East 94th Street Rezoning
207-245 East 94th Street, Manhattan
Project Description
February 10, 2023

Introduction

This is an application by LM East 94 LLC (the "Applicant") to the New York City Planning Commission (the "CPC") for the following land use actions (collectively, the "Land Use Actions"):

1. A change to the Zoning Map of the City of New York (the "Rezoning") of a portion of East 94th Street between 2nd Avenue and 3rd Avenue in Manhattan (Block 1540, Lots p/o 5, 6, 10, 111, 13, 14, p/o 18; the "Proposed Rezoning Area") from an M1-4 zoning district to a C2-8 and C4-6 zoning district pursuant to Section 197-c of the New York City Charter; and

2. An amendment to the text of Appendix F of the Zoning Resolution of the City of New York (the "Zoning Resolution" or "ZR") pursuant to Section 201 of the New York City Charter to designate the area subject to the Rezoning as a Mandatory Inclusionary Housing (MIH) area (the "Text Amendment").

The Land Use Actions will facilitate the development of a 46-story, approximately 484' tall mixed-use building on Lots 13, 14 and 18 (the "Development Site") with approximately 385,831 square feet of floor area (the "Proposed Development").[1] In accordance with the Zoning Resolution for new development within MIH areas, the Applicant proposes to choose MIH Option 1, which requires at least 25% of the residential floor area in the Proposed Development be reserved for permanently affordable housing in accordance with Section 23-90 of the Zoning Resolution.

Background

The Proposed Rezoning Area is located in an M1-4 zoning district, which is mapped in the midblock of East 94th Street between 2nd and 3rd Avenues. The M1-4 zoning is a vestige of historical commercial and industrial development in this part of Yorkville. Notably, the Ruppert Brewery operated on the blocks just south of the Proposed Rezoning Area for most of the first half of the 20th Century. In 1968, however, following the closing of the brewery and based on increasing residential development in the Yorkville neighborhood, the blocks south of the Proposed Rezoning Area (from East 94th Street to East 90th Street between 2nd and 3rd Avenues) were approved for an urban renewal plan and rezoned to facilitate the redevelopment of the area with several mixed income residential buildings (many in the form of towers) and public open space interspersed

[1] In a separate application, the Applicant is seeking a joint certification pursuant to ZR 95-041 from CPC and the Metropolitan Transit Authority (MTA) to certify whether or not a transit easement volume will be required in connection with the Proposed Development at the Development Site. This joint certification application will also be necessary to facilitate the construction of the Proposed Development.

throughout. This area became known as the Ruppert Brewery Urban Renewal Area (URA), which expired in 2008.

The manufacturing zoning of the Proposed Rezoning Area, however, remained unchanged and continues today as one of the few manufacturing districts remaining on the Upper East Side, isolated amongst residential and commercial districts that have been mapped from Central Park to the East River.

Additionally, there have been several land use actions approved within the area surrounding the Proposed Rezoning Area within the last ten years:

- In 2013, a special permit to amend ownership provisions of ZR 78-06 (N 130263 ZSM), a modification of the Large-scale residential development within the former Ruppert Brewery URA (M 860289(A) ZAM), and a certification that a public plaza complies with ZR 37-70 (N 130264 ZCM) to facilitate a 36-story, 425' mixed use tower in the mid-block at 205 East 92nd Street

- In 2015, a transit easement volume certification (N 150291 ZCM) in connection with a new development at 302 East 96th Street

- In 2017, a transit easement volume certification (N 170287 ZCM) in connection with a new development at 1802 2nd Avenue

- In 2017, a special permit per ZR 74-75 to waive bulk modifications (C 170228 ZSM), a special permit to waive accessory parking regulations (C 170229 ZSM), a rezoning from an R7-2 and R10A to a C2-8 and R10 zoning district (C 170226 ZMM), and a zoning text amendment to Appendix F for and MIH area designation (N 170227 ZRM) to facilitate development of several high schools, a 68-story residential building, and other commercial uses on a block bounded by 1st Avenue, 2nd Avenue, East 96th and East 97th Streets

- In 2019, special permits (180181 ZSM, 180182 ZSM, 180183 ZSM) to increase the number of parking spaces at the Knickerbocker, Yorkville and Ruppert garages in the former Ruppert Brewery URA.

Description of the Surrounding Area

The Proposed Rezoning Area is located in the Yorkville neighborhood of Manhattan in Community District 8. It is comprised of Block 1540, Lots p/o 5, 6, 10, 111, 13, 14 and p/o 18 in the mid-block on the north side of East 94th Street (a "narrow" street as defined in the Zoning Resolution) between 2nd and 3rd Avenues. The Proposed Rezoning Area is located in an M1-4 zoning district and in the Special Transit Land Use (TA) District.

M1-4 districts are light manufacturing districts which permit most commercial uses as well as industrial uses that meet high performance standards, but do not permit residential use. The maximum permitted FAR is 2.0 for commercial use and 6.5 for community facility use. Height and setback regulations allow for a maximum front wall height of 60 feet or 4 stories (whichever

is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 5.6:1 along narrow streets.[2]

The Special TA District was established in 1973 to promote a better relationship between subway design and surrounding developments, among other objectives, in conjunction with the 13 subway stations proposed at the time along Second Avenue. The Special TA District requires builders of developments adjoining then-planned subway stations to a obtain a joint certification from CPC and MTA to determine whether they are required to reserve space in their projects for public access to subway related uses.

Zoning districts in the Surrounding Area include other C2-8 districts to the east running along 2nd Avenue (with a C8-4 district further to the east and an R8B district further to the southeast); R8, R10 and R10A districts to the north, with commercial overlays running east-west along East 96th Street; a C2-8 district to the west running along 3rd Avenue (with an R8B district in the mid-block and C1-8X district further to the west running along Lexington Avenue); and a C4-6 and C2-8 district on the blocks directly south of the Proposed Rezoning Area, which are part of the former Ruppert Brewery URA.

The Ruppert Brewery URA, which generally comprised of blocks between 2nd and 3rd Avenues between East 94th Street and East 90th Street, expired in 2008, but is still subject to a large-scale residential development plan (and several subsequent modifications). The area contains 10-parcels that have been fully developed with a mix of high-rise residential towers, local retail and community facility uses, and open space distributed throughout. Recently, in 2013, several CPC approvals (discussed below), including a modification of the large scale residential development within the former Ruppert Brewery URA, were obtained to develop the Easton (205 East 92nd Street), a 36-story, 425' tall mixed use tower completed in 2016 that is located on land in the midblock that was previously used as open space. Similarly, the rest of the surrounding area has also been developed with high-density towers on both the mid-blocks and along 2nd and 3rd Avenue, along with low-rise buildings interspersed. For example, one block north of the Proposed Rezoning Area is Normandie Court (1849 2nd Avenue), which occupies the full block on the south side of East 96th Street between 2nd and 3rd Avenues and contains four 35-story mixed use towers with heights of 309', while across East 96th Street to the north is One Carnegie Hill (215 East 96th Street), a 41-story, 382' tall mixed residential and community facility tower. Additionally, on the western side of the Proposed Rezoning Area block is the Kent (1695 3rd Avenue), which was constructed in 2017 and is a 30-story mixed use tower, and to the east of the Proposed Rezoning Area is 301 East 94th Street on the northeast corner of the East 94th Street/2nd Avenue intersection which is a 31-story, 284' tall mixed use tower. Further, 236 East 94th Street is located on the southwest corner of the same the East 94th Street/2nd Avenue intersection and is occupied with a 32-story, 350' tall mixed commercial and residential use tower. These towers are generally interspersed with 5-story walkup apartment buildings with ground floor retail uses. Other remnants of former industrial uses can be found in the auto-oriented C8-4 districted mapped on the mid-

[2] Note that the portion of East 94th Street adjacent to the Development Site is a 60-foot wide "narrow" street as defined by the Zoning Resolution.

block of East 94th Street between 1st and 2nd Avenues—just east of the Proposed Rezoning Area block—as well as along the southern mid-block of East 95th Street between 1st and 2nd Avenues.

Within the Surrounding Area, East 94th Street is a one-way thoroughfare carrying traffic east from 5th Avenue to 1st Avenue, while 2nd Avenue carries traffic south from East 128th Street to East Houston Street and 3rd Avenue carries traffic north from East 6th Street to East 128th Street. There are also several public transportation sources available within the Surrounding Area. As mentioned above, at the intersection of East 96th Street and 2nd Avenue (approximately two blocks from the Proposed Rezoning Area) the new station on the Q subway line opened in January 2017, and at the intersection of East 96th and Lexington Avenue (approximately ¼ mile from the Proposed Rezoning Area) is a station stop on the 6 subway line. Additionally, stops on the M15/SBS bus line between East Harlem and South Ferry and o M96 crosstown bus line are located near the East 96th Street/2nd Avenue intersection, and a stop for the northbound M101 (between East Village and Washington Heights), M102 (between East Village and Harlem) and M103 (between City Hall and East 125th Street) buses is located on 3rd Avenue between East 93rd and 94th Streets—about ½ block from the Proposed Rezoning Area.

Several public parks are also located within the Surrounding Area. These include the Samuel Seabury Playground, which is an approximately 1 acre park located to the northwest of the Proposed Rezoning Area on Lexington Avenue between East 95th and East 96th Street and contains basketball courts, playground equipment, spray showers, and seating areas; and the Marx Brothers Playground, which is an approximately 1.5 acre park located to the northeast of the Proposed Rezoning Area on Second Avenue between East 96th and East 97th Street and contains a multipurpose baseball and soccer field, and a playground. In addition, there are numerous privately owned public spaces (POPS) within, and just outside of, the Surrounding Area that are associated with various nearby developments and provide additional usable public open space.

Schools in the Surrounding Area include PS 198 – Isador E. Ida Straus (K-5) and PS 77 – Lower Lab School (Grades K-5) located northwest of the Proposed Rezoning Area on 3rd Avenue between East 95th and East 96th Streets, and the Life Sciences Secondary School (Middle and High School) located to northeast of the Proposed Rezoning Area on East 96th Street between 1st and 2nd Avenues.

Description of Project Area

The Project Area consists of Block 1540, Lots 5, 6, 10, 111, 13, 14, and 18 in their entirety. A small, approximately 5-foot wide portion of Lot 5 (201 East 94th Street) is only partially included in the Proposed Rezoning Area but not part of the Proposed Zoning Lot (as hereinafter defined) because in 2013, it was merged into a single zoning lot with several tax lots to the west along 3rd Avenue in connection with the transfer of unused development rights to facilitate the development of the Kent (1695 3rd Avenue). It is included in the Project Area for purposes of providing a more conservative analysis of the Proposed Development with respect to CEQR.

Description of Proposed Rezoning Area

The Proposed Rezoning Area is located in the mid-block on the north side of East 94th Street between 2nd Avenue and 3rd Avenue. The Proposed Rezoning Area has an area of approximately 36,256 square feet. The Proposed Rezoning Area is located in an M1-4 zoning district and the Special TA District.

Lots 6, 10 and 111 (the "Air Rights Parcels"), which will be subject to the Rezoning and Text Amendment, are part of the Proposed Rezoning Area and have been merged into a single zoning lot with the Development Site to create the Proposed Zoning Lot for the purposes of transferring unused floor area to the Development Site for incorporation into the Proposed Development. Lot 6, 10 and 111 are each within the M1-4 zoning district. Lot 6 is occupied by three 5-story commercial office buildings with uses including an orthodontist, veterinary pharmacy, mental health clinic and offices;[3] Lot 10 is occupied by a four-story gymnasium accessory to school use; and Lot 111 is occupied by a five-story residential building with 15 dwelling units. It is not intended that the Proposed Development will alter the present condition of these buildings. In connection with the zoning lot development agreements needed to effectuate the transfer of unused floor area from the Air Rights Parcels to the Development Site, the owners of each of these parcels has granted light and air easements in favor of the Applicant, restricting the height of future development on their parcels, thereby preserving the low-scale character of those sites.

Description of the Proposed Zoning Lot

The Proposed Zoning Lot consists of Block 1540, Lots 6, 10, 111, 13, 14 and 18. It is a rectangular-shaped zoning lot with an area of approximately 37,691 square feet. At the center of the Proposed Zoning Lot is the Development Site (Lots 13, 14 and 18), which has an area of approximately 20,597 square feet. As mentioned above, the Air Rights Parcels (Lots 6, 10 and 111) are incorporated into the Proposed Zoning Lot for the transfer of unused development rights to the Development Site to facilitate construction of the Proposed Development.

The Proposed Zoning Lot is located in an M1-4 District. Lot 13 is currently occupied with a vacant, five-story building that formerly contained residential units. Lot 14 and 18 are each occupied by four- and three-story parking garages, respectively, that function as one facility with 390 parking spaces. Additionally, the garage on Lot 18 contains an auto-repair shop and paint spray booth. There are three existing curb cuts on the Development Site that will remain as part of the Proposed Development. The buildings on the Development Site will be demolished and the site redeveloped with the Proposed Development, while the other buildings on the Proposed Zoning Lot would remain.

Based on surveys taken by the Applicant, the 390-space parking garage currently on the Development Site has a utilization of 339, 332, 335 and 359 spaces during peak hours in the weekday AM, weekday midday, weekday PM and overnight, respectively. There are also 21 public parking facilities with a capacity of 3,414 spaces within ¼ mile of the Development Site, and 33

[3] Lot 6 was previously subject to a 1921 variance from the Board of Standards and Appeals to a permit a smoke stack used for a boiler draught for an on-site steam laundry to occupy more than the yard area permitted by the Building Zone Resolution (BSA Cal. No. 1104-21-BZ). The owner of Lot 6 surrendered that variance in June 2018, and BSA has acknowledged by letter that such variance is of no further force and effect.

additional parking facilities within ¼ to ½ mile of the Development Site with a capacity of 4,578 spaces. Parking utilization surveys were conducted by the environmental consultant for the project and based on the number of unutilized spaces within these 54 parking facilities within ½ mile of the Development Site, there will be sufficient capacity in the extended surrounding area to accommodate the loss of 390 parking spaces at the Development Site.

As mentioned above, M1-4 zoning districts are light manufacturing districts which permit most commercial and industrial uses (but not residential use). The maximum permitted FAR is 2.0 for commercial use and 6.5 for community facility use. Height and setback regulations allow for a maximum front wall height of 60 feet or 4 stories (whichever is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 5.6:1 along narrow streets.

Description of the Proposed Development

The Proposed Development will be constructed in accordance with C4-6, C2-8 and MIH area zoning regulations as applicable. The Applicant proposes to construct the Proposed Development as a 46-story, approximately 484' mixed-use building with approximately 385,831 square feet of floor area. The Proposed Development would be occupied by commercial and/or community facility uses in the cellar and ground floor of a 4- and 6-story building base, with residential use on the upper floors of the base and in the tower portion of the building (though the Proposed Development would be constructed in accordance with standard tower regulations). The Proposed Development's 4-story base would rise to a height of 44' and setback 15' from East 94th Street; and the 6-story base would rise to a height of 66' and thereafter setback 15'. Above the bases, the Proposed Development will setback more than 20 feet on its east and west sides and rise as a tower to an overall height of 46 stories and 484'—subject to the tower regulations of Article II, Chapter 3 of the Zoning Resolution. The Proposed Development would provide a 30' residential rear yard above a one-story commercial/community facility portion of the building that extends into the rear yard that would not exceed a height of 23'. Furthermore, as the site will be designated an MIH area, the Applicant proposes to choose MIH Option 1, whereby at least 25% of the residential floor area in the Proposed Development will be for permanently affordable housing.

Actions Necessary to Facilitate the Project

To facilitate the Proposed Development, the Applicant is seeking a change to the Zoning Map to rezone the Proposed Rezoning Area from an M1-4 zoning district--a district that is a vestige of the area's industrial past—to a C2-8 and C4-6 zoning district. As part of the Land Use Actions, the C2-8 zoning district, which currently extends 125' west into the southern half of the Project Area block would be extended further into the midblock to 315' from 2nd Avenue and over the Development Site and a small sliver of the Air Rights Parcels. The midblock where the majority of the Air Rights Parcels (and a small portion of Lot 5) are located would be changed to a C4-6 district. This district would be mapped starting 125' east of 3rd Avenue to 315' west of 2nd Avenue. The Applicant is also seeking an amendment to the text of Appendix F of the Zoning Resolution to designate the area of the Proposed Zoning Lot (and a small portion of Lot 5) as a Mandatory

Inclusionary Housing area.[4] The Land Use Actions allow for the development of a 46-story, approximately 484' mixed-use building on the Development Site with approximately 385,831 square feet of floor area that will be occupied by commercial and/or community facility use on the ground floor and residential units on the upper floors, of which at least 25% of such residential floor area will be made permanently affordable.

C2-8 districts are commercial districts that are residential in character, while also promoting ground floor retail uses. Within MIH areas, the maximum permitted FAR in a C2-8 district is 12.0 (subject to providing the required affordable housing in accordance with ZR 23-154) for residential use, 10.0 for community facility use and 2.0 for commercial use. Front yards and side yards are not required, but for residential use, 30' rear yards are required on interior lots and for commercial/community facility uses, 20' rear yards are required, except for one-story building portions that do not exceed a height of 23' above curb level in accordance with permitted obstruction regulations. Height and setback regulations allow for a maximum front wall height of 85 feet or 9 stories (whichever is less), followed by a minimum initial setback of 20 feet along narrow streets, and thereafter may rise subject to a sky exposure plane with a vertical-to-horizontal ratio of 5.6:1 along narrow streets. However, in C2-8 districts, for mixed buildings in the midblock, residential building portions may penetrate the sky exposure plane and such portions are subject to the zoning regulations for standard towers. Uses permitted as-of-right include residential (Use Groups 1 and 2), community facilities (Use Groups 3 and 4) and commercial (Use Groups 5 (by special permit), 6 to 9 and 14)

In C4-6 zoning districts in MIH areas, 12.0 FAR is permitted for residential use (subject to providing the required affordable housing in accordance with ZR 23-154), 3.4 FAR is permitted for commercial use, and 10.0 FAR is permitted for community facility use. Front yards and side yards are not required, but for residential use, 30' rear yards are required on interior lots and for commercial/community facility uses, 20' rear yards are required, except for one-story building portions that do not exceed a height of 23' above curb level in accordance with permitted obstruction regulations. The maximum base height for mixed-use buildings is 85 feet or 9 stories (whichever is less), followed by a required 20-foot initial setback along narrow streets and is subject to a sky exposure plane with a vertical-to-horizontal ratio of 2.7:1 along narrow streets. Uses permitted as-of-right include residential (Use Groups 1 and 2), community facilities (Use Groups 3 and 4) and commercial (Use Groups 5, 6, 8-10 and 12).

The Rezoning, which will allow development pursuant to tower regulations in C2-8 districts in the midblock, is consistent with the built context of the surrounding area and will not alter the neighborhood character. As noted above, the area is characterized by a combination of high-rise towers—both in the midblock and along the 2nd and 3rd Avenues—with low-rise buildings and open space interspersed. For example, the 35-story Normandie Court complex (1849 2nd Avenue) and 41-story One Carnegie Hill (215 East 96th Street) both line East 96th Street in the midblock between 2nd and 3rd Avenues—just two blocks north of the Development Site. High-rise towers

[4] Note that the majority, but not all, of the Development Site is in the Proposed Rezoning Area and subject to the Rezoning. The eastern, approximately 20' of Lot 18 is currently located within a C2-8 district and would remain in such district as part of the Rezoning. However, an MIH area will be designated over the entire Proposed Rezoning Area and the Development Site—inclusive of this 20' wide portion of Lot 18.

also line 2nd and 3rd Avenues and, in some cases, flank the Proposed Rezoning Area block (see e.g. the Kent (1695 3rd Avenue), a 30-story mixed use tower located on the west edge of the Proposed Rezoning Area block, as well as 301 East 94th Street (a 31-story, 284' tall mixed use tower) and 236 East 94th Street (a 32-story, 350' mixed use tower), both located along the East 94th Street/2nd Avenue intersection. In addition, the Easton at 205 East 92nd Street is a 36-story, 425' mixed use tower that was developed in 2016 and located in the midblock between East 92nd and East 93rd Street and 2nd and 3rd Avenues. Thus, the addition of the Proposed Development Site as a new mid-block tower would complement, and not alter, built conditions in the surrounding area where towers predominate.

Additionally, while towers are prevalent in the neighborhood, the blocks on which they are located are also interspersed with either open space or low-rise buildings, resulting in high-rise towers being staggered throughout the area. This is evident at Normandie Court, which has four towers along with at-grade open space along 95th Street, as well as smaller 2-4 story buildings elsewhere on the site. This context is also seen along the avenues where, on block frontages such as the east side of 3rd Avenue between 94th and 95th Streets, the east side 2nd Avenue between 94th and 95th Streets, and the east side of 2nd Avenue between 92nd and 93rd Street, high-rise towers abut low-rise four and five-story walk-up buildings.[5]

Similarly, the Proposed Rezoning Area will contain this hi- and low-rise dynamic as the Air Rights Parcels will be subject to height restrictions in accordance with their respective zoning lot development agreements. As mentioned above, each of the Air Right Parcels' owners has granted light and air easements in favor of the Applicant, restricting the height of future development on their sites.[6] By covenanting to height limitations, development on the Air Rights Parcels will not significantly change from the four- and five-story buildings that exist today, thereby preserving the low-scale built character that is generally found adjacent to towers throughout the neighborhood. Additionally, the mapping of a C4-6 zoning district over the majority of the Air Rights Parcels' area will ensure the conformity of the existing uses on those sites.

Moreover, as compared to the current M1-4 district—which is a vestige of the area's brewery and industrial past—the proposed C2-8 and C4-6 districts, and the extent to which such districts will be mapped, is compatible with the commercial zoning districts in the surrounding area that are generally mapped to the west, south and east of the Proposed Rezoning Area. As discussed above, C2-8 districts run up and down 2nd Avenue to the east, and a C4-6 and C2-8 district are mapped on the blocks directly south of the Development Site. C2-8 districts allow for high-rise, predominately residential development with ground floor commercial and/or community facility uses, similar to the Proposed Development, and within the surrounding area along 2nd Avenue have been developed accordingly. The entirety of the blocks between 2nd Avenue, 3rd Avenue, East 90th Street and East 92nd Street are zoned C2-8 and more than half of the block immediately to the north between 92nd Street and 93rd Street is mapped as a C2-8 district. Further, the remainder of that

[5] Within the former Ruppert URA, at-grade open space and one- and two-story buildings and building portions are spread throughout the towers.

[6] These light and air easements generally limit the heights of the buildings on the Air Rights Parcels to no more than a height of 10' above the current height of the existing buildings. Thus, any rebuilding following a casualty and/or demolition would not significantly increase the building height on these sites.

street block to the west is mapped as a C4-6 district and the majority of the next block to the north (between East 93rd Street and East 94th Street) is a C4-6 zoning district.[7] Development on these four blocks is characterized by high-density tower development, and many of these towers are located in the mid-block. Additionally, both north and south of East 86th Street, and in some areas extending 1 ½ blocks from East 86th Street, C2-8A, C5-1A and C1-7 districts are mapped in the mid-block, which also allow for hi-rise residential development in and commercial and/or community facility use on the lower floors. In certain areas, these districts are mapped on narrow streets beyond 100' from the avenues. Thus, the proposed C2-8 and C4-6 districts (and their proposed location), coupled with the transfer of unused floor area and light and air easements granted over the Air Rights Parcels, will serve to preserve the existing built characteristics in the area in future development in the Proposed Rezoning Area, resulting in a mixed-use tower adjacent to low-rise buildings which is consistent the type of building context found throughout the surrounding area.

Furthermore, with respect to use, the Rezoning will result in new mixed residential and commercial development which is similar to the uses found in the Surrounding Area, and will eliminate uses that are incompatible with the character of the area such as auto-body shops, paint spray booths, and transient parking garages.

The Applicant is also seeking a CPC and MTA joint certification in a separate application per ZR 95-041 to determine whether a transit easement volume is required to be reserved for public access to subway related uses. The regulations in the Special TA District include requirements for specific types of transit easements to provide access to subway stations along Second Avenue, including a station at East 96th Street which is the station nearest to the Proposed Rezoning Area. The subway station at East 96th Street, however, is now fully-constructed and has been in operation since January 2017, and an entrance has been constructed on the northwest corner of the East 94th Street/2nd Avenue intersection (approximately 200 feet from the Proposed Zoning Lot).

Conclusion

The proposed Land Use Actions will permit development of a 46-story, approximately 385,831 square-foot mixed residential and commercial/community facility use building in an area currently zoned for manufacturing and industrial use—uses that have long since left the Yorkville neighborhood. The Land Use Actions will facilitate the redevelopment of the Development Site with a mixed use tower, while also preserving the adjacent low-scale buildings interspersed within the Proposed Rezoning Area, which is a dynamic that is consistent with the built character of the surrounding neighborhood. Furthermore, as a result of the area subject to the Rezoning being designated as an MIH area, the Proposed Development, utilizing MIH Option 1, will provide at least 25% of the residential floor area for permanently affordable housing in accordance with the Inclusionary Housing Program of ZR 23-90.

[7] We note that while these C2-8 and C4-6 districts are within the former Ruppert Brewery URA and are subject to a large-scale residential development plan, they nonetheless were developed with mixed-use towers interspersed with low-scale buildings and open space. Thus, the development characteristics of the blocks immediately south of the Proposed Rezoning Area—on the midblocks and on the avenues—would be similar to the type of development that will be permitted in the Proposed Rezoning Area.