the proposals for a Harlem-wide development strategy by the Borough President's Office and community based business incentives and income targeted housing by the Community Boards.

Thank you for the opportunity to testify at this public hearing.



WE ACT COMMENTS ON THE 125th STREET REZONING DRAFT ENVIRONMENTAL IMPACT STATEMENT

**CITY PLANNING COMMISSION DRAFT EIS HEARING
Aaron Davis Hall, City University
January 30, 2008**

TESTIMONY OF CHARLES CALLAWAY, WE ACT for ENVIRONMENTAL JUSTICE

My name is Charles Callaway, and I am WE ACT's community organizer. I am here today as an environmental health activist to ask the City Planning Commission to vote no on the 125th Street Rezoning unless major modifications are made to the Plan to address the air, hazardous material, noise, and vibration pollution that will threaten the public health of Harlem community members.

First, Columbia's air pollution analysis gives an incomplete picture of air pollution impact of the rezoning. While the EIS improperly narrows its focus on the supposedly limited impact of the rezoning, over the next 10 years, Harlem will actually be simultaneously experiencing the cumulative impacts of emission pollution from three massive development sites (including the East River Plaza, the Columbia Manhattanville expansion, and the 125th Street rezoning), the rebuilding and expansion of three major MTA bus depots (the Mother Clara Hale, the 126th Street, and the Manhattanville bus depots), and the myriad of luxury condominium developments throughout the village. According to the Department of Health, Harlem has the worst health profile in Manhattan, chief among these problems are asthma, respiratory and cardiovascular disease, and cancer – all results of air pollution. The EIS must take these cumulative impacts into consideration and design appropriate strategies for avoiding these health impacts from these emissions.

Second, the Department of City Planning ignores review of health threat posed by the hazardous material known to exist on some 55 identified development sites by simply placing an "E" designation on them; thus deferring review of remediation requirements to a later time and a very development friendly Department of Environmental Protection. The danger is that these sites contain everything from petroleum contamination to volatile organic compounds to PCBs – all of which pose severe cancer risks to residents who may become exposed. DCP must develop a clean up and construction management plan that will ensure nearby residents and other community members will not be exposed to the toxic effects of the onsite chemical contamination.

Third, there are numerous residences, schools, hospitals, and community centers along the length of the area proposed to be rezoned, many of which host

sensitive users such as seniors and infirmed residents. The noise and vibration pollution generated during construction and the noise will deny these individuals quiet enjoyment of their homes and activity centers as well as potentially disrupt critical health care treatments. Once construction is complete, traffic and noise will continue to plague them. DCP must provide mechanisms to avoid these noise impacts. Such strategies could include erection of noise barriers, limit construction hours, limit business operating hours, enforcement of stringent noise ordinances, and requirement that commercial developers (such as hotels or shopping centers) to provide sound-proofing to sensitive users.

As a tax-funded, government agency, DCP's actions must consider the needs and protection of the City's citizens first and foremost. The Commission must ensure that DCP fulfills its mission rather than pander to the needs of big, highly financed commercial interests. Again, please vote no on the 125th Street rezoning.



WE ACT'S KEY CONCERNS REGARDING Harlem and Construction

1. **Impact: Air Quality** – Harlem children suffer asthma at 3x and are hospitalized at 6x the national average largely because of the currently extremely poor air quality. The proposed rezoning will increase density and intensity of both residential and commercial uses in the Harlem community. This tremendous density will increase air pollution from the heating and cooling, the operation of emergency generators, and motor vehicle exhaust (regardless of whether traffic throughput is increased because of the additional number of vehicles that will be on the road).

Solution: Considering that Harlem is already negatively impacted by poor planning decisions of the past, the City must take appropriate measures to *improve*, rather than degrade to a "non-substantial" level, air quality. First, the City must require developers at minimum to use natural gas for all building heating, cooling, and electrical generation needs. Second, emergency power generators must use natural gas rather than diesel fuel. Third, City officials must ensure that diesel-fueled delivery trucks that operate in Harlem are compliant with state vehicle emission and city anti-idling laws.

2. **Impact: Stressing Already Overburdened Waste Disposal and Municipal Waste Water Infrastructure** – The Proposed rezoning will add to additional stress to Harlem's already overburdened sewage treatment and water delivery infrastructure. The added building bulk will intensify storm water velocity and increase the number of overflow events, which already occur with unacceptably high frequency, that will further degrade the Harlem and Hudson Rivers. Moreover, the increased commercial, office, and residential activities will amplify the litter, garbage, and pest problems that Harlem community members.

Solution: City leaders must ensure that development within the proposed rezoning area would take steps to control storm water runoff and minimize sewage treatment needs of users the new facilities. These measures can include water conservation measures, porous building surfaces that would slow storm water flow, and green roofs. Businesses, particularly restaurant, hotel, and office building operators, must also implement a zero-waste and recycling policy that would ensure Harlem will not be burdened with increased litter, pests, and diesel garbage truck traffic.

3. **Impact: Hazardous Material Generation and Disposal** – According to the DCP, a large number of potential development sites within the rezoning area could contain petroleum and other environmental contaminants because of their past uses. Moreover, many sites that were not former industrial or manufacturing sites were developed in the early and middle portions of the last century, which means they potentially contain asbestos. Because the rezoning anticipates substantial increase in the intensity of the land use, particularly in the Special District commercial zone, many of the structures on these sites will have to be demolished, and perhaps excavated, in order to facilitate their new retail/residential/office uses.

Solution: City leaders must require that appropriate investigation and preparations are made to ensure *safe and complete* removal of all hazardous material before any demolition or construction-related activities commence. In addition, any soil remediation work must ensure neighboring properties and users will not be negatively impacted now or in the future from migrating vapor (such as volatile chemicals) or airborne (such as asbestos) pollution. Importantly, developers must give neighbors ample notice of the extent and schedule of any demolition, excavation, or remediation work.

4. **Impact: Construction-Related Pollution** – The development of sites within in the proposed rezoning area will create air, water, noise, and vibration pollution that will degrade the environment for the Harlem community.

Solution: City leaders must ensure that building activities within the rezoning area take measures to minimize construction impacts on this community. First, all construction sites must be electrified so as to limit the need for diesel-operated construction vehicles. Second, where such equipment is available, all construction vehicles must be electrified; those that cannot use electricity must use ultra low sulfur diesel and best available technology emission controls. Third, construction sites must use best management practices and best available technology to minimize fugitive emissions from demolition, excavation, and building activities. Fourth, construction sites must use best available technology and best management practices to control noise. Fifth, construction sites must limit activity time to 8:30 AM - 5 PM to avoid disruption to existing uses and extra precautions must be taken when construction occurs near sensitive receptors such as senior centers, schools and childcare centers, and medical clinics.

5. **Impact: Public Health and Safety** – The proposed rezoning threatens the health and safety of Harlem community members by increasing respiratory problems through pollution (e.g., air, water, and noise), degrading the mental health through residential and job displacement, increasing obesity and related diseases by limiting outdoors activity with fugitive dust and diesel vehicle emissions, and increasing the chances of pedestrian and traffic accidents. Furthermore, the City must take under consideration the fact that the cumulative impacts of the proposed rezoning, the expansion of Columbia University along the West Harlem waterfront, and the development of the East River Plaza will engulf Harlem in 30 years of constant, river-to-river construction; and after the developments are complete, the current Harlem community will be replaced by a completely new set of users.

Solution: City leaders must recognize the seriousness of the negative impacts that residential displacement, the rapidly degrading air and water quality, and the noise and vibration pollution from the multiple construction sites already active in Harlem will have on this community. Considering that Harlem is already suffering from a myriad of environmental and economic insults, the high-water mark for the City's environmental review should not be whether the additional environmental impacts skirt the threshold of "significance;" it should be that any development or land use action (including the rezoning) should *improve* the environment and quality of life of Harlem residents. Therefore, the zoning text must include requirements and incentives for community gathering places, physical and mental health care facilities and clinics, and dedication of publicly available green spaces and parks.



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mid-Manhattan Branch

Roy Wilkins Center · 270 West 96th Street · New York, NY 10025
(212) 749-2323

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March 31, 2008

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Geoffrey Eaton

Honorable Inez E. Dickens
New York City Council Member
Zoning Sub-Committee ~~Chair~~
250 Broadway
New York, NY 10007

Second Vice President
Daniel Paterson

Third Vice President
Yolanda J. Payne

Secretary
Babette Hudson

Dear Council Member Dickens:

Assistant Secretary
Anna Lewis

The NAACP Mid-Manhattan Branch supports revisions to the current Zoning of East 125th Streets that accomplishes the following:

Treasurer
Gary A. Johnson

- Creates height limits ^{lower than} 290 feet; ^{and more in line with approx 160'}
- Creates on-site affordable housing for any Inclusionary Housing opportunities;
- Creates 100% affordable housing for any zoning bonuses that creates additional bulk increases;
- No as-of right up zoning;
- Changes City Planning's Arts and Entertainment requirement to a local small business requirements;
- Recommends that all major developments adhere to LEED Silver standards as a minimum;
- Recommends that local professionals: Architects, Engineers, Code/Zoning Consultants, and Contractors be part of all major new developments;
- Recommends that professional contracts amount to a minimum of 40% WMBE/LBE;
- Recommends that construction contracts amount to a minimum of 40% WMBE/LBE;
- Recommends that hiring targets of 35% construction and 50% post-construction jobs be based on local hires.

Assistant Treasurer
Kyndell A. Reid, Esq.

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Sincerely,
Billie Holliday Hayes
Billie Holliday Hayes
President

Ms Carlayne Sims authentic

Ms. Carlayne Sims #25

4-01-2008

140 W 140th St.

N. Y., N. Y. 10030

To Elected Officials,

This is my Proposal regarding Harlem's rezoning & developments:

① Harlem was Home to Blacks before I was born and that was in 1949. With all this development in the last eleven years, Blacks have been squeezed out of the Bronx & parts of Harlem. Blacks left the South in an attempt to form a better life. After the Movement of the sixties it had seemed to be working. If we don't stabilize this uprooting. Now, then when if not here in Harlem, then where? And please don't tell me back to the South!

② Development - Develop structures to stimulate a successful workforce. Incorporating Blacks w/degrees & None Degrees. This structure will not have hand folding or practice activities of the most popular crime. This structure will take Care of Business in the exact format that made N. Y.C. once a success story. Putting together the most capable & qualified people according to competent product

erty, not according to who you know & how well they like you. The structure should be an industry that would unite low income entrepreneurs & inventors (such as myself) with financial backers, Developers & Engineers whom could collaborate together and start legitimate businesses. This will too alleviate the noted squeeze out of Blacks by putting them back to work. And contrary to popular belief I know many Blacks that would love to get back to work on honest jobs.

③ Those in charge of selling American property, I believe should take a survey on see just who is buying American property & why. Especially when a segment of Americans have been shut out of the economy & therefore out of the purchasing rights. (Referring to myself again)

④ I further suggest you survey the demographics of Anglo Saxon descendants of Abolitionist in this country. Because from B'Way to the West side Highway used to be Anglo Saxon not any more. And find out what happen to them. If you are interested in my proposal I can be reached at the address on the letter head or by phone 212-283-4867

Ms. Carloyne Sims authentic

Attention City Council

April 11, '28

Re: Harlem Re-Zoning Proposal

Vote No. (Opposed to Proposal)

It is clear that this proposal does not address the Affordable Housing needs of current Harlem residents

It is clear that this proposal just continues a trend set by the rich real-estate moguls to destroy communities and create separated entities.

You, as City Council Members are also at risk of being removed from your own turf, as the U.S. president and corporations continue to move for

profit over people's needs

Good luck thinking of both
your own as well as our realities
as they are forever intertwined

You cannot govern if all the
people are moved away, who at one
time supported your election

Those who you may think are willing
to support you, will pull the rug
out and remove you as well,
once you are no longer palatable
to their insatiable desire for more
money.

Think about your historic duty
and in reflection show that you
can choose to have integrity instead
of fear of people, common people who
care for one another.

S. Guinier
S. Guinier

**TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK, INC. BEFORE THE
CITY COUNCIL IN SUPPORT OF THE 125TH STREET CORRIDOR REZONING**

April 1, 2008

The Real Estate Board of New York, Inc. is a broadly based trade association of over 12,000 owners, developers, brokers and real estate professionals active throughout New York City. We support the proposed rezoning of the 125th Street corridor and the establishment of the Special 125th Street District as well as the creation of an Arts Bonus mechanism to provide a floor area bonus in exchange for the provision of visual or performing arts space within new development.

This rezoning plan is an important and exciting one for the Harlem neighborhood, for the borough of Manhattan and for the entire city and region. This street functions as a regional business district, a popular tourist destination, a successful shopping area and a center of history and culture. We believe that the plan provides for appropriate new development including significant amounts of new retail, office, hotel and visual and performing arts space. These zoning changes reinforce the commercial and cultural character of the street and will bring new investment and new job opportunities into the neighborhood.

We support mapping the zoning districts along the corridor that have been approved by the City Planning Commission and believe that the FARs are sufficient to stimulate development. The plan to allow increases in both residential and commercial densities is a good one and will support mixed-use projects that will only add to the vibrancy and diversity of the street. The plan also emphasizes density increases near public transportation stations, a planning policy that makes sense. This plan could lead to investment in over 2000 units of housing including affordable housing. We agree with the limits on residential frontages on 125th Street and the ground-floor limits on the width of banks.

Two aspects of the plan deserve further study. In a C4-7 district, height limits for commercial buildings aren't appropriate. Also, the proposed 60 to 85 foot streetwall

requirement should also be reviewed as this impedes efficient design of apartments and adds to costs.

REBNY has advocated for floor area bonuses for cultural uses for a long time and in various parts of the city. We recognize the difficulties that non-profit arts companies have in locating properly sized and designed spaces. We are very pleased that Harlem will be the first community to have this advantage and we commend City Planning for advancing this proposal. Having a well-known physical location will only increase the viability of non-profit cultural groups who will be able to attract new audiences and grow. The process spelled out in the text is a good way to ensure that the space continues to be occupied by an arts group. There has been experience with ongoing use requirements before, for example, the existing Theater Rehabilitation Bonus in Midtown.

We note that the modifications made by the Planning Commission to the Arts Bonus make it even more attractive and feasible. The modified text allows below-grade performing spaces to qualify for the Bonus, as long as they meet minimum size and height requirements. Uses like black box theatres, auditoriums, museums can make good use of below-grade spaces. Allowing rehearsal spaces to qualify for the Bonus will also meet a need of the arts community.

In conclusion, we commend the City for a very thoughtful and very much needed rezoning that's had an enormous amount of community consultation and input. We strongly support the 125th Street rezoning and urge you to adopt it.