495 Eleventh Avenue Rezoning
Block 685, Lot 38, Manhattan
April 12, 2021

1. Introduction

The applicants, 495 11 Avenue Owner Realty LLC ("11 Avenue Owner") and the New York City Economic Development Corporation ("EDC"), seek approvals needed to facilitate the development of 495 Eleventh Avenue (Block 685, Lot 38), a zoning lot consisting of 24,687 square feet ("sf") of lot area, in the Hell's Kitchen neighborhood of Manhattan, Community District 4 (the "Development Site"). The New York City Police Department (NYPD) is the applicant and the Department of Citywide Administrative Services (DCAS) is the co-applicant for the acquisition and site selection Uniform Land Use Review Procedure (ULURP) actions to facilitate the siting of an NYPD Strategic Response Group (SRG) and Manhattan South Operations Unit parking facility within this proposed development.

The applicants, 11 Avenue Owner and EDC, seek approval of a zoning map amendment to: 1) change the Development Site from an M1-5 zoning district to a C6-4 (R10 equivalent) zoning district; and 2) include the Development Site within the Special Hudson Yards District ("SHYD"). The applicants also seek approval of a zoning text amendment to modify: 1) New York City Zoning Resolution ("ZR") Section 93-00 to establish a new Subdistrict G within the SHYD; and 2) ZR Appendix F to designate the Development Site as a Mandatory Inclusionary Housing ("MIH") area.

The proposed map and text amendments would facilitate a new building containing residential, community facility and commercial uses with a total floor area of 581,601 sf and a floor area ratio ("FAR") of 23.55 (the "Proposed Development"). The Proposed Development will be a 56-story hotel tower and a 57-story residential tower joined by a 5-story mixed-use podium. The 236,699 sf residential space will be comprised of 275 affordable dwelling units. All of the proposed dwelling units will be reserved for households that meet certain income restrictions for affordability, with approximately 71 of the dwelling units (30 percent of the total residential floor area) designated as permanently affordable to households with incomes having an average not exceeding 80 percent of area median income pursuant to MIH Option 2. A 48,655 sf community facility space will consist of 75 supportive housing units for formerly homeless individuals and families and will include 1,828 sf of space for social services. The commercial space will comprise 296,247 sf of floor area and will consist of: 1) a 282,557 sf hotel use with approximately 680 guest rooms and accessory eating and drinking establishments; 2) a 4,791 sf supermarket (plus 6,908 gross square feet of floor space in the cellar); and 3) 8,899 sf of office (co-working) space.

As mentioned prior, NYPD and DCAS seek to acquire and site select approximately 38,971 sf of the Proposed Development for an NYPD vehicle storage facility for 55 NYPD vehicles.

2. Background

The Development Site was originally the location of a slaughterhouse constructed in 1905. The slaughterhouse ceased operating in the late 1950's and the building was thereafter used as a warehouse and office building. In 1980, the Development Site was included in an application for the sale of 21 parcels of City-owned property; however, the Development Site was disapproved for sale at the time of the February 11, 1980 City Planning Commission (CPC) disposition of non-residential City-owned property (C 790599 PPM). In 1992, the six-story slaughterhouse building was demolished. In January of 1993, NYPD started using the Development Site as an open parking lot for 55 NYPD vehicles. On November 22, 2004, CPC approved the disposition of 36 City-owned properties generally located between West 25th Street and West 41st Street and Ninth and Eleventh Avenues, including the Development Site (ULURP C 040506 PPM, Cal No. 10).

In 2015, EDC released a request for proposals (“RFP”) to construct a new building with a commercial and/or community facility use, affordable housing units, and a permanent location to store the 55 NYPD vehicles. The RFP cited the service of local needs as a priority for new development on the underutilized Development Site, specifically, the provision of affordable housing and fresh food retailers. The RFP sought proposals that included the maximum feasible

number of affordable units financed from the income received by the commercial and/or community facility spaces within the development. In order to achieve this program, the RFP contemplated a rezoning action to permit residential development.

In May 2017, EDC selected 11 Avenue Owner to develop the Development Site pursuant to a long-term lease in accordance with CPC's 2004 disposition. The City of New York will retain fee ownership of the Development Site and the building will be ground-leased to 11 Avenue Owner, or an affiliated entity.

Recent land use actions in the surrounding area include the establishment of the SHYD in 2005, a transit-oriented business and residence district located directly to the east of the Project Site across Eleventh Avenue (N 040500(A) ZRM). The SHYD was established to allow a mix of uses and densities, to provide publicly accessible open space, to extend the Midtown central business district by encouraging new office and hotel development, and to accommodate continued growth of the residential community. In 2011, the West Clinton Rezoning action rezoned all or portions of 18 blocks located to the north of the Development Site between West 41st Street and West 59th Street within Manhattan Community Board 4 (C 110177 ZMM). The West Clinton Rezoning and a related text amendment to designate the area as an Inclusionary Housing Area modified bulk and use regulations in the Special Clinton District and prohibited enclosed sidewalk cafes within the Special Clinton District (N 110176 ZRM) to encourage new residential development including affordable housing and to ensure that new building forms relate to neighborhood character.

3. Description of the Surrounding Area

Zoning Districts

The Development Site (Block 685, Lot 38) is located in the Hell's Kitchen neighborhood of Manhattan, Community District 4. The Development Site is zoned M1-5 and has 24,687 sf of lot area. M1-5, M2-3, C6-4, C6-2 and C2-8 zoning districts are mapped within the surrounding area. The SHYD extends from West 41st Street to the north, West 30th Street to the south, midblock between Seventh Avenue and Eighth Avenue to the east, and Twelfth Avenue to the west (with western boundaries generally along Eleventh Avenue). Portions of Subarea A5 of the SHYD are located on the east side of Eleventh Avenue. The Special Clinton District is mapped in an area above West 41st Street, one block to the north of the Development Site.

The SHYD and underlying C6-4 district are mapped to the east of the Development Site, across Eleventh Avenue. The SHYD mandates a variety of use, bulk and urban design controls applicable to six subdistricts. The Development Site is located across the street from the boundary of Subarea A5 of the Large Scale Plan Subdistrict, which extends from West 38th Street to West 41st Street, and from the Lincoln Tunnel entrance at Galvin Avenue to Eleventh Avenue. Within the subdistricts and subareas, certain differing special regulations apply. In certain zoning districts, the maximum floor area ratios of the underlying districts may be increased through a District Improvement Bonus mechanism and the Inclusionary Housing Program that would support financing of specific capital improvements in the area. Transfers of floor area are also permitted under certain conditions. Within the SHYD, flexible as-of-right height and setback controls accommodate large floorplate office buildings and allow for creative design within the predominantly commercial areas. Mandated improvements include retail use on major corridors, street wall continuity, pedestrian circulation space, plantings, subway entrance easements, and screened or below-grade parking. District regulations manage the total amount of parking that can be constructed in the SHYD as it is developed.

Land Uses

The surrounding area contains a variety of land uses, including commercial, mixed residential and commercial, industrial, public facility, transportation and institutional. Active construction sites comprise a large portion of the of land uses in the surrounding area. Several sites are used for vehicle parking and storage for distribution businesses. Several vacant lots are located within the surrounding area, particularly to the east of the Development Site. Existing commercial uses are located in small clusters on streets between Tenth and Eleventh Avenues. Mixed residential and commercial buildings are primarily located north of West 41st Street. Multi-family residential elevator buildings are located to the north of the Development Site and along Tenth Avenue to the east of the Development Site. A small number of multi-family walk-up residential buildings are located to the southeast of the Development Site.

Other uses in the immediate area are parking- and transportation-related. The Lincoln Tunnel entrance ramp is located across the street from the Development Site at West 40th Street and Eleventh Avenue. North of the Development Site, across West 40th Street, is the two-story Michael J. Quill Bus Depot operated by MTA New York City Transit.

In addition to the Javits Center and Javits North, institutional and public facility uses in the surrounding area include the Croatian Church on West 41st Street between Eleventh Avenue and Tenth Avenue; Covenant House, a provider of homeless youth residential services, located at 460 West 41st Street (on Tenth Avenue); New York City Fire Department Engine 34/Ladder 21 fire station at 440 West 38th Street (between Ninth Avenue and Tenth Avenue); and the Consulate General of the People's Republic of China at 520 Twelfth Avenue (between West 42nd Street and West 43rd Street).

Hudson River Park is a 550-acre riverside park and estuarine sanctuary stretching 4.5 miles located between Chambers Street and West 59th Street. The park includes recreational facilities that include bicycle and pedestrian paths, tennis and soccer fields, batting cages, play areas and dog parks. Hudson Boulevard and Park is planned as a six-block greenway that will run between West 33rd Street and West 39th Street along Hudson Boulevard located between Tenth and Eleventh Avenues. Currently, three blocks have been developed between West 33rd Street and West 36th Street and include amenities for seating and recreation. The fourth block is under construction, following two private applications for Contribution-in-Kind Authorizations pursuant to ZR 93-32(b). A Privately Owned Public Space (POPS) at 650 West 42nd Street includes playground equipment and seating.

Built Character

The immediate area is characterized by the Jacob K. Javits Convention Center, which consists of 360 West Street (Block 680, Lot 1) (the "Javits Center"), 608 West 40th Street (Block 685, Lot 42) (the "Javits North") and 491 11th Avenue (Block 680 Lot 33) (the "Vent Site"), owned by the New York Convention Center Development Corporation, a public benefit corporation and subsidiary of New York State Urban Development Corporation, d/b/a Empire State Development. The Javits Center occupies a superblock bounded by Twelfth Avenue, Eleventh Avenue, and West 34th Street and West 39th Streets. Javits North is a part of the Javits Center expansion project that is under construction to the west of the Development Site. The Vent Site is located immediately south of the Development Site and contains a 100-feet tall Lincoln Tunnel ventilation structure owned by the Port Authority of New York and New Jersey.

Several tall mixed-use and residential buildings are located to the north of the Development Site, including a 59-story (approximately 653' high) commercial and residential building at 533 Eleventh Avenue (between 41st and 42nd Street), a 40-story apartment building at One River Place (on Twelfth Avenue between West 41st Street and West 42nd Street), a 46-story commercial and residential building at 635 West 42nd Street (between Eleventh and Twelfth Avenue), a 60-story commercial and residential building at 605 West 42nd Street (between Eleventh Avenue and Twelfth Avenue), and a 31-story commercial and residential building at 550 West 45th Street (on Eleventh Avenue). West 34th Street, between Tenth and Eleventh Avenues, is lined with construction sites for the Hudson Yards development projects that will consist of 18 million square feet of residential and commercial space in new, large, primarily glass curtain wall buildings and 14 acres of open space constructed over the John D. Caemmerer MTA-Long Island Railroad rail yards. Development will incorporate the High Line through building integration and landscaping. The first completed building within phase one of this work is a 51-story (approximately 878-feet tall) glass building at 10 Hudson Yards (on Tenth Avenue north of 30th Street). A 71-story residential building (at 35 Hudson Yards) and a 90-story commercial building (at 30 Hudson Yards) are under construction along the south side of West 34th Street.

Transportation

Twelfth Avenue (West Side Highway/Joe DiMaggio Highway/State Route 9A), Eleventh Avenue, Tenth Avenue, West 42nd Street, West 40th Street and Galvin Avenue are major thoroughfares. West 40th Street and Galvin Avenue provide on-ramps to the Lincoln Tunnel/Interstate 495. Tenth Avenue is approximately 70 feet wide at the intersection with West 41st Street and approximately 60' wide at the intersection with 38th Street. Eleventh Avenue is 79' wide in front of the Development Site between West 39th Street and West 40th Street. Twelfth Avenue is approximately

110 feet wide, not including median islands, and is a north-south major highway that follows the natural curvature of the waterfront along the Hudson River.

East-west roadways near the Development Site are less than 75 feet wide and only allow one-way traffic. West 35th, West 36th, West 37th and West 38th Streets do not continue west of Eleventh Avenue due to the Javits Site superblock. The western end of West 39th Street from Twelfth Avenue is used as an entrance for truck loading and unloading for the Javits Center. There is no through-access from Eleventh Avenue to Twelfth Avenue on West 39th Street. Interstate 495 travels in a north-south direction between Ninth and Tenth Avenues up to West 39th Street where a series of ramps bring traffic west toward the Lincoln Tunnel, which proceeds underground before reaching Eleventh Avenue. Ramps from the Lincoln Tunnel traveling eastward along West 40th Street are used by bus traffic to gain access to the Port Authority Bus Terminal at Ninth Avenue.

The Development Site is five blocks north of the 34th Street 7 train extension to the Hudson Yards neighborhood. A secondary entrance to the 34th Street station is planned to open one block north on West 35th Street. The Development Site is four avenues away from the Times Square Station at 42nd Street. The Development Site is positioned along the north-south M12 bus line offering southbound service on Eleventh Avenue and northbound service on Twelfth Avenue. The Development Site is located two blocks from the east-west M42 bus line with service along 42nd Street. The M50 bus runs northbound on Twelfth Avenue starting at the West 42nd Street and the M34 Select Bus Service runs east-west along 34th Street. The Development Site is within walking distance to the West Midtown Ferry Terminal and Port Authority Bus Terminal. Bicycle lanes are located along West 43rd Street and West 44th Street, and a bicycle path in the Hudson River Greenway is located along Twelfth Avenue.

4. Description of the Proposed Development Site

The Development Site is known by the address 495 Eleventh Avenue, Block 685, Lot 38, Manhattan. The Development Site consists of 24,687 sf of unimproved lot area located along the west block front of Eleventh Avenue between West 39th and West 40th Streets in the Hell's Kitchen neighborhood of Community District 4. The Development Site has 197.5 feet of frontage on Eleventh Avenue and 125 feet of frontage on West 39th Street. The Development Site is owned by the City of New York and has been used for open parking for 55 NYPD vehicles since January of 1993.

The Development Site fronts on the portion of Eleventh Avenue, an approximately 79 feet wide street. The Development Site also fronts on West 39th Street, which is 60 feet wide. West 39th Street between 11th and 12th Avenues is a mapped street but is not an active roadway. A 30-feet wide area occupying the southern half of 39th Street is reserved for emergency access and maintenance for the adjoining Lincoln Tunnel ventilation structure. A pedestrian-friendly open space with seating and movable planters is anticipated for the northern 30-feet wide portion of West 39th Street pursuant to a revocable consent that will be sought after the land use application process is complete. West 40th Street is 38 feet wide and serves one-way traffic.

The Development Site is located within an M1-5 zoning district. M1 zoning districts are often buffer districts between M2 and M3 districts and are located adjacent to residential or commercial districts. M1 districts typically include light industrial uses, such as woodworking shops, repair shops, and wholesale service and storage facilities. Open community facility uses, hotels, offices, convenience retail or service, wholesale establishments, auto service establishments, amusements, vehicle storage establishments and manufacturing establishments listed in Use Groups 4B, 4C, 5, 6A, 6B, 6D, 6E, 6F, 7, 8, 9B, 9C, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14, 16, and 17 are permitted in M1 districts. Limitations on uses allow certain museums, health facilities and retail and service establishments listed within Use Groups 3A, 4A and 6C, 9A, 10A and 12B. Retail, service, wholesale, manufacturing and storage uses listed in Use Groups 11A, 16 and 17 or 18 must satisfy M1 performance standards. Certain community facilities, such as hospitals, are allowed only by special permit. Houses of worship are allowed as-of-right. The maximum floor area ratio ("FAR") in M1-5 districts is 5.0 for manufacturing uses and 6.5 for community facilities. Building height and setbacks are controlled by a sky exposure plane that begins 85 feet above the street line. A rear yard with a depth not less than 20 feet must be provided at every rear lot line, except within 100 feet of corners. Parking is not required within the Manhattan Core.

No other properties are affected by the proposed actions.

5. Description of the Proposed Development

Overview

The City of New York will retain fee ownership of the Development Site and it will be leased to 11 Avenue Owner or an affiliated entity. Portions of the first, second and third floors will be acquired by the City of New York to accommodate approximately 55 spaces for NYPD vehicles.

The Proposed Development will consist of a 581,601 sf (23.55 FAR) mixed-use residential, commercial and community facility building. The new building will be comprised of a 56-story (approximately 653 feet tall) hotel tower and a 57-story (approximately 680 feet tall) residential tower joined by a 5-story (approximately 90 feet tall) mixed-use podium. The building will contain 236,699 sf of residential space for 275 affordable dwelling units. All of the proposed dwelling units will be reserved for households that meet certain income restrictions for affordability, with approximately 71 dwelling units (30 percent of the total residential floor area) designated for households with incomes having an average not exceeding 80 percent of the income index per MIH Option 2. The affordable dwelling units will be distributed throughout the buildings. The Proposed Development will also contain 48,655 sf of community facility space consisting of 75 supportive housing units for formerly homeless individuals and families and will include 1,828 sf of space for associated social services. The Proposed Development will contain 296,247 sf of commercial uses, consisting of 282,557 sf of hotel use with accessory eating and drinking establishments, a 4,791 sf supermarket (plus 6,908 gross square feet of floor space in the cellar gross sf in the cellar), 8,899 sf of office (co-working) space, and approximately 38,971 gross sf of floor space for NYPD vehicle storage. Construction of the Proposed Development is expected to be completed in 2025.

Uses

Affordable housing

The Proposed Development will include 275 units occupying 236,699 sf on the 14th through 57th floors of the north residential tower. Income tiers will be 80%-100% AMI and 165% AMI. Approximately 5,316 sf of interior amenity space on the 5th floor, consisting of a fitness room, lounge, and business center will be included. The shared residential and community facility lobby will be accessible from 11th Avenue. A north-facing 5th floor terrace will provide 1,975 sf of exterior recreation space.

Supportive housing

The Proposed Development will include 75 supportive housing units, comprised of 48,655 sf on the 6th through 13th floors in the north residential tower. Approximately 1,828 sf of social service space on the 5th floor will be included. The shared residential and community facility lobby will be accessible from 11th Avenue.

Hotel

Up to 680 hotel guest rooms are planned within 282,557 sf on the 1st through 56th floors of the south commercial tower. The hotel entrance will be on Eleventh Avenue, and additional doorways will provide secondary access between the hotel and West 39th Street. Approximately 19,000 sf of amenity space is contemplated, including a 2nd floor restaurant and rooftop bar on the south side of the south commercial tower, 3rd floor fitness area and lounge, 4th floor ballroom, multifunction space and meeting rooms, and 5th floor lobbies. The design will allow for the creation of a pedestrian walkway to connect the 4th floor mezzanine of the Proposed Development with Javits North. A green courtyard measuring 4,196 sf will be accessible to hotel guests. One required loading berth will be provided for the hotel.

Supermarket

A 4,791 sf supermarket will be located on the 1st floor with 6,908 gross sf in the cellar (a total of 11,699 gross sf). The supermarket entrance will be on Eleventh Avenue.

Office

The Proposed Development will include 8,899 sf of office (co-working) space located on the 2nd, 3rd and 4th floors. The office will be accessible from a lobby entrance on West 40th Street.

NYPD vehicle storage area
Approximately 38,971 sf of floor space on the first, second and third floors (including 3rd floor mezzanine) will be acquired by the City of New York to accommodate approximately 55 spaces for NYPD vehicles, as specified in the RFP. Three larger vehicles will be located at grade and will be arranged in a tandem fashion to minimize the width of the curb cut. The spaces for the vehicles located at grade will be accessed by a 30 feet wide curb cut on West 40th Street. The 2nd and 3rd floor vehicle storage area will be accessed by a 24 feet wide curb cut on West 40th Street.

The vehicles serve various commands that fall under Patrol Borough Manhattan South, including the NYPD Strategic Response Group and Manhattan South Operations Unit, comprising Grand Larceny, Burglary & Larceny Apprehension Team, and Evidence Collection. Specialized NYPD vehicles, including surveillance vehicles and large vans and trucks will be located on the Development Site. Approximately 20 of the 55 vehicles will be oversized specialized vehicles. The vehicles will be used by the NYPD on an as-needed basis for citywide purposes, and not for routine local or neighborhood policing functions. All vehicles on the ground floor will be parked in a fully-recessed position within the building so they do not obstruct the sidewalk. Gates/doors will be installed across the ground floor entrance bays and will remained closed until vehicular access is needed. Signage, audible signals and red lights will provide pedestrians with clear cues as to times when vehicles are expected across the sidewalk.

The efficient replacement facility designed for the NYPD provides the needed functionality and maintains the existing capacity. Below-grade vehicle storage was considered, but rejected due to security concerns. Almost all the vehicles and equipment will be stored in the interior portions of the second and third floors, separated from the building facades by a line of active uses that wrap around the exterior of the building and enclose the vehicle storage areas.

During construction of the Proposed Development, thirty-five NYPD sedans assigned to the Manhattan South Operations Unit garage will be temporarily located at 605 West 42nd Street, Block 1090, Lot 23, Manhattan, and twenty large NYPD oversized special vehicles assigned to the Strategic Response Group will be temporarily located in an open lot at 649 West 42nd Street, Block 1090, Lot 7501, Manhattan.

<u>Design features</u>
Stepped two-tower design
An efficient two-tower design provides abundant sunlight and views for residential units, keeps residential and hotel uses independent to the greatest degree possible and implements double-loaded, rectilinear planning. In order to meet the RFP's scheme of financing affordable units with income from commercial and/or community facility spaces, the hotel tower configuration will be made attractive to operators by creating space for multiple brands, revenue-producing meeting, food and beverage venues as well as high, unobstructed views from rooms.

In order to open views and allow more daylight penetration, the towers have been stepped: the hotel from east to west and the residential tower from west to east. The amount of façade with unobstructed views to the south has been maximized. Fewer than 25% of units will look directly across to the hotel and these units are provided with oblique views to the river. By virtue of the low-rise scale of the Javits Center and Javits North, there will be unobstructed views from the building to the south as well as to the west. The blocks immediately to the east are largely occupied by the Lincoln Tunnel entry plaza and “flyovers” that will likely remain undeveloped, resulting in open, freestanding views to the east, especially looking down 39th and 40th (a.k.a. Anthony Brizzi Place) Streets.

Height and setbacks
The Proposed Development's hotel tower will be approximately 653 feet tall and the residential tower will be approximately 680 feet tall. In order to provide a minimum distance of 60 feet between the towers, the south commercial tower will be set back 5 feet from West 39th Street, a narrow street.

Open areas
Although parts of the courtyard receive very little direct sunlight, the stepping of the towers will increase the amount of light reaching the 4,196 sf 5th floor courtyard. During prime outdoor season (the five months of May - September), the western 50 feet will receive an average of 1.5 hours per

day, with the north-west corner receiving about 2.5 hours per day. The podium roof has been modified so that a portion of the hotel interior program will fill the eastern and central portion of the courtyard, leaving the sunnier, west-facing portion open to the air with an expansive view to the green roof on Javits North. A 1,975 sf residential terrace will be provided on the north side of the 5th floor.

Engagement at street-level and with Javits Center and Javits North
The Proposed Development's commercial frontages and primary entrances will be located along the full-block frontage on Eleventh Avenue and are anticipated to be a major, early contributor to the improvement of this section of Eleventh Avenue. West 40th Street is a significant pedestrian connection between the Hudson River Park/Ferry Terminal and neighborhoods to the east; however, the multi-level Javits North truck marshalling garage and the two-story Michael J. Quill Bus Depot are served by multiple curb cuts for large vehicles and lack ground floor activation. While West 40th Street is the only frontage where curb cuts are permitted and service functions must be located along this street, careful placement of active functions and safety features will be employed for the benefit of pedestrians.

The Proposed Development's western frontage abuts Javits North, a truck marshalling garage that is currently under construction. An expansive occupied roof space is planned above the garage, including "Javits Farm," a meeting pavilion and a large terrace. The Proposed Development's 4th floor mezzanine is designed to allow for a future connection between the Proposed Development's hotel space to the Javits Center exhibition spaces.

West 39th Street pedestrian-oriented space
A 30 feet wide portion of West 39th Street must be kept clear for emergency and service access to the Vent Site; however, a revocable consent from the NYC Department of Transportation will be sought after the completion of the land use application process to allow pedestrian-oriented improvements within the northern portion of West 39th Street. The Proposed Development is expected to significantly enhance the activation of West 39th Street.

Sustainable features
The Proposed development will seek to achieve LEED Gold certification with a priority given to credits that are related to NYC policy initiatives including: Energy, Renewable Energy, Recycling, Construction Waste, Stormwater, Material Ingredients & Health. The Proposed Development will also seek to meet the goals of OneNYC and 80x50: exceed LL97 (2019) GHG emissions limits; target Building Letter Grade "A", create a robust, highly insulated exterior envelope with best practices for air-tightness, avoid on-site fossil fuel consumption and anticipate a renewable grid by implementing an all-electric building with electrical systems and equipment. The Proposed Development will seek to meet the goals NYC ZeroWaste guidelines including providing adequate refuse storage and collection space, shared Compactor-Containers for trash and recycling implement compost removal services (possibly in coordination with the Javits Farm). The Proposed Development will integrate the requirements of recently-enacted laws and best practices including LL94 (2019) green roofs to mitigate stormwater, the Bird-Safe Building law and resilience measures for storms and power outages. The Proposed Development will have a robust exterior envelope designed for energy efficiency. The façade will be comprised of primarily opaque surfaces with glazing limited to a maximum of 40%.

6. Actions Necessary to Facilitate the Proposed Development

The Proposed Development will require a series of land use actions, including: 1) A zoning map amendment to change the Development Site from an existing M1-5 zoning district to a C6-4 (R10 equivalent) zoning district and to include the Development Site within the SHYD; 2) A zoning text amendment to modify ZR 93-00 to establish a new Subdistrict G within the SHYD and ZR Appendix F to designate the Development Site as a MIH area; and 3) A combined action for a site selection and acquisition of approximately 38,971 sf of the Development Site for use as an NYPD vehicle storage facility.

Zoning map change from an M1-5 to a C6-4 zoning district
The application seeks to rezone the Development Site from an M1-5 zoning district to a C6-4 zoning district. The existing M1-5 zoning district is a manufacturing district that permits light manufacturing and commercial uses up to 5.0 FAR, and a very narrow range of community facility

uses up to 6.5 FAR. A C6-4 district, within the SHYD, currently exists to the east of the Development Site, across Eleventh Avenue. The C6-4 zoning district is a commercial district permitting a wider range of commercial, community facility and residential uses, which are otherwise not permitted or limited in any manufacturing districts. C6-4 zoning permits a wide range of higher-density uses and is widely mapped within special districts and in central business districts. The proposed zoning map change to a C6-4 district will allow the Proposed Development to include a supermarket with more than 10,000 sf of floor area and affordable housing units as-of-right.

Zoning Map and text change to extend the boundary of the SHYD and establish a new subdistrict
The application seeks to map the Development Site within the SHYD and modify ZR 93-00 to establish a new Subdistrict G within the SHYD. The SHYD is currently mapped to the east of the Development Site, across Eleventh Avenue.

Parking
The proposed text establishes that Manhattan Core parking and loading regulations of Article I, Chapter 3 will apply within the new subdistrict. Accessory off-street parking spaces are not required, and no permitted accessory parking spaces will be provided in the Proposed Development. Article I Chapter 3 regulations will govern the minimum loading berth size.

Uses
The proposed text will allow the development of an office (co-working) use without any requirement for certification or authorization of the City Planning Commission. A vehicle storage use will also be allowed as-of-right. Vehicle storage space located within 56 feet above curb level will be excluded from the calculation of floor area. Physical culture or health establishments ("PCE") will be permitted as-of-right within the new subdistrict; however, a PCE is not planned for the Proposed Development.

Ground floor level requirements
SHYD retail continuity and transparency requirements will not apply in the new subdistrict.

Floor area
Within the proposed subdistrict, the maximum floor area for residential, community facility and commercial uses will be 12.0 FAR each, and a total amount of floor area of 24.0 FAR will be allowed.

Height and setback
Maximum base heights established within other subdistricts of the SHYD will also apply within the new subdistrict, but required setbacks will be a minimum of 5 feet from West 39th Street. Towers containing residences must occupy at least 20% and not more than 40% of a zoning lot's lot area to ensure that such tower is not too narrow and disproportionate to the base. The subdistrict will establish a maximum lot coverage of 65% for the commercial/hotel tower.

Rear yard equivalent
A rear yard equivalent will not be required within the new subdistrict.

Pedestrian circulation space
Requirements for pedestrian circulation space will not apply within the new subdistrict.

Amendment of Appendix F (Mandatory Inclusionary Housing Area)
The Applicant is requesting a zoning text amendment to Appendix F to designate the Development Site as a MIH area. According to the U.S. Census Bureau, approximately 34.2 percent of area households in Manhattan Community District 4 are rent burdened and there is a strong need for affordable housing that reaches a broad range of incomes.[1]

The MIH program requires that permanently affordable housing be provided within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs). Within this MIHA, all

[1] Based on American Community Survey 2012-2016 5-Year Estimates for PUMA 3807, which is an approximation of both Manhattan Community District 4 and Manhattan Community District 5, available at: https://communityprofiles.planning.nyc.gov/manhattan/4.

housing developments, enlargements and conversions that meet the criteria set forth in the MIH program must comply with the requirements of either Option 1 or Option 2 described below.

- Option 1: 25 percent of the residential floor area shall be provided as housing affordable to households at an average of 60 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.
- Option 2: 30 percent of the residential floor area shall be provided as housing affordable to households at an average of 80 percent of the Income Index (AMI), with no unit targeted at a level exceeding 130 percent of AMI.

The Proposed Development will provide a total of 275 affordable dwelling units and 75 supportive housing units with 30 percent of residential floor area (71 dwelling units) provided at an average of 80 percent of AMI with no unit at a level exceeding 130 percent of AMI, in accordance with MIH Option 2. While all of the proposed dwelling units will be affordable, the MIH requirement ensures that these units and any future development within the MIH area are permanently affordable.

Site selection and acquisition
The applicant, NYPD and the co-applicant, DCAS, seek acquisition and site selection approvals to acquire approximately 38,971 sf of the Development Site to develop an NYPD vehicle storage facility for 55 vehicles. The proposed site selection and acquisition actions will allow continued access to emergency police vehicles in a strategically desirable location. The vehicles serve various commands that fall under Patrol Borough Manhattan South, including the NYPD Strategic Response Group and Manhattan South Operations Unit, comprising Grand Larceny, Burglary & Larceny Apprehension Team, and Evidence Collection. The specialized vehicles, including surveillance vehicles and large vans and trucks, will be stored at the Development Site and used by NYPD on an as-needed basis for citywide purposes. Floor space on the 1st through 3rd floors (including 3rd floor mezzanine) will be acquired by the City of New York to accommodate approximately 55 spaces for NYPD vehicle storage. Approximately 20 of the 55 vehicles will be oversized specialized vehicles.

7. Conclusion

The proposed zoning map and text changes will achieve the program sought in the City's RFP.
The application to rezone the Development Site from an existing M1-5 zoning district to a C6-4 zoning district and include the Development Site within the SHYD will allow as-of-right the uses described in the RFP: commercial use, a large food market, affordable housing units, and a permanent location to store 55 NYPD vehicles.

NYPD and DCAS are seeking acquisition and site selection ULURP approval for the siting of an NYPD vehicle storage facility within this proposed development. This acquisition will ensure that NYPD has continued use of the site as a facility for storing 55 emergency police vehicles. Approximately 20 of the 55 vehicles will be oversized specialized vehicles. The vehicles will be used by the NYPD on an as-needed basis for citywide purposes. The modification to use regulations will exclude vehicle storage space from zoning floor area to maximize floor area for affordable housing.

The increased maximum floor area ratio for commercial and community facility spaces will support a greater number of affordable units within the Proposed Development. The establishment of a maximum 24.0 FAR allows the Proposed Development to achieve the RFP's goal for the maximum feasible number of affordable units financed from income from commercial space within the development.

The proposed zoning map and text amendments allow uses compatible with area land uses.
The proposed C6-4/SHYD zoning district will be consistent with existing land uses within the surrounding area. Compared to the existing M1-5 zoning district, the proposed C6-4 district will allow new residential (Use Groups 1 and 2) uses at the Development Site that are currently permitted elsewhere in the surrounding area, and will allow a wider range of community facility (Use Groups 3 and 4) uses. The Proposed Development's mix of residential, community facility, and commercial uses will complement existing uses in the surrounding area, such as the Javits

Center and the emerging Hudson Yards district, and will serve as amenities to the local neighborhood. The proposed supermarket will mirror what is currently permitted along the east side of Eleventh Avenue. These proposed uses will introduce a diverse range of activities and users to a vacant lot, enlivening the area and resulting in a more vibrant streetscape along the west side of Eleventh Avenue.

The proposed special bulk provisions are well-suited to the surrounding area.
The proposed district's bulk and density are consistent in size and scale to other nearby recent developments, including developments within the Special Clinton District one block north of the Development Site. C6-4 (R10 equivalent) is a non-contextual district that allows construction pursuant to either Quality Housing regulations or tower regulations; height factor regulations are not applicable. Within the surrounding area, there are several recent developments ranging from 31-stories to 61-stories in height, including: 620 West 42nd Street (Block 1089, Lots 7501 and 7502), a 40-story (403 foot) mixed residential/commercial building to the north of the Development Site; 635 West 42nd Street (Block 1090, Lot 7501), a 46-story (478 foot) mixed residential/commercial building to the north of the Development Site; 605 West 42nd Street (Block 1090, Lot 7502), a 61-story (656 foot) mixed residential/commercial building to the north of the Development Site; and 551 Tenth Avenue (Block 1069, Lot 7501), a 53-story (610 foot) mixed residential/commercial building to the east of the Development Site. The proposed C6-4/SHYD district will permit a density that is compatible with the surrounding area's character.

The proposed C6-4 zoning district and extension of the SHYD are appropriate for a development site fronting on a wide street within a central business district on the western edge of Midtown Manhattan. The Development Site has access to public transportation; it is situated one avenue east of the West Midtown Ferry Terminal, two avenues west of the Port Authority Bus Terminal, and five blocks north of the No. 7 subway train at 34th Street. Eleventh Avenue is a wide street that provides sufficient light and air to support the proposed high-density development.

The proposed SHYD text establishes bulk controls appropriate for this site located on a wide street adjacent to the Vent Structure, Javits Center and Javits North. Tower lot coverage regulations will ensure that towers are not too narrow and disproportionate to the base. Requirements for pedestrian circulation space will not apply within the new subdistrict given that improvements to the area within West 39th Street will foster a pedestrian-oriented neighborhood character and will provide an active and attractive space for pedestrian access to the Javits Center, Javits North and to the Proposed Development.

The proposed zoning map and text changes are supportive of the City's initiative to redevelop vacant and underutilized land for the production of new affordable housing.
The proposed zoning text amendment will designate the Development Site as a MIH area. The Proposed Development will advance the goals of Mayor de Blasio's *Housing New York: A Five Borough, Ten-Year Plan* by providing approximately 275 affordable dwelling units and 75 supportive housing units. The Proposed Development will also help address the need for affordable housing in Manhattan Community District 4, which was identified as one of the three most pressing issues in the community district's *Statement of Community District Needs* for fiscal year 2020.