2

Land Use, Zoning, and Public Policy

This section considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2021 CEQR Technical Manual*, this analysis evaluates the uses in the area that may be affected by the proposed project and determines whether the proposed project is compatible with land use, zoning, and public policy conditions, or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other public policies applicable to the area.

Introduction

The Applicants, 760 12th, LLC and 801 11th Ave., LLC, are seeking zoning map amendments, zoning text amendments, and zoning special permits (collectively, the Proposed Actions) to facilitate the development of two buildings (collectively, the Proposed Projects):

1. a 44-story, mixed-use residential and commercial building at 629 West 54th Street (Manhattan Block 1102, Lot 11), and
2. a 38-story, mixed-use residential and commercial building at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36).

The building at 629 West 54th Street would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial auto dealership space. The building at 801 Eleventh Avenue would contain 477 DUs and 85,760 gsf of commercial auto dealership space.

In total, the Proposed Projects would contain approximately 1,179,321 gsf (892,442 zsf) including approximately 939,934 gsf (743,701 zsf) of residential floor area and 199,750 gsf (148,740.6 zsf) of commercial floor area across the two development sites.

Additionally, as described in **Chapter 1, Project Description**, two reasonable worst-case development scenarios (RWCDSs) were analyzed to provide a conservative baseline in analyzing the

Proposed Actions' potential impacts. One scenario is the Maximum Commercial Scenario, which assumes that the commercial space of the Proposed Projects would be developed as office and retail uses instead of auto dealership use. The second scenario is the Maximum Residential Scenario, which would maximize the residential floor area that could be developed on each Development Site.

The Maximum Residential Scenario would contain a total of 1,194,373 gsf (892,442 zsf) including approximately 1,066,176 gsf (851,802 zsf) of residential floor area and 85,559 gsf (40,640 zsf) of commercial floor area across the two development sites. The building at 629 West 54th Street would be 45 stories tall and contain up to approximately 701 DUs and 50,118 gsf of commercial auto dealership space. The building at 801 Eleventh Avenue would be 39 stories tall and contain 541 DUs and 38,441 gsf of commercial auto dealership space.

The Proposed Actions include zoning changes and special permits to facilitate a transfer of floor area from Chelsea Piers, Piers 81/83, and Pier 98 (the Granting Sites) within Hudson River Park to the development sites. In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust (HRPT) must approve the sale of the floor area from the Granting Sites. These approvals require a Signification Action process, as required by the Hudson River Park Act.

The Proposed Actions would affect the Project Area, which comprises:

1. the portion of Manhattan Block 1102 bounded by Twelfth Avenue (also known as Henry Hudson Parkway or U.S. 9A) to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east (the Project Area Southern Portion), and
2. the portion of Manhattan Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west (the Project Area Northern Portion).

The Project Area is in the Hell's Kitchen neighborhood of Manhattan Community District 4 and is entirely within the New York City Coastal Zone.

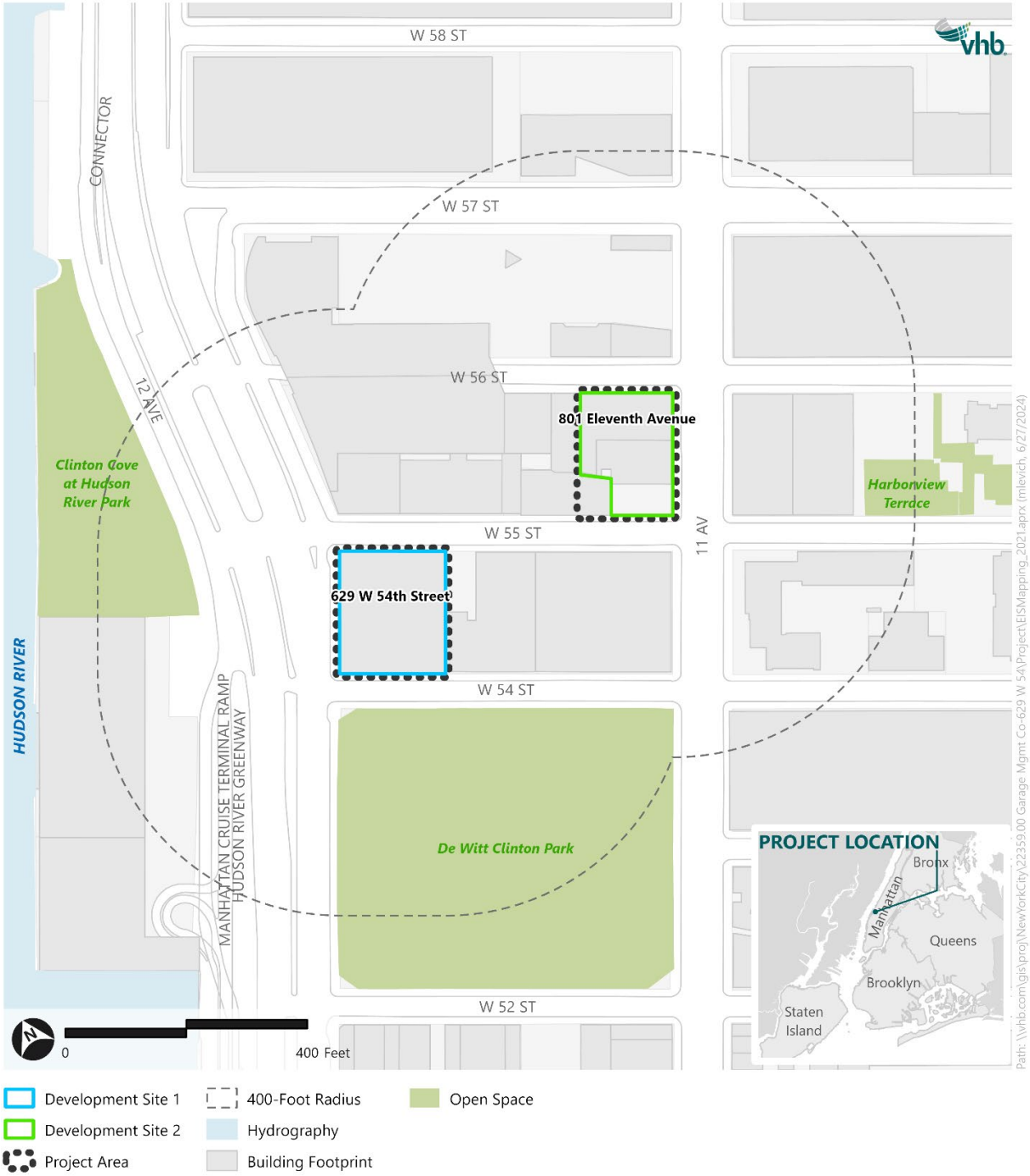
Within the Project Area, there are two development sites—the property at 629 West 54th Street (Manhattan Block 1102, Lot 11, a.k.a. 629 West 54th Street), owned by 760 12th, LLC (Development Site 1), and the property at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36), owned by 801 11th Ave., LLC (Development Site 2).

Development Site 1 occupies the western portion of Block 1102 and has approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets. Development Site 1 has a total lot area of 35,145.25 square feet (sf). It is improved with a six-story, 82-foot-tall commercial auto dealership building with a total built area of approximately 152,375 gross square feet (gsf). The building was constructed in 1930. Development Site 1 is mapped within a M2-4 district within the C2 Subdistrict of the Special Clinton District (CL).

Development Site 2 occupies the eastern portion of Block 1103 and has approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street. Development Site 2 has a total lot area of approximately 26,830 sf and is occupied by two buildings that have been operated as a single commercial auto dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. The buildings were constructed in 1920, and the northern building was enlarged in 2011. Development Site 2 is mapped in a M2-3 district within the C1 Subdistrict of the CL.

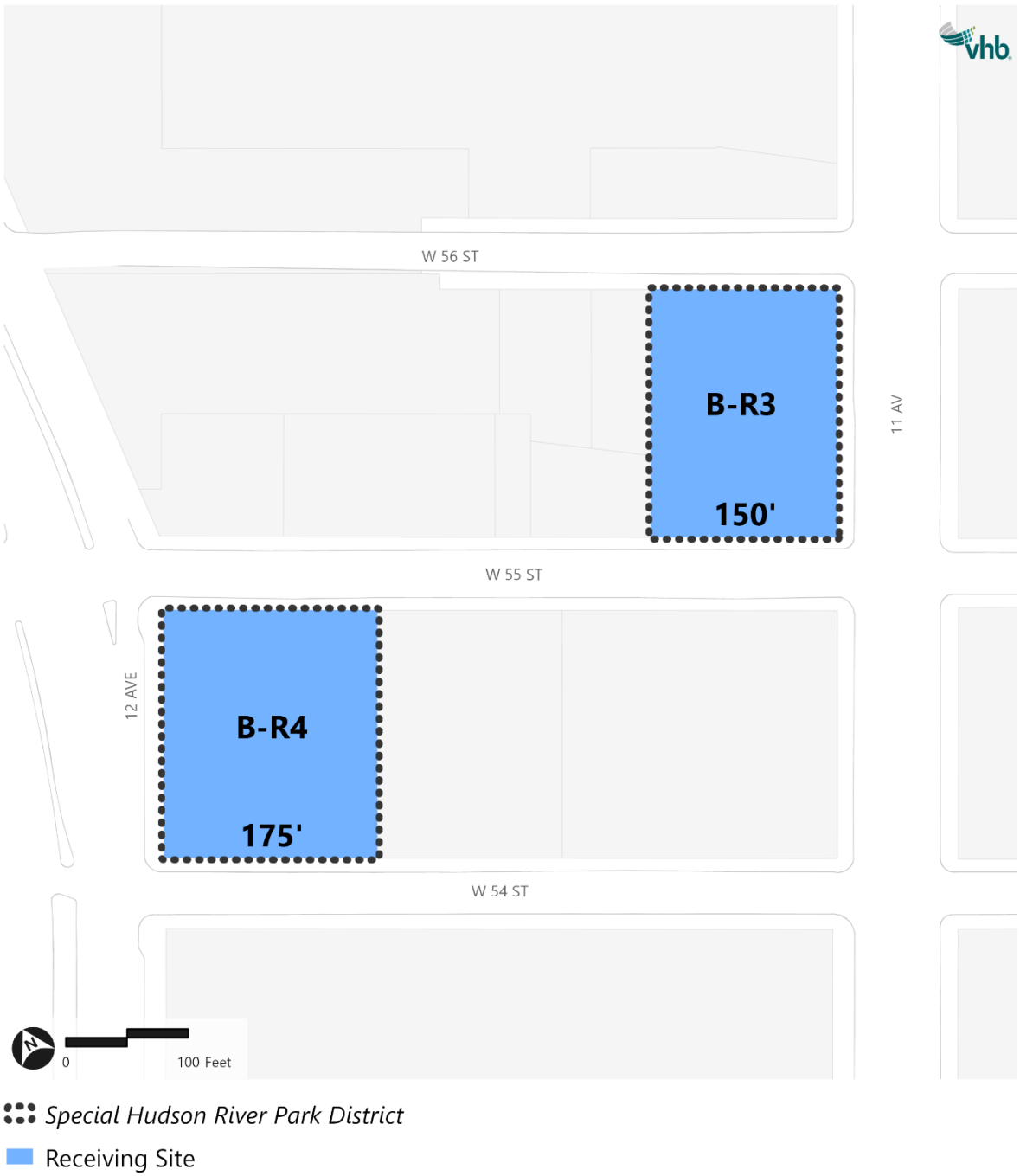
Portions of Hudson River Park would be mapped in the Special Hudson River Park (HRP) District. As discussed in detail below, zoning text amendments would define these areas as the Granting Sites and the development sites as the Receiving Sites (see **Figure 2-1** through **Figure 2-3**).

Figure 2-1 Site Location Map



Source: NYC DCP, MapPLUTO

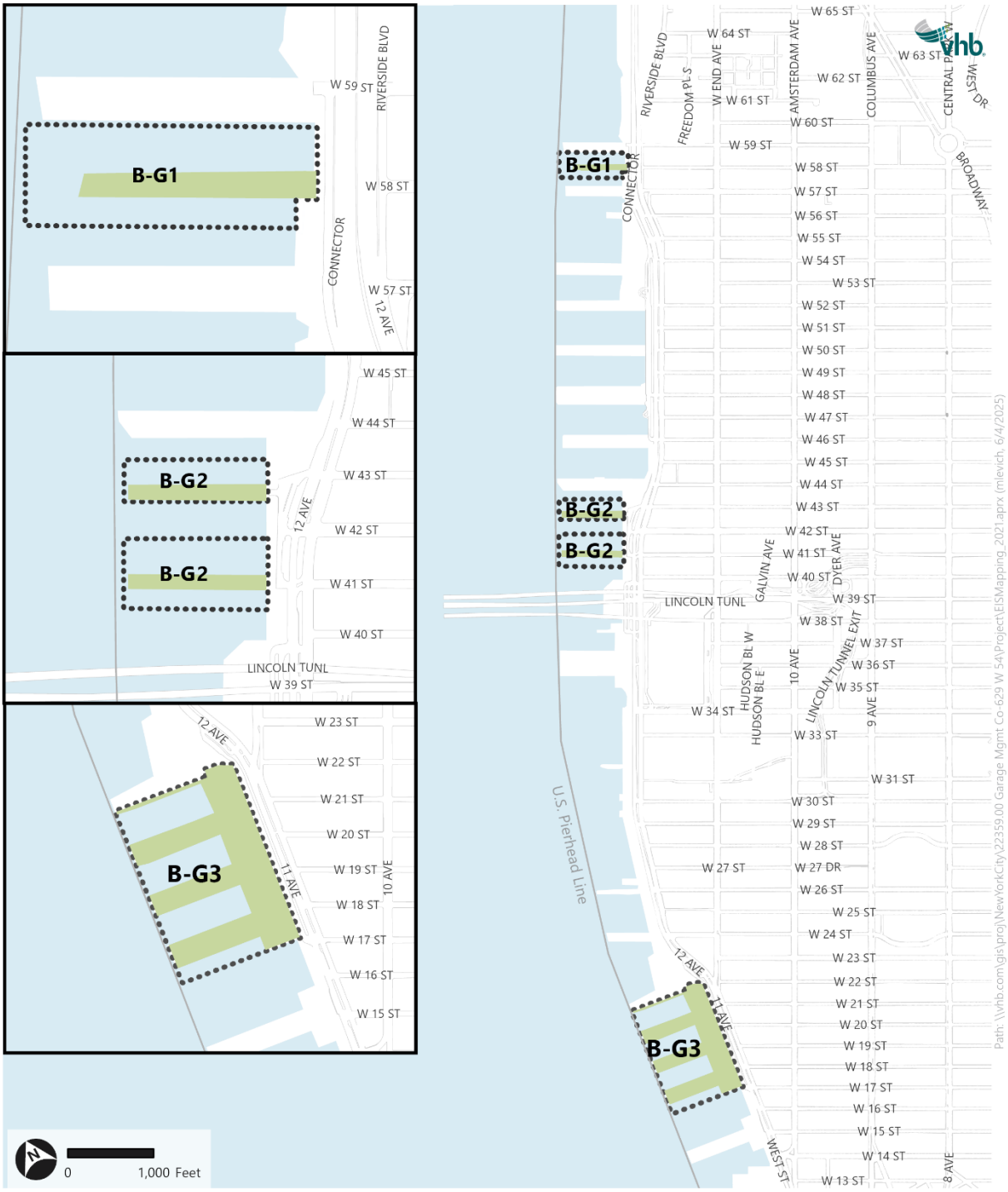
Figure 2-2 Receiving Sites



Source: NYC DCP, MapPLUTO

Source: NYC DCP, MapPLUTO

Figure 2-3 Granting Sites



Source: NYC DCP, MapPLUTO

Principal Conclusions

The analysis presented in this chapter concludes that the Proposed Actions would not result in significant adverse impacts on land use, zoning, or public policy.

Land Use and Zoning

In both Maximum Commercial Scenario and Maximum Residential Scenario, the Proposed Actions would result in an expansion of existing land uses in the study area, leading to greater bulk and density than currently exists on Development Sites 1 and 2. Residential uses would be permitted on both development sites. The addition of the residential use would be compatible with the surrounding Hell's Kitchen Neighborhood and CL with access to public transportation and open space. Additionally, the increased bulk and density facilitated by the Proposed Actions would be compatible to the existing uses and consistent with the current development trends in the study area. The Proposed Actions would not conflict with the current zoning or existing uses within the surrounding area. Rather, the Proposed Actions would facilitate developments that would be compatible with the current built environment and the existing zoning framework within the study area. Therefore, the Proposed Project would not adversely affect surrounding land uses or zoning.

Public Policy

In both Maximum Commercial Scenario and Maximum Residential Scenario, the Proposed Actions would be supportive of several City policies, including the goals set forth in Clinton Urban Renewal Area and CL, Hudson River Waterfront Revitalization Initiative, Housing New York 2.0, OneNYC 2050, Housing Our Neighbors and the Waterfront Revitalization Program (WRP). The Proposed Actions would facilitate more housing developments including affordable housing to the Hell's Kitchen neighborhood and CL. The additional funding from this project would help facilitate the repair and rehabilitation of Hudson River Park while promoting desirable land use including residential and commercial in this area, on currently underutilized lots. The proposed mixed-use developments in both Maximum Commercial Scenario and Maximum Residential Scenario would bring 24/7 mixed-use developments to the neighborhood. Neither Development Site is waterfront adjacent or located within 2050s 1% Annual Chance Floodplain. Development Site 1 is partially within a moderate risk flood zone with a 0.2% annual chance or greater of being met in any year; development on the Development Site 1 would be built to Appendix G Building Code standard as described throughout the WRP Policy response sections. The Proposed Actions would be consistent with WRP policies by supporting commercial and residential redevelopments in appropriate Coastal Zone areas, protecting ecological systems and water quality within the New York City coastal area, minimizing negative impacts on public health from hazardous materials, increasing climate resilience, and enhancing the public waterfront access (WRP# 23-225).

Methodology

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *2021 CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment:

- Describes existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- Characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed action; and
- Determines whether the proposed project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for the proposed project to result in significant adverse impacts on Land Use, Zoning, and Public Policy:

1. Establish a "study area", a geographic area surrounding the project site to determine how the proposed project may affect the immediate surrounding area. For this assessment, a study area of 400 feet surrounding the development site was used.
2. Identify data sources, including any public policies (formal plans, published reports) to be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy.
3. Assess the proposed project's potential effects on Land Use, Zoning and Public Policy to determine whether the proposed project is consistent with or conflicts with area land uses, zoning, or the identified policies.
   - If a proposed project could conflict with the identified policies, a detailed assessment would be conducted; or
   - If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

Study Area Definition

According to the *2021 CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of a proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, for the Proposed Projects, land use, zoning, and public policy are described and analyzed within the study area of 400 feet from the Project Area. For the purposes of this assessment, the study area is generally bounded by West 57th Street to the north, West 52nd Street to the south, Twelfth Avenue/Clinton Cove at Hudson River Park to the west, and a line parallel to and 300 feet east of Eleventh Avenue to the east (see **Figure 2-1**).

Assessment

Existing Conditions

Land Use

Project Area and Development Sites

As detailed in **Chapter 1, Project Description**, the Project Area comprises (see **Figure 2-4** and **Figure 2-5**):

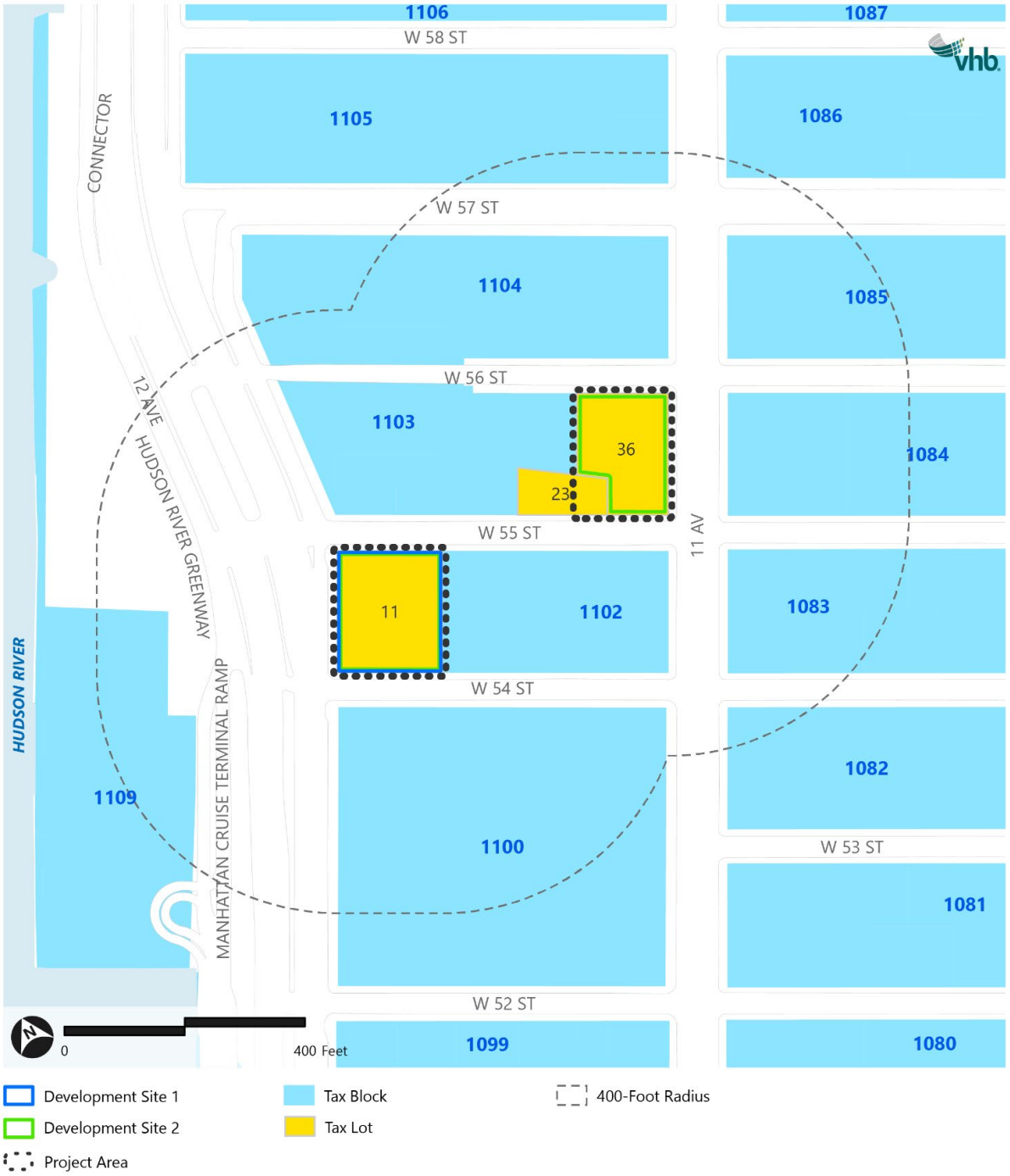
- the portion of Manhattan Block 1102 bounded by Twelfth Avenue/U.S. 9A to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east (the "Project Area Southern Portion"), and
- the portion of Manhattan Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west (the "Project Area Northern Portion").

The development sites within the Project Area include:

- Development Site 1, located at 629 West 54th Street (Manhattan Block 1102, Lot 11).
- Development Site 2, located at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36).

Development Site 1 is mapped within a M2-4 district. Development Site 2 is mapped in a M2-3 district. Both development sites are within the CL. Development Site 1 has a total lot area of 35,145.25 square feet (sf) and is improved with a six-story, 82-foot-tall commercial auto dealership building with a total built area of approximately 152,375 gross square feet (gsf). The building was constructed in 1930. Development Site 2 has a total lot area of approximately 26,830 sf and is occupied by two buildings that have been operated as a single commercial auto dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. Both buildings were constructed in 1920, and the northern building was enlarged in 2011.

Figure 2-4 Tax Map



Source: NYC DCP, MapPLUTO 24v3

Study Area

The 400 feet study area is in the Hell's Kitchen neighborhood of Manhattan, New York. As indicated in **Figure 2-5**, **Photo 2-1** and **Photo 2-2**, and **Table 2-1**, the study area contains a mix of land uses, including residential, commercial, transportation and utility, open space and outdoor recreation.

Table 2-1 Study Area Generalized Land Use

Land Use	Number of Lots[2]	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)
Multi-Family Elevator Buildings	1	4	80,332	6
Mixed Residential and Commercial	7	27	390,233	28
Commercial and Office	12	46	385,910	28
Transportation and Utility	4	15	248,012	18
Open Space & Outdoor Recreation	1	4	253,919	19
Vacant Land	1	4	12,552	1
Total	**82**	**100%[1]**	**1,139,278**	**100%[1]**

Source: Map PLUTO 24v2

[1] Numbers may not add up to 100 percent due to rounding

[2] All Lots intersecting the quarter-mile radius study area were included in analysis

Nearby commercial uses include several large luxury auto dealership buildings that feature integrated service centers, such as the Jaguar dealership at 787 Eleventh Avenue on the eastern portion of Block 1102 and the Audi dealership at 802 Eleventh Avenue directly east of Development Site 2. Apart from office and warehouse buildings scattered throughout the area, other notable commercial uses include the CBS Broadcasting Studio at 530 West 57th Street and the concert venue known as Terminal 5 (located directly west of Development Site 2 on Block 1103, partially within the Project Area). Additionally, a film studio is currently under construction at 755 Twelfth Avenue (Pier 94 and Pier 92)[1] and is anticipated to be completed by the end of 2025.

A New York City Department of Sanitation (DSNY) garage and salt storage facility is located north of the Project Area; the building spans Blocks 1103 and 1104, and extends over the roadbed of West 56th Street.

To the south of Development Site 1 along West 54th Street, DeWitt Clinton Park is a 5.83-acre public park with sports fields, seating areas, a playground, and a dog park.

Residential development has increased in the southern portion of the Hell's Kitchen neighborhood in recent years. Recent development in the neighborhood consists of high-rise residential developments such as the three nearby mixed-use residential and commercial buildings to the north and east of the Project Area, including the 42-story building complex at 827 Eleventh Avenue (1,098 DUs, Certification of Occupancy [CofO] issued in 2018), the 36-story building at 611 West 56th Street

[1] Manhattan's first-ever film and TV studio coming to Pier 94 | 6sqft

(77 DUs, CofO issued in 2021), the ten-story building at 600 West 58th Street (65 DUs, CofO issued in 2017) and the 31-story building at 625 West 57th Street (709 DUs, CofO issued in 2016)[2].

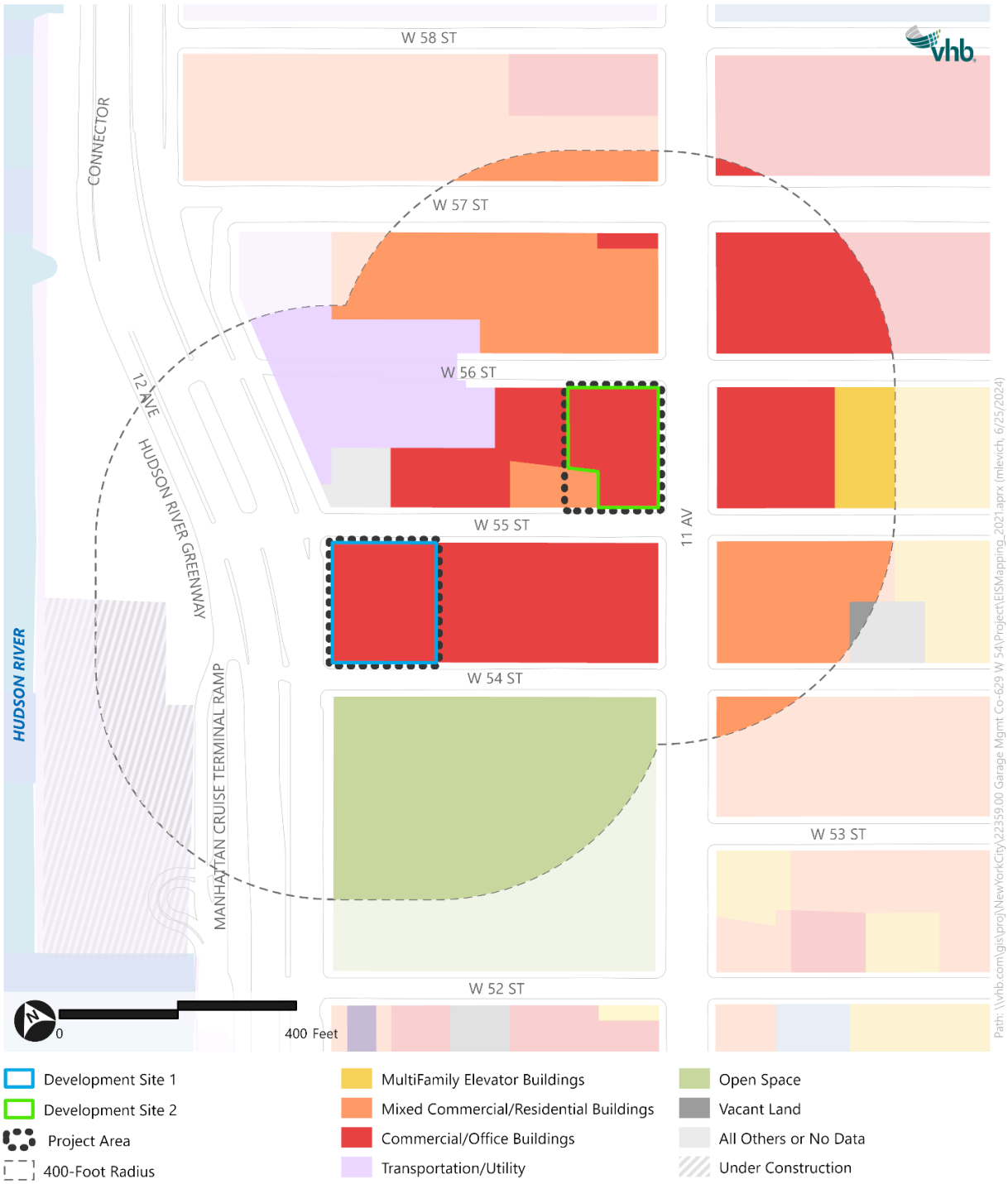
The increase in residential uses has been accompanied by improvements in the public domain, including the Hudson River Greenway built in sections from the late 90s into the early 2000s after the enactment of the Hudson River Park Act in 1998, a linear open space along the Hudson River waterfront and part of the 550-acre Hudson River Park. Hudson River Park has recently completed the construction of Pier 97,[3] an approximately two-acre new park space featuring public seating areas, a public restroom, a bike repair station, a playground and a synthetic turf soccer field. Construction was completed in October 2024.

Twelfth Avenue, positioned directly west of the Project Area, is an eight-lane, 150-foot wide (wide street) arterial road that runs along the Hudson River waterfront. To the east of the Project Area, Eleventh Avenue is a 100-foot-wide (wide street), one-way southbound street featuring four vehicle lanes, a separated bike lane, and on-street parking. West 54th Street is a 60-foot-wide (narrow street) one-way eastbound street with two vehicle lanes, a bike lane, and on-street parking on the north side. West 55th Street is a 60-foot-wide (narrow street) one-way westbound street with two vehicle lanes, a bike lane, and on-street parking. West 56th Street is a 60-foot-wide (narrow street) one-way, eastbound street, featuring two vehicle lanes and on-street parking. The Project Area is served by the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) M12 bus, which runs north along Twelfth Avenue/U.S. 9A and south along Eleventh Avenue. The nearest subway station is 59th Street – Columbus Circle, which is located half a mile east of the Project Area and is served by the A, C, B, D, and 1 lines.

[2] Housing Development Data in NYC DCP Capital Planning Explorer, accessed in October 2024.

[3] According to West Side Rag: New Park Space Opens on the Hudson at 57th Street This Summer (westsiderag.com)

Figure 2-5 Land Use Map



Source: MYC DCP, MapPLUTO

Photo 2-1 Development Site 1



View of Development Site 1 looking east across Twelfth Avenue.

Photo 2-2 Development Site 2



View of Development Site 2 looking west across Eleventh Avenue.

Granting Sites

HRPT has identified Pier 98 (part of Manhattan Block 1109, Lot 25 and part of Marginal Street, Wharf, or Place), Piers 81/83 (Manhattan Block 1107, Lots 5 and 14), and Chelsea Piers (Manhattan Block 662, Lots 11, 16, and 19 and part of Marginal Street, Wharf or Place) as the Granting Sites. Specifically, Pier 98 (Manhattan Block 1109, part of Lot 25 and part of Marginal Street, Wharf or Place) would be designated as B-G1, Piers 81/83 (Manhattan Block 1107, part of Lots 5 and 14) would be designated as B-G2, and Chelsea Piers (Manhattan Block 662, part of Lots 11, 16, and 19 and part of Marginal Street, Wharf, or Place) would be designated as B-G3. Development Site 2 would be designated as B-R3, and Development Site 1 would be designated as B-R4. Chelsea Piers comprises three piers located over the Hudson River (Piers 59, 60, and 61 and their associated headhouses), directly west of Eleventh Avenue between West 17th and West 22nd Streets and includes portions of Block 662, Lots 11, 16, and 19, as well as the area west of the eastern face of the headhouses, which is located approximately 78 feet east of the bulkhead line, as shown on **Figure 2-3.** Currently, Chelsea Piers (Piers 59, 60, 61 and the Headhouse) host sports and recreational facilities, as well as movie and television studios, and several eating and drinking establishments. The balance of the Granting Sites includes Piers 81, 83, 98 and their headhouses. Piers 81 and 83 and their associated headhouses are located west of Eleventh Avenue between West 43rd and West 41st Streets and includes portions of Block 1107, Lot 5, Block 1107, Lots 11 and 14. Pier 81 is currently used for dockage for large vessels hosting private events. Pier 83 is operated by Circle Line sightseeing cruise services. Pier 98 (Block 1109, Lot 25), a Con Edison fuel transfer facility, is located west of Eleventh Avenue between West 58th Street and West 57th Street.

Zoning

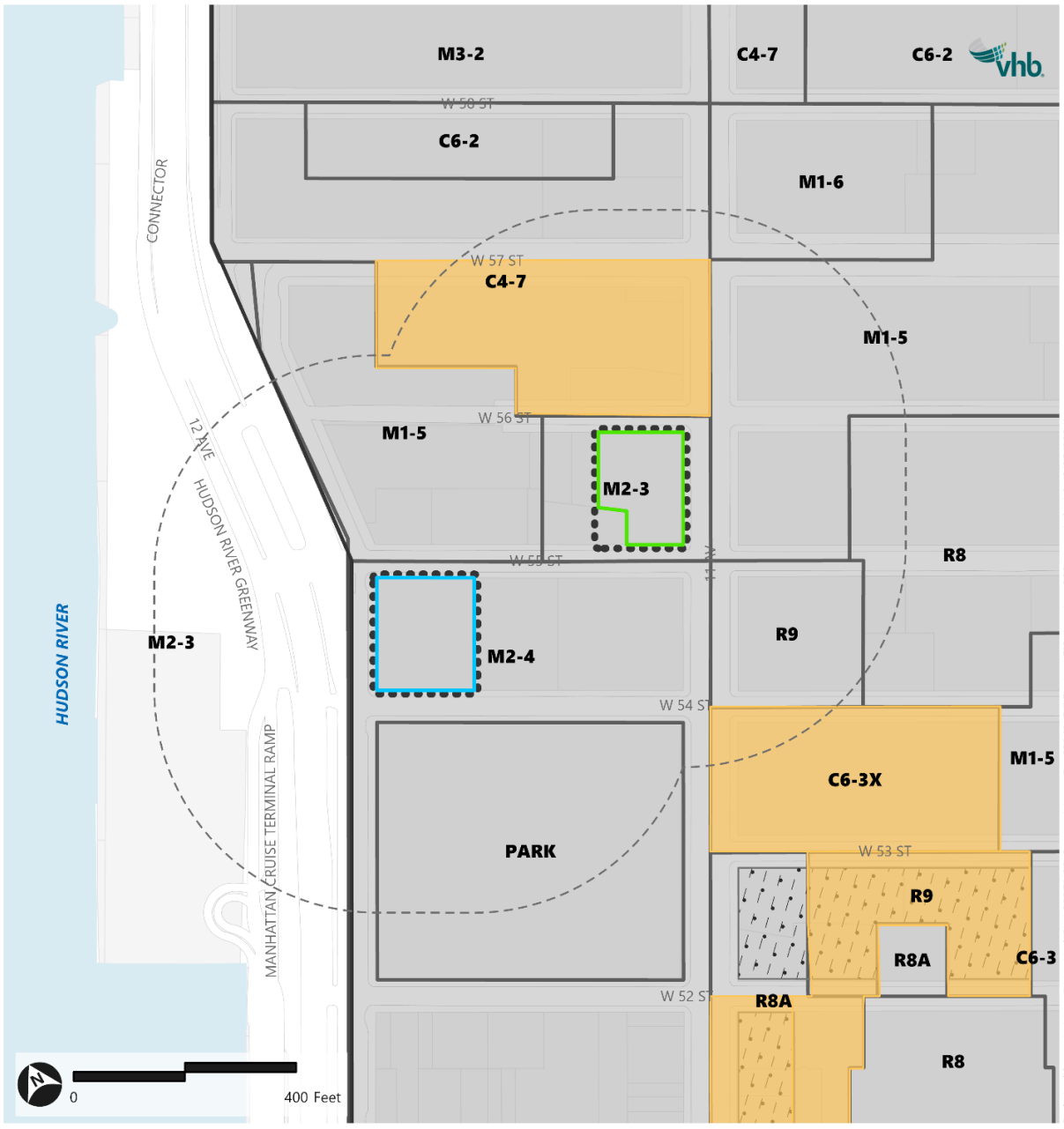
Project Area and Development Sites

As shown in **Figure 2-6**, the Project Area is mapped in M2 districts: Development Site 1 is within an M2-4 district and Development Site 2 is within an M2-3 district. Typically, M2 districts occupy the middle ground between light and heavy industrial areas, allowing for commercial (UG 5-15) and general services (UG 16 and UG 17). M2-3 districts allow a maximum permitted manufacturing and commercial FAR of 2.0; residential uses are not permitted as-of-right. Buildings in M2-3 districts are governed by a sky exposure plane that begins at a height of 60 feet before setback of 20 feet on wide streets or 15 feet on narrow streets. M2-4 districts allow a maximum permitted manufacturing and commercial FAR of 5.0; residential uses are not permitted as-of-right. Buildings in M2-4 districts are governed by a sky exposure plane that begins at a height of 85 feet before setback of 20 feet on wide streets or 15 feet on narrow streets. Buildings within M2-3 and M2-4 districts are exempt from parking requirements for all permitted uses and are intended to be mapped in locations where the need for street parking is limited.

The Project Area is also mapped in the CL, which has the goals of preserving and strengthening the residential character of the Clinton community, restricting demolition of buildings suitable for development or rehabilitation, ensuring that the area is not adversely affected by new development and that development is appropriate for the area, and improving the built environment through the provision of amenities such as street trees in connection with development. The CL has three sub-areas—the Preservation Area, the Perimeter Area, and Other Areas (or Area C). The three sub-areas outline the locations where additional limitations or controls guide development in the CL. Each are governed by applicable special provisions detailed in the City of New York's Zoning Resolution (ZR)

Section 96-30. The Project Area Northern Portion is designated as part of "Other Areas: C1 Northern Subarea" (C1 Area); and the Project Area Southern Portion is designated as part of "Other Areas: C2 Western Subarea" (C2 Area). In M2-4 Districts in the C2 Area, the underlying height and setback regulations are modified pursuant to ZR 96-332. The maximum height of buildings in M2-4 districts in the Other Area of the CL is 135 feet. Parking is not required, but a certain amount of parking is permitted based on the size of a use on a zoning lot. Such regulations were created with a goal to allow existing and new industrial and commercial uses to expand in areas where they can provide essential services to Midtown Manhattan and the city as a whole. In the C1 Area, the bulk regulation is governed by the underlying districts unless it is also an area within "Special Use Regulations Areas C1-1 and C1-2."

Figure 2-6 Existing Zoning Map



Source: NYC DCP, MapPLUTO

Study Area

As shown in **Figure 2-6**, surrounding zoning districts include M1-5 light manufacturing and M2-3 and M2-4 intermediate manufacturing districts containing and directly surrounding the Project Area and a mix of residential and commercial districts along Eleventh Avenue and to the east, including R8 and R9 residence districts, and C4-7, and C6-3X commercial districts. Dewitt Clinton Park is mapped as a park, while the waterfront west of Twelfth Avenue/U.S. 9A (Hudson River Greenway) is zoned M2-3. The Project Area and the study area are entirely within the CL, which, as described above, was created to preserve and strengthen the residential character of a community bordering Midtown, maintain a broad mix of incomes and ensure that the community is not adversely affected by new development.

The manufacturing zonings districts in the study area are M1-5, M1-6, M2-3 and M2-4 zoning districts. M1-5 and M1-6 districts permit light industrial uses that meet high performance standards and are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M2-3 districts permit heavier industrial activities that may produce nuisances such as noise, vibration, or smoke. M2-4 districts are similar to M2-3 districts and permit more disruptive industrial activities, but at a higher density (M2-4 districts permit a maximum FAR of 5.0 for permitted manufacturing and commercial uses, compared to M2-3 districts which permit a maximum FAR of 2.0 for the same uses).

The commercial districts in the study area include C4-7 and C6-3X districts. C4 districts are generally located in regional commercial centers outside of central business districts. C4-7 districts are higher-density districts that permit a wide variety of commercial uses, including office space and destination retail such as department stores, alongside residential uses. The residential equivalent for C4-7 districts is R10, which permits up to 10.0 FAR for community facility and residential uses (12.0 FAR with qualifying affordable housing).

C6-3X districts permits a maximum commercial FAR of 6.0. The C6-3X district in the study area was mapped as a result of 770 Eleventh Avenue Mixed-Use Development Rezoning (ULURP Nos. N 080009 ZRM, C 080010 ZSM, C 080011 ZSM; CEQR No. 07DCP071M), which rezoned the area from a M1-5 to C6-3X in 2009. The residential equivalent for C6-3X districts is R9X which permits up to 9.0 FAR for community facility and residential uses (10.8 FAR with qualifying affordable housing).

Residential districts within the study area include R9 and R8 districts and are generally located on the eastern edge of the study area. R8 and R9 districts are both higher-density, non-contextual zoning districts, generally mapped where there is a diverse mix of building types and no predominant context. R8 districts permit residential uses up to a maximum of 6.02 FAR on narrow streets (7.2 FAR with qualifying affordable housing) and 7.2 FAR on wide streets (8.64 FAR with qualifying affordable housing). Community facility use is permitted up to 6.5 FAR in R8 districts.

R9 districts are generally mapped along major thorough fares, predominantly in Manhattan. In R9 districts, residential uses are permitted up to 7.52 FAR (9.02 FAR with qualifying affordable housing). Community facility use is permitted up to 10.0 FAR in R9 districts.

In 2011, the West Clinton Rezoning (ULURP Nos. C-110177-ZMM, N 110176-ZRM; CEQR No. 11DCP068M) comprised portions of 18 blocks in the West Clinton neighborhood in Manhattan Community District 4. The applicants for this City-sponsored initiative were the NYC Department of City Planning and Manhattan Community Board 4. The rezoning area was generally bounded by W. 55th Street to the north, W. 43rd Street to the south, a variable line between Tenth and Eleventh Avenues to the east, and the West Side Highway to the west. Under the West Clinton Rezoning, all of

the portions of 18 blocks of the West Clinton neighborhood zoned M1-5, M2-3, and M3-2 were rezoned to R8, R8A, R9, and M2-4; also a new C2-5 commercial overlay was mapped along the east side of Eleventh Avenue between W. 43rd Street and W. 52nd Street (with the exception of the block between W. 44th and W. 45th Streets). The purpose of this rezoning was to provide new opportunities for residential development, including new affordable housing, new manufacturing-compatible uses between Eleventh Avenue and the West Side Highway (U.S. 9A); and to ensure that the form of new buildings relates to and enhances the neighborhood character.

There have been several rezonings approved by the NYC City Planning Commission and the City Council in the past 10 years located partially or fully within the study area. In each case, these rezonings replaced the existing M1-5 zoning, which had been mapped over blocks in Clinton between Tenth and Eleventh Avenue to commercial and residential districts. By doing so, they responded to the long-term land use trend of declining manufacturing uses and a public goal of providing housing, commercial, and institutional uses (see "Public Policy" section below for a description of the former Clinton Urban Renewal Plan).

The On December 5, 2024, the New York City Council approved a citywide zoning text amendment, the City of Yes for Housing Opportunity "CHO" (CEQR No. 24DCP033Y) to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts. These changes to the City's Zoning Resolution are designed to enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. Because the Project Area is mapped in manufacturing districts, the proposed zoning text amendments in CHO would not affect conditions at the Project Area absent the Proposed Actions. However, the text amendment has modified the regulations applicable to the residential districts in the study area.

Public Policy

Officially adopted and promulgated public policies also describe the intended use applicable to an area or site(s) in the City. Some of these policies have the force of law, while others describe general goals. They can help define the existing and future context of the land use and zoning of an area. The public policies relevant to the Proposed Actions include *Clinton Urban Renewal Area and Special Clinton District*, *Hudson River Waterfront Revitalization Initiative*, *Housing New York 2.0*, *OneNYC 2050*, *Housing New York 2.0*, *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, and the WRP. Each of these policies is described below.

Clinton Urban Renewal Area and Special Clinton District

A portion of the study area was located within the Clinton Urban Renewal Area (URA), which was established in 1969 and expired in October 2009. The Clinton URA was bounded by West 56th Street to the north, Tenth Avenue to the east, West 50th Street to the south, and Eleventh Avenue to the west. The URA was intended to:

- Create low- and moderate-income housing;
- Retain existing tenants while allowing a mix of land uses;
- Provide a comprehensive plan for the distribution and quantity of new construction in the area;
- Provide open space in the form of a single public urban square;
- Center high-density residential development in the area of DeWitt Clinton Park, and;

› Provide urban design guidelines for the bulk and distribution of new construction to reconcile the community's needs for more building with its preservation tradition.

Specifically, the plan proposed to develop only low-rise structures along Tenth Avenue to match the character of the CL; to encourage higher-density development on Eleventh Avenue; and to complete infill construction on the remaining available residential and retail sites.

Hudson River Waterfront Revitalization Initiative

The Hudson River waterfront, including a portion located within the study area, is the focus of a State- and City-led effort to convert the underutilized former industrial waterfront into a public open space amenity with the objective of creating continuous open space in Manhattan along the Hudson River with connections to upland parcels. The initiative has resulted in the construction of Hudson River Park and Riverside Park South, which are undergoing continued expansion and development.

Housing New York 2.0

On May 5, 2014, the de Blasio administration released Housing New York: A Five-Borough, Ten-Year Housing Plan ("Housing New York"), a plan to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double the New York City Department of Housing Preservation and Development (HPD)'s capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites. In 2017, Housing New York 2.0 was released as an update to the original 10-year plan, which increased this number from 200,000 to 300,000 homes.

OneNYC 2050

In April 2015, the Mayor's Office of Sustainability and the Mayor's Office of Climate Resiliency released "OneNYC," a comprehensive plan for a sustainable and resilient city. OneNYC represents a reworking of the sustainability plan for the City, known as "PlaNYC: A Greener, Greater New York." Like PlaNYC, growth, sustainability, and resiliency remain at the core of OneNYC, but promoting economic equity is a guiding principle throughout the plan. OneNYC has since been updated to OneNYC 2050, which was released in 2019 and consists of eight goals and thirty initiatives.

The goals of the plan are:

› A Vibrant Democracy through empowering participation, welcoming immigrants, promoting justice and equal rights, and promoting democracy and civic innovation;

› An Inclusive Economy through good paying jobs and job training, economic security through fair wages and benefits, expanded decision making power of workers and communities;

› Thriving Neighborhoods through affordable housing, access to neighborhood open spaces and cultural resources, community safety, and place-based community planning;

› Healthy Lives through high quality, accessible health care, addressing health and mental health needs of communities, making healthy lifestyles easier, and designing a healthy physical environment;

› Equity and Excellence in Education through early childhood education, equity in K-12 opportunity, and increasing integration, diversity, and inclusion in NYC schools;

- A Livable Climate through carbon neutrality and clean electricity, resilience, economic opportunities through climate action, and climate accountability and justice;
- Efficient Mobility through modern mass transit, safe and accessible streets, reduced congestion and emissions, and regional and global connections; and
- Modern Infrastructure through investments in core physical infrastructure and hazard mitigation, digital infrastructure improvement, and best practices for asset maintenance and capital project delivery.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Housing Blueprint is a broad strategy to provide access to affordable, high-quality housing for all New Yorkers, including households experiencing homelessness, New York City Housing Authority (NYCHA) residents, families, single New Yorkers, renters, and homeowners alike. Housing Blueprint aims to harness all the benefits that housing can provide to bolster access to opportunity, promote economic stability and mobility, improve health and safety, and increase racial equity.

The five key housing pillars outlined in the Blueprint are:

- Transform NYCHA
- Address Homelessness and Housing Instability
- Create and Preserve Affordable Housing
- Improve the Health and Safety of New Yorkers
- Reduce Administrative Burden

Waterfront Revitalization Program

The Project Area is located within the Coastal Zone Boundary. The WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. The WRP was originally adopted in 1982. Subsequent revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development as well as commercial and recreational waterborne activities, increased restoration of ecologically significant areas, and best practices for the design of waterfront open spaces.

No-Action Condition

Land Use

In the future without the Proposed Actions, Development Site 1 would continue to be occupied by the existing auto dealership use, and the existing auto dealership space on Development Site 2 would be leased to new tenants. No changes would occur on the portion of non-Applicant-owned Block 1103, Lot 23 comprising the balance of the Project Area. In the No-Action scenario, no floor area would be transferred from the Granting Sites within Hudson River Park to the development sites. In the future No-Action condition, the Granting Sites would remain in their current recreational/park use.

In the future No-Action condition, one new development at 755 Twelfth Avenue (Pier 92 and Pier 94) is anticipated to be completed and operational by the end of 2025. This development at 755 Twelfth Avenue is expected to create improved trade show space at Piers 92 and 94 and an expanded second level in the headhouse of approximately 78,000 square feet for trade show, exhibition, and related event space, as well as the development of new public open space and public amenity space on the project site.[5]

Zoning

In the future No-Action Condition, there are no known zoning changes that are anticipated to affect the study area.

Public Policy

In the future No-Action Condition, the NYC Industrial Plan is anticipated to affect the Project Area and the 400-foot study area. The NYC Industrial Plan aims to bolster the city's industrial sector by creating a comprehensive framework to develop and support industrial businesses and jobs. Additionally, the NYC Industrial Plan includes a Last-Mile Facility Zoning Text Amendment proposal that would introduce a public review process for new large last-mile facilities, with goals of shifting development of new last-mile facilities away from residential land use and encouraging the use of sustainable delivery modes. Under the proposed Last-Mile Facilities Zoning Text Amendment, "Parcel Delivery Facilities" would not be permitted in any residential districts or C1-C7 zoning districts where residential land uses are common. Instead, Parcel Delivery Services would be permitted via Special Permit in all Manufacturing Districts, C8 zoning districts, and Special Mixed-Use districts (MX). Both Developments Sites would be subject to this Special Permit if they were to be used for Last-Mile Facilities. However, this is not the Applicants' intended purpose. Hence, the proposed Zoning Text Amendment would not affect the Proposed Development.

With-Action Condition

In the future With-Action condition, the Proposed Actions would be approved, and it is anticipated that the development sites would be redeveloped as detailed in **Chapter 1, Project Description** and outlined in the **Introduction** section above. As described in **Chapter 1, Project Description**, given the range of programs that could result from the Proposed Actions, the Maximum Residential Scenario and the Maximum Commercial Scenario are assessed to ensure conservative analyses. In all scenarios, existing buildings at the development sites would be demolished and redeveloped. In the Maximum Commercial Scenario, the development sites would be redeveloped with two new, mixed-use residential and commercial buildings containing 1,094 DUs, of which 219 to 328 would be permanently affordable under MIH; 112,714 gsf of commercial office space; and 87,036 gsf of commercial retail space. In the Maximum Residential Scenario, the development sites would also be redeveloped with two new mixed-use residential and commercial buildings containing 1,242 DUs, of which 248 to 373 units would affordable under MIH, and 88,559 gsf of auto dealership space. For both scenarios, the proposed mix of uses would be consistent with the mixed-use character present in the surrounding study area and would reflect the ongoing trend towards residential and mixed-uses in the Hell's Kitchen neighborhood.

[5] The relevant land use actions (N 220176 CMM, N 220177 CMM & N220178 CMM) have been granted on June 6, 2022.

Land Use

As the Project Area is currently in M2-3 (CL) and M2-4 (CL) zoning districts, no residential uses are permitted as-of-right. Under both the Maximum Commercial Scenario and the Maximum Residential Scenario, the Proposed Actions would allow the Applicants to pursue the proposed mixed-use residential and commercial developments by mapping commercial C4-7 districts over the development sites. A C4-7 district has an R10 residential district equivalent, but in the With-Action Condition the proposed zoning text amendment would allow for up to 14.4 residential FAR in the Project Area. The replacement of the existing manufacturing districts with a high-density commercial district permitting residential uses would allow for the development of new housing (including affordable housing, as discussed below) in an area of Hell's Kitchen with a dense, mixed-use character at a location in close proximity to public open space such as DeWitt Clinton Park and Hudson River Park and public transit, including the M12 bus and the 59th-Columbus Circle subway station (the A, C, B, D, and 1 lines). The land uses under both scenarios are consistent with the study area's land use trends. The increased density would also activate the Project Area with new residents, workers, and visitors and bring a 24-hour population to the Project Area, which would otherwise remain underutilized under No-Action conditions. Therefore, the proposed uses and increased density at the Project Area would not result in any significant land use impacts.

The Proposed Actions would only affect land uses on Development Site 1 and Development Site 2. No other land use changes are anticipated within the surrounding study area, which will retain a mix of residential and commercial uses that has been the trend in the Hell's Kitchen neighborhood. Therefore, the Proposed Actions are not expected to result in any significant adverse land use impacts.

Zoning

As described above, the Applicant is seeking approval of zoning map amendments, zoning text amendments, and two special permits pursuant to Zoning Resolution Section 89-21 to transfer floor area from the Granting Sites in Hudson River Park to the development sites and modify certain bulk regulations, including modification of maximum base height restrictions and tower regulations (see **Figure 2-7** and **Figure 2-8**).

Proposed Zoning Map Amendment:

› A zoning map amendment to Zoning Map 8c, consisting of:

- (i) an amendment to rezone the Project Area Northern Portion from a M2-3 zoning district to a C4-7 zoning district. The proposed C4-7 (CL) (HRP) to be mapped over the Project Area Northern Portion would be bounded by Eleventh Avenue, West 56th Street, West 55th Street, and a line parallel to and 150 feet west of Eleventh Avenue;
- (ii) an amendment to rezone the Project Area Southern Portion from a M2-4 zoning district to a C4-7 zoning district. The proposed C4-7 (CL) (HRP) to be mapped over the Project Area Southern Portion would be bounded by Twelfth Avenue, West 55th Street, West 54th Street, and a line parallel to and 175 feet east of Twelfth Avenue; and

- (iii) an amendment to establish the Special Hudson River Park District on the Project Area, Pier 81/83, Pier 98, [6] and a portion of Chelsea Piers. [7] (Piers 81/83, Pier 98, and such portion of Chelsea Piers, collectively, the Granting Sites Rezoning Area)

Proposed Zoning Text Amendment:

› A zoning text amendment to the Zoning Resolution (ZR) of the City of New York, as amended, which consists of

- (i) an amendment to ZR Section 89-00, et seq. to
  - (a) designate the Granting Sites as "granting sites" as defined in ZR Section 89-02,
  - (b) designate the Receiving Sites as "receiving sites" as defined in ZR Section 89-02,
  - (c) modify ZR Section 89-11 to generally apply the use and bulk regulations of an M2-3 district to the Project Area Northern Portion and to generally apply the use and bulk regulations of M2-4 district to the Project Area Southern Portion,
  - (d) create ZR Section 89-13 to allow the use and bulk regulations of a C4-7 district and a maximum residential floor area ratio of 14.4 to apply to the Receiving Sites if subject to a special permit pursuant to ZR Section 89-21
  - (e) modify ZR Section 89-11 to allow automobile dealers and all other motor vehicle dealers within the Receiving Sites to include repair services or preparation of vehicles for delivery, and
  - (f) redesignate certain existing granting and receiving sites with new identifiers and make conforming modifications to ZR Section 89-12
- (ii) an amendment to ZR Section 96-02 to clarify that the requirements of the Special Hudson River Park District apply to area that are within both the Special Clinton District and the Special Hudson River Park District; and
- (iii) an amendment to ZR Appendix F to designate the Receiving Sites as MIH areas permitting MIH Options 1 and 2.

Special Permits

› Zoning special permits pursuant to ZR Section 89-21 (Transfer of Floor Area from Hudson River Park) to transfer approximately 84,349 zsf of unused development rights from the Granting Sites to Development Site 1, and approximately 64,392 zsf of unused development rights from the Granting Sites to Development Site 2 (equivalent to approximately 2.40 FAR on each Development Site), and modify certain bulk regulations, including

(i) minimum base height (ZR Sections 35-632, 35-24(a)(2)(ii), and 23-432) to allow a minimum base height of 20 feet along Twelfth Avenue and within 24 feet of Twelfth Avenue along West 54th and 55th Streets at Development Site 1, which is lower than the permitted 60 feet'

[6] The portion of Pier 98 onto which the Special HRP District would be established includes an additional portion of Manhattan Block 1109, Lot 25 adjacent to the Pier 98 Granting Site.

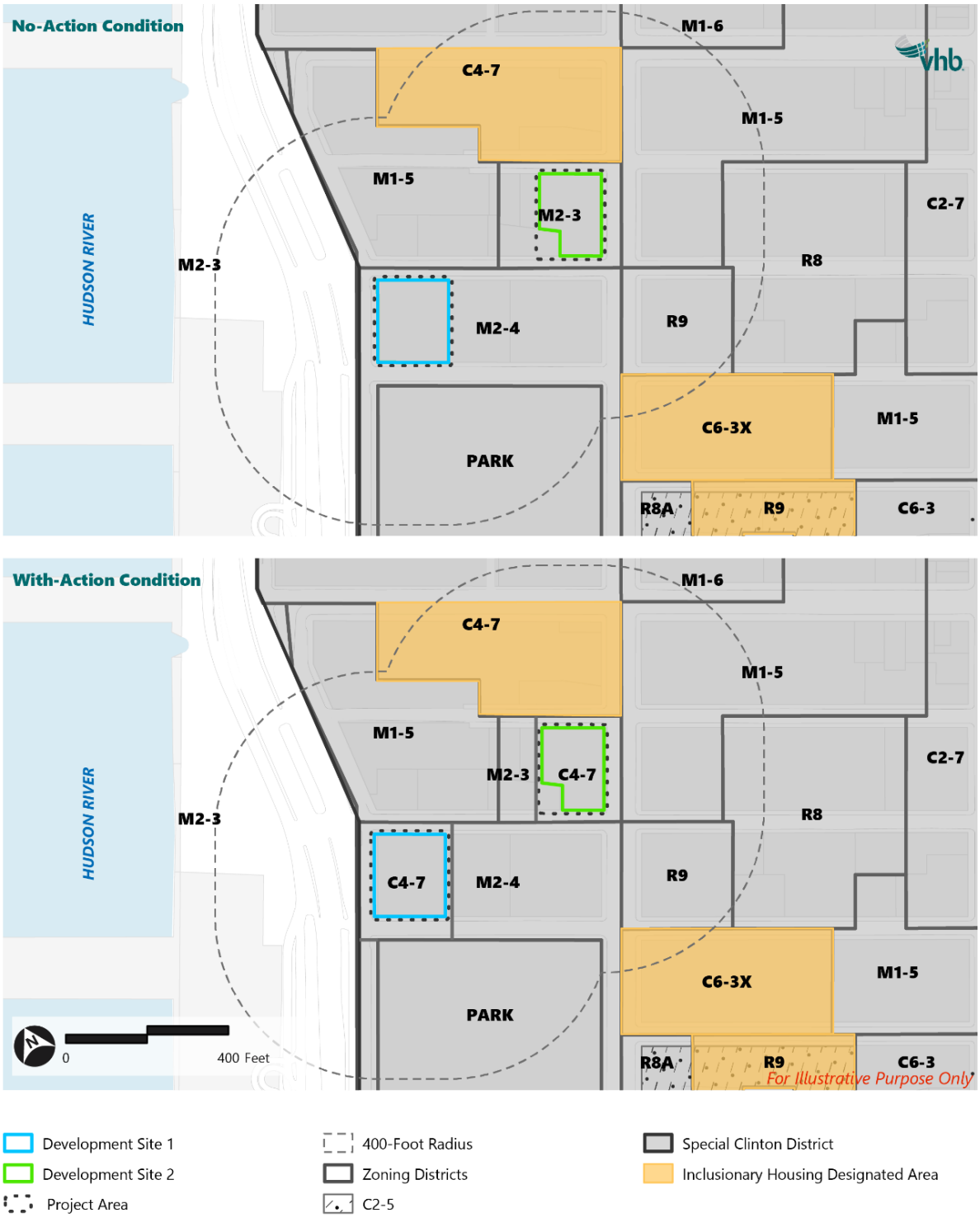
[7] The portion of Chelsea Piers onto which the Special HRP District would be established includes an additional portion of Manhattan Block 662, Lot 19 adjacent to the Chelsea Piers Granting Site.

- (ii) maximum base height (ZR Sections 35-632, 35-24(a)(2)(ii), and 23-432) to allow a maximum base height of 177 feet along West 55th Street at Development Site 1, which is greater than the permitted 155 feet;
- (iii) minimum setback (ZR Sections 35-632, 35-24(a)(2)(ii), and 23-433) to allow a setback of 10 feet from West 54th Street at Development Site 1, less than the required 15-foot setback; and
- (iv) street wall (ZR Section 35-631(a)) to allow the portion of the street wall at Development Site 2 along Eleventh Avenue within 66 feet of West 55th Street to not be located at the street line.

As illustrated in the Maximum Commercial Scenario and the Maximum Residential Scenario, the proposed zoning changes would introduce a zoning district that exists in the surrounding area, and would not generate any land use that would be incompatible with surrounding uses. The proposed C4-7 district would be compatible with the existing zoning districts mapped in the study area, which include M1-4, M2-3, M2-4, R8, R9, C4-7 and C6-3X. C4 districts are mapped in regional commercial centers, such as Flushing in Queens and the Hub in the Bronx, that are located outside of the central business districts. Specifically, C4-6 and C4-7 districts are mapped in densely built areas in Manhattan, including most of Broadway on the Upper West Side (C4-6A) and portions of central Harlem (C4-7).[8] An existing C4-7 District is mapped directly north of Development Site 2, generally extending from West 56th Street to West 58th Street to the west of Eleventh Avenue. This district supports several mixed-use developments (The Max at 606 West 57th Street, Helena 57 West at 601 West 57th Street, and VIA 57 West Apartments at 625 West 57th Street) which are at a scale similar to what would be allowed by the Proposed Actions. The residential use that would be allowed in the proposed C4-7 district is compatible with the land uses in the study area and would not interfere with the function of existing land uses or land use patterns in the study area. The increased bulk and density on the development sites facilitated by the Proposed Actions would be compatible with surrounding bulk and density, and the Proposed Actions would result in more appropriate land uses on both development sites as compared to the No-Action scenario. Therefore, the Proposed Actions are not anticipated to result in significant adverse impacts to surrounding zoning.

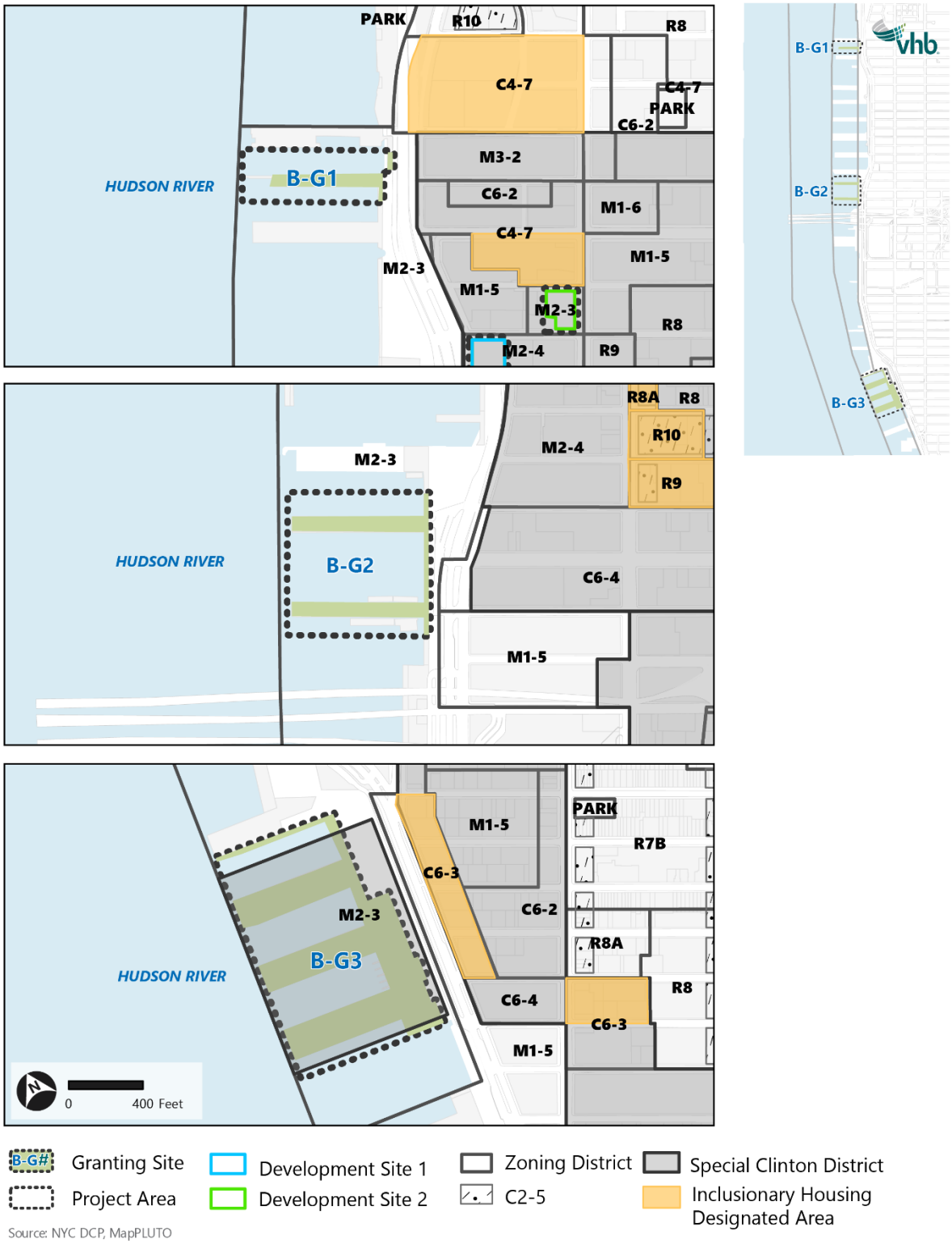
[8] Source: Commercial Districts - Department of City Planning - DCP

Figure 2-7 Zoning District Comparison



Source: NYC DCP, MapPLUTO

Figure 2-8 Zoning District of the Granting Sites



Source: NYC DCP, MapPLUTO

Public Policy

Clinton Urban Renewal Area and Special Clinton District

Redevelopment of the development sites under the Proposed Actions would meet the goals of the Clinton Urban Renewal Area and CL. Specifically, redevelopment under the Proposed Actions in each of the three assessed scenarios would support the development of higher density residential development in the area of DeWitt Clinton Park and retain existing mixed land uses. The Proposed Actions would also facilitate the creation of affordable housing, furthering the goals of the CL.

Hudson River Waterfront Revitalization Initiative

The Proposed Actions would meet the goals outlined in the Hudson River Waterfront Revitalization initiative, as funding would be received from the transfer of development rights from the identified Granting Sites within Hudson River Park to the development sites. The funding would facilitate the repair and rehabilitation of piers, bulkheads, and infrastructure within Hudson River Park and would facilitate their maintenance and development.[9]

Housing New York 2.0

The Proposed Actions would be consistent with the Housing New York 2.0 plan as follows:

Build a firewall against displacement

The Proposed Actions include the mapping of an MIH area coterminous with the proposed C4-7 (CL) (HRP) district. The proposed MIH area would ensure permanent affordability is included for any residential development at the development sites. The Maximum Commercial Scenario would provide up to approximately 1,094 DUs, of which 219 to 328 would be permanently affordable pursuant to MIH. Under the Maximum Residential Scenario, a total of 1,242 units would be developed at the development sites, of which 248 to 373 would be permanently affordable pursuant to MIH.

Unlock the Lots: Activating Underutilized Sites for New Housing

Redevelopment under the Proposed Actions would be constructed on the currently underutilized lots that include Block 1102, Lot 11 and Block 1103, Lot 36. The Maximum Commercial Scenario and Maximum Residential Scenario would contribute to achieving the City's goal of creating new affordable housing units in underutilized lots and, therefore, would be supportive of this public policy.

OneNYC 2050

The Proposed Actions would support Goal Three of *OneNYC 2050*—Thriving Neighborhoods through affordable housing, access to neighborhood open spaces and cultural resources, community safety, and place-based community planning. In each of the three development scenarios assessed in this chapter, the Proposed Actions would support the mixed-use land use character of the Hell's Kitchen neighborhood. The increased density would also activate the Project Area with new residents, workers, and visitors and create a more resilient local economy by bringing a 24-hour population to the Project Area, which would otherwise remain underutilized under No-Action conditions.

[9] Granting sites to be updated, if needed, prior to publication of the EIS.

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Proposed Actions include the mapping of an MIH area coterminous with the proposed C4-7 (CL) (HRP) district. The proposed MIH area would ensure the provision of permanently affordable units for any residential development at the development sites. Under the Maximum Commercial Scenario, a total of 1,094 units would be developed, of which 219 to 328 would be permanently affordable pursuant to MIH. Under the Maximum Residential Scenario, a total of 1,242 units would be developed, of which 248 to 373 would be permanently affordable pursuant to MIH. The Proposed Actions would support housing development—and affordable housing development—at a location in close proximity to public open space, public transportation, and commercial activities. As such, the Proposed Actions would be consistent with the goals outlined in *Housing Our Neighbors*, such as bolstering access to opportunity, promoting economic stability, and mobility through housing developments.

Waterfront Revitalization Program

Because the Project Area is located within the New York City Coastal Zone, the Proposed Actions are subject to review for their consistency with the City's WRP. In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the Proposed Actions' consistency with the WRP policies was undertaken. This preliminary evaluation requires completion of the WRP Consistency Assessment Form (CAF), which contains a series of questions designed to screen out those policies that would have no bearing on a consistency determination for a proposed action (see **Appendix A**). The CAF lists the WRP policies and indicates whether a proposed project would promote or hinder that policy, or if that policy would not be applicable. For any policies that may be affected, this section provides additional information and assessment. As detailed in **Appendix A**, the Proposed Actions would be consistent with WRP policies (WRP# 23-225).

NYC Industrial Plan

Under the proposed Last-Mile Facilities Zoning Text Amendment, "Parcel Delivery Facilities" would not be permitted in the proposed C4-7 district within the Project Area. This Zoning Text Amendment would not affect the Proposed Developments, as the Applicants do not intend to use the Proposed Developments for Last-Mile Facilities.