2.0 Land Use, Zoning, and Public Policy

A. Introduction

This chapter considers the potential for the Proposed Actions to affect land use, zoning, and public policy. Per the guidance included in the 2021 *CEQR Technical Manual*, this analysis evaluates the land uses and development trends in the area that the Proposed Actions may affect, and considers the Proposed Actions' compliance with, and effect on, the area's zoning and other applicable public policies.

As described in Chapter 1, **"**Project Description," the MSMX proposal consists of a series of land use actions (collectively, the Proposed Actions) intended to address the land use and zoning challenges identified during the MSMX planning process. The Proposed Actions are intended to strengthen the neighborhood as a vibrant, mixed-use, and inclusive community, while striking an appropriate balance among residential and nonresidential uses.

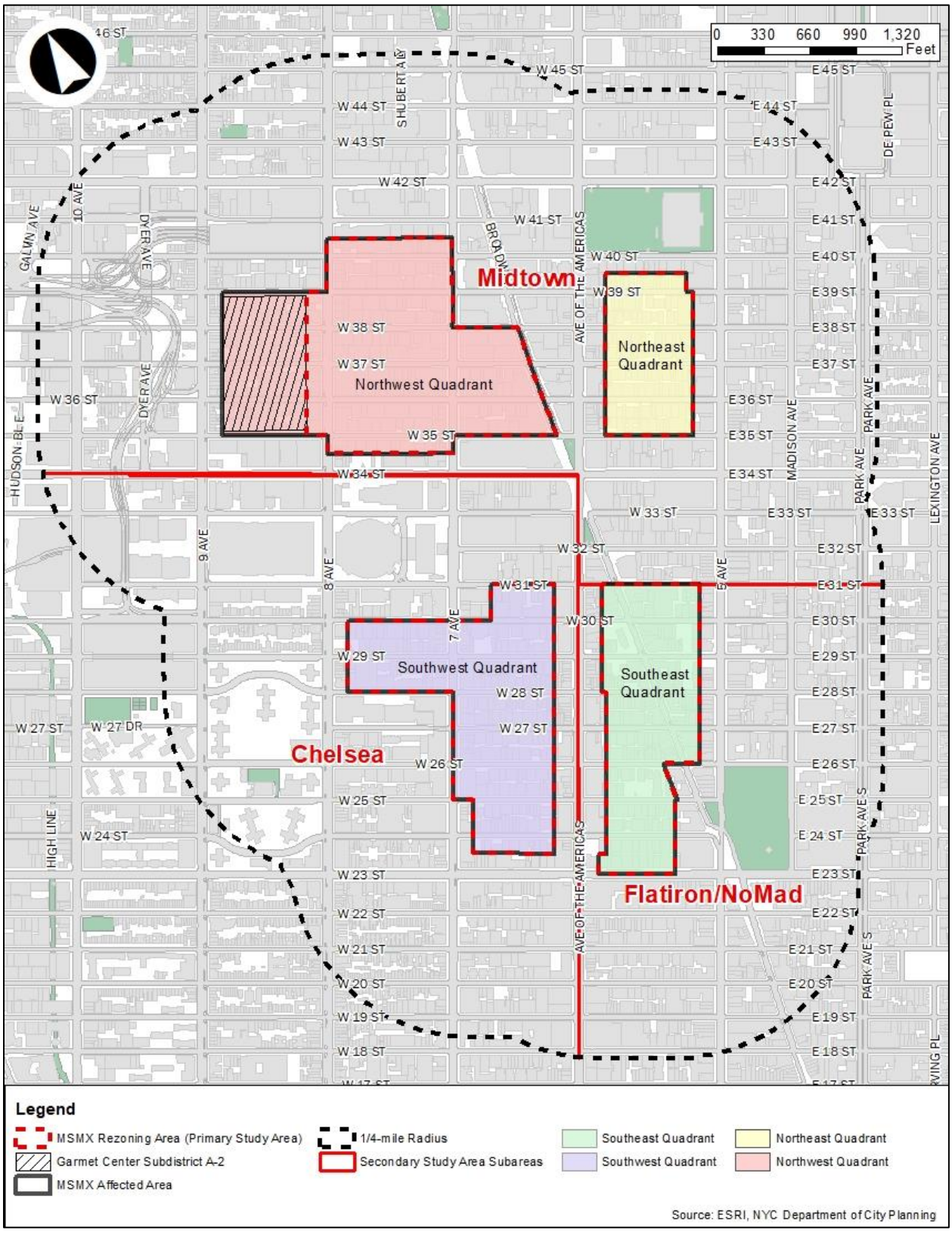
The directly affected area (or Affected Area) includes Garment Center Subdistrict A-2 and the Rezoning Area -- an approximately 42-block area consisting of four noncontiguous manufacturing-zoned areas roughly bounded by 40th Street to the north, Fifth Avenue to the east, 23rd Street to the south, and Eighth Avenue to the west (**Figure 2-1**). The Special Midtown South Mixed Use District created by the Proposed Actions and described in Chapter 1, "Project Description", will not be mapped on Subdistrict A-2 of the Special Garment Center District (GC).

The Proposed Actions include discretionary land use approvals that are subject to review under ULURP, Section 200 of the City Charter, and the CEQR process. The discretionary approvals are summarized below.

- ***Zoning Map Amendments.*** -The Proposed Actions would rezone portions of existing M1-6 and M1-6D manufacturing districts with high-density paired manufacturing/residential mixed-use districts, establish a new Special Midtown South Mixed Use District (MSX) coextensive with the Rezoning Area, and make additional changes to the boundaries of several special purpose districts that overlap with the Rezoning Area.

- ***Zoning Text Amendments.*** The Proposed Actions would amend the ZR to establish regulations for the proposed Special Midtown South Mixed Use District (MSX), amend Appendix F of the ZR to apply the MIH program to the Rezoning Area, and modify text in the Special Garment Center District, Special Midtown District, and Special Hudson Yards District, among other changes, which are described in greater detail below.

Figure 2-1: Land Use, Zoning, and Public Policy Study Area



B. Principal Conclusions

There would be no significant adverse impacts on land use, zoning, or public policy. The Proposed Actions would not adversely affect surrounding land uses or generate land uses that would be incompatible with existing zoning and land uses in the surrounding area. Furthermore, the Proposed Actions would not result in development that conflicts with adopted public policies.

The Proposed Actions would change the zoning in the primary Study Area (Affected Area or directly affected area) to nurture a more vibrant, mixed-use neighborhood, create opportunities for new housing through both ground-up development and conversions, support critical commercial activity and job growth, stabilize the commercial real estate market in the wake of the COVID-19 pandemic and shifting work patterns, and reflect the historic architectural legacy and industrial character of the neighborhood.

The zoning proposal would facilitate residential and commercial mixed-use development throughout the primary Study Area by allowing residential use and expanding the allowable density of commercial uses and community facilities. The Proposed Actions would support new housing and jobs in a neighborhood with strong public transit access within the Central Business District (CBD) of Midtown Manhattan.

With the proposed zoning changes, residential use would be allowed throughout the primary Study Area, expanding the City's housing supply to help meet the housing needs of current and future residents, and significantly increasing the supply of affordable housing through the application of MIH. The Proposed Actions also would create opportunities for new nonresidential space. The Proposed Actions would promote these opportunities in new mixed-use buildings throughout the primary Study Area. Bulk regulations would encourage a range of heights and building forms, allowing sufficient flexibility for buildings, and reflect the existing built character of the neighborhood.

Development under the Proposed Actions would be compatible with the scale and use of surrounding neighborhoods and would support public policies. The new land uses generated as a result of the Proposed Actions would support the existing residential populations of adjacent neighborhoods and would be compatible with land uses found in those areas.

C. Methodology

The purpose of this chapter is to examine the effects of the Proposed Actions on land use, zoning, and public policy and to determine whether they would result in any significant adverse impacts based on the guidance of the *CEQR Technical Manual*. As described in Chapter 1, "Project Description," to assess the possible effects of the Proposed Actions, the RWCDS was established for the current zoning (No-Action) and proposed zoning (With-Action) conditions for the 2034 analysis year. The RWCDS identified projected and potential development sites. The incremental difference between the No-Action and With-Action conditions on the 61 projected development sites and conversion sites forms the basis of the impact category analyses in this chapter.

According to the *CEQR Technical Manual*, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or change the zoning on a site, regardless of the project's (or action's) anticipated effects. The Proposed Actions exceed preliminary assessment thresholds. Because the Proposed Actions involve the area-wide zoning map and zoning text amendments, detailed land use and zoning assessments are warranted. A detailed public policy analysis was also prepared to determine the potential of the Proposed Actions to alter or conflict with applicable public policies. In accordance with the *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the Proposed Actions to such conditions. The detailed analysis describes existing and future conditions for the 2034 analysis or build year, assesses the nature of any changes on these conditions created by the Proposed Actions, and identifies those changes, if any, that could be significant or adverse.

Various sources were used to comprehensively analyze the land use, zoning, and public policy characteristics of the Study Area, including field surveys, land use and zoning maps, 2024 MapPLUTO data, the NYC Zoning and Land Use (ZoLa) database, and the New York City Department of Buildings Building Information System (BIS). Applicable public policies were also identified by DCP and other City agencies.

Study Areas

According to the *CEQR Technical Manual*, the appropriate study area for land use and zoning is related to the type and size of the project being proposed and the location and neighborhood context of the area that could be affected by the project. In accordance with the *CEQR Technical Manual* guidance, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the primary Study Area (the Affected Area,); and (2) a secondary 0.25-mile Study Area that encompasses areas that have the potential to experience indirect impacts as a result of the Proposed Actions (**Figure 2-1**).

The primary Study Area is where the potential effects of the Proposed Actions would be directly experienced; it consists of the 42-block Affected Area in the Midtown South neighborhood. Most of the primary Study Area (all or portions of 35 blocks) is in Manhattan Community District 5, while the balance (all or portions of 7 blocks) is in Manhattan Community District 4. As discussed above, the primary Study Area consists of four noncontiguous manufacturing-zoned areas roughly bounded by 40th Street to the north, Fifth Avenue to the east, 23rd Street to the south, and Ninth Avenue to the west (**Figure 2-1**). These noncontiguous areas are bounded by:

- *Northwest Quadrant* –the area bounded by Broadway and Seventh Avenue to the east, West 35th Street to the south, West 40th Street to the north, and a line 100 feet west of Eighth Avenue to the west.
    - *Subdistrict A-2 of the Special Garment Center District (GC)*- Contiguous with the western boundary of the Northwest Quadrant, Subdistrict A-2 of the GC

encompasses approximately four blocks bounded by a line 100 feet east of 9th Avenue to the west, 35th Street to the south, a line 100 feet west of 8th Avenue to the east, and 39th Street to the north.

- *Northeast Quadrant* –the area bounded by a line 150 feet west of Fifth Avenue to the east, 150 feet east of Sixth Avenue to the west, West 35th Street to the south and the centerline of the block between West 39th and West 40th Streets to the north.

- *Southeast Quadrant* –the midblocks bounded by a line 100 to 275 feet west of Fifth Avenue to the east, a line 125 to 150 feet east of Sixth Avenue to the west, West 23rd Street to the south, and West 31st Street to the north. The area is bisected by Broadway.

- *Southwest Quadrant* –the area roughly bounded by Seventh Avenue and a line 100 feet east of Eighth Avenue to the west, a line 125 feet west of Sixth Avenue to the east, West 28th Street and the centerline of the block between West 23rd and West 24th Street to the south, and West 30th and West 31st Streets to the north.

As shown in **Figure 2-1**, the secondary Study Area extends 0.25 miles from the boundary of the primary Study Area (the Affected Area) and is generally bounded by West 45th Street and East 44th Street to the north, Park Avenue to the east, West 19th Street and East 18th Street to the south, and Dyer Avenue and the midblock between Tenth Avenue and Eleventh Avenue to the west.

This assessment of land use in the secondary Study Area is discussed by neighborhood subarea and covers portions of three Manhattan neighborhoods including:

- *Midtown Analysis Area* –lots within 0.25 miles of the primary Study Area north of 34th Street between Sixth Avenue and Tenth Avenue and north of 32nd Street between Sixth Avenue and Park Avenue South in the Midtown neighborhood.

- *Chelsea Analysis Area* –lots within 0.25 miles of the primary Study Area south of 34th Street and west of Sixth Avenue in the Chelsea neighborhood.

- *Flatiron/NoMad Analysis Area* –lots within 0.25 miles of the primary Study Area south of 32nd Street and east of Sixth Avenue in the Flatiron/NoMad neighborhoods.

D. Existing Conditions

Land Use

Primary Study Area

As discussed above, for the purposes of the land use assessment, four primary Study Area subdistricts for analysis were defined: the northwest quadrant (including Garment Center Subdistrict A-2), the northeast quadrant, the southeast quadrant, and the southwest quadrant (**Figure 2-1**).

The current land use pattern in the area dates to the mid-19th century when the area experienced significant population growth and economic diversification. The area immediately to the north and west of Madison Square Park between West 23rd and West 34th Streets became known as the City's social center and home to some of New York's wealthiest residents who patronized the grand hotels and opera houses that lined Fifth Avenue and Broadway. The southeastern part of the Affected Area was historically one of the City's most fashionable shopping districts populated by large department and dry goods stores. Farther west, the area between West 23rd and West 42nd Streets saw a boom in the construction of inexpensive hotels, vaudeville theaters, and other popular entertainment venues, transforming it into a notorious hub of cultural activity known as the Tenderloin. In the latter part of the 19th century, the neighborhood became a hub for industry, including printing, publishing, and wholesaling. West 28th Street between Broadway and Sixth Avenue became home to a significant concentration of sheet music publishers. By the 1890s, the City's flower wholesaling businesses had moved over to the blocks between Sixth and Seventh Avenues from West 26th to West 29th Streets. In this burgeoning Flower District, the sellers gained closer proximity to the elegant residences, hotels, and fashionable department stores of Fifth Avenue's Ladies' Mile.

The opening of Pennsylvania Station at 34th Street and Seventh Avenue in 1910 and Grand Central Terminal in 1913 dramatically accelerated the transformation of the Rezoning Area from a primarily entertainment, shopping, and residential district into the City's premier manufacturing zone. In the years immediately before World War II, garment manufacturing, wholesale, retail, and related trades became New York's largest industry in terms of both work force and commercial output. A development boom resulting from the economic impact of the apparel sector led to a significant amount of construction of mid- and high-rise mercantile loft buildings designed to house all aspects of the garment industry, including office space, showrooms, and manufacturing facilities. Between 1958 and 1977, the number of garment manufacturing firms in Manhattan declined by about half—from approximately 10,000 to a little over 5,000. During this period, the geographic extent of the Garment District shrunk as well. Today, the center of the garment industry, or what is left of it, is generally limited to the northwest quadrant of the Rezoning Area and Subdistrict A-2.

As shown in **Figure 2-2** and **Table 2-1a**, the primary Study Area is composed of a mix of land uses, with commercial being the most predominant, followed by mixed-use residential and commercial buildings, and multifamily elevator buildings. As shown in **Table 2-1a** and **Tables 2--1b** through **2-1e**, the variation between land use trends in each primary Study Area quadrant is small. In the primary Study Area, nearly 83 percent of building area is occupied by commercial uses. Commercial buildings occupy approximately 72 percent of all lot area in the primary Study Area. The next highest percentage of floor area in the primary Study Area is mixed-use residential and commercial buildings, which constitute approximately 6.4 percent of total floor area. Residential uses make up approximately 6.3 percent of total floor area in the primary Study Area. The remaining land uses (industrial/manufacturing, public facilities and institutions, transportation and utilities) make up less than 4 percent of remaining floor area in the primary Study Area.

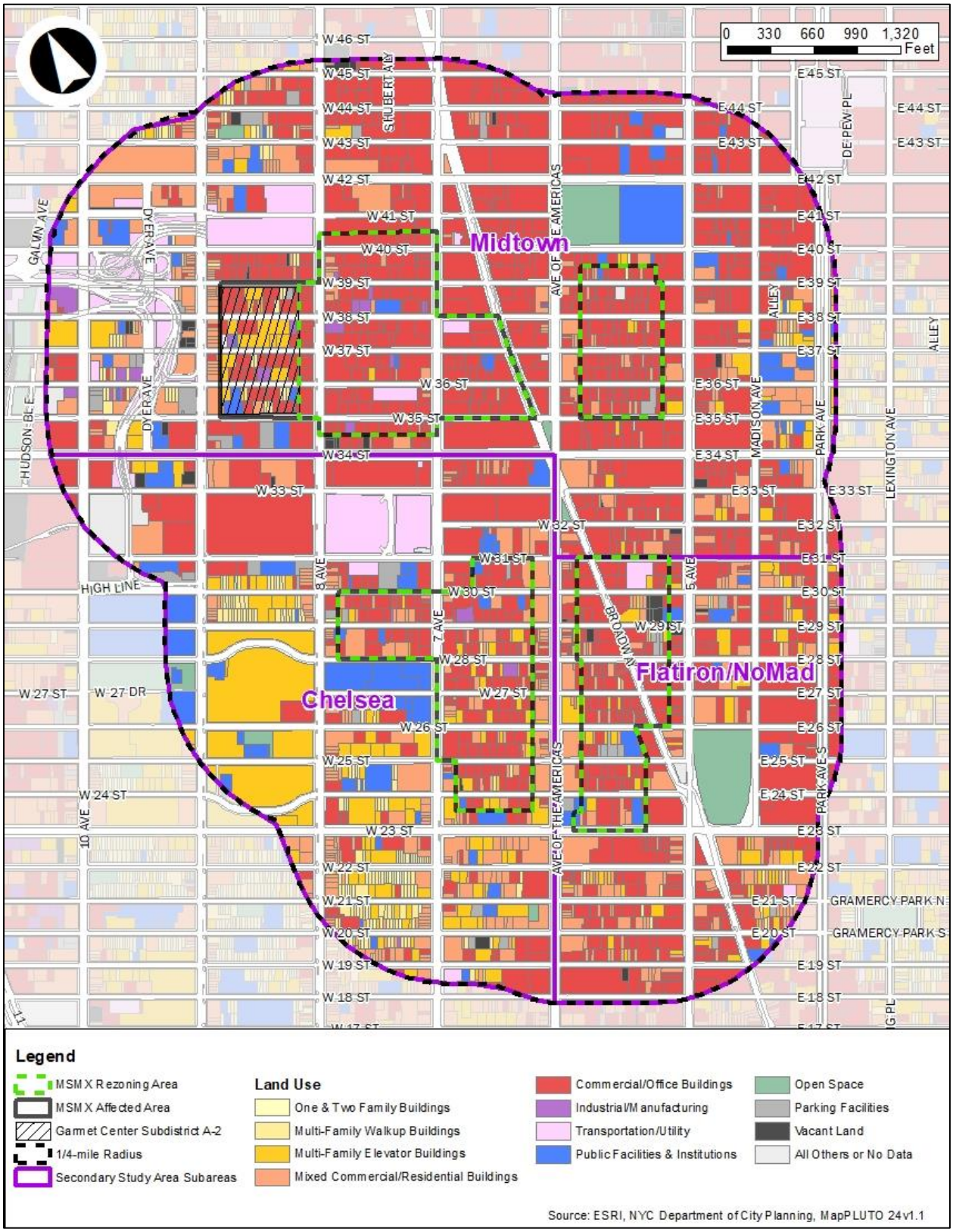
There are two subway stations within the primary Study Area: the 28th Street (No. 1) station on Seventh Avenue and the 28th Street (R, W) station on Broadway. The M34A Select Bus Service (SBS) runs on Seventh Avenue and Eighth Avenue, the M20 runs on Eighth Avenue, and the M7 runs on Seventh Avenue within the primary Study Area. Additionally, between the northwest and southwest quadrants is Penn Station and Moynihan Train Hall at Penn Station, a transit hub with access to six subway lines (1, 2, 3, A, C, E), New Jersey Transit (NJT) Rail, the Long Island Rail Road (LIRR), and Amtrak. Immediately northwest of the northwest quadrant is the Port Authority Bus Terminal, which includes access to NJT buses, private carrier routes to New Jersey, and long-distance routes. The northeast quadrant is approximately 0.25-miles southwest of Grand Central Terminal, a transit hub with access to five subway lines (4, 5, 6, 7, and the Times Square Shuttle), the LIRR, and MetroNorth.

Table 2-1a: Existing Land Uses in the Primary Study Area

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	71	9.8%	379,396	8.1%	3,310,851	6.3%
One- & Two-Family Buildings	-	0.0%	-	0.0%	-	0.0%
Multifamily Walkup Buildings	20	2.8%	53,882	1.1%	202,245	0.4%
Multifamily Elevator Buildings	51	7.1%	325,514	6.9%	3,108,606	5.9%
Mixed Commercial / Residential Buildings	113	15.7%	435,253	9.3%	3,389,313	6.4%
Commercial/Office Buildings	475	65.8%	3,403,647	72.4%	43,977,878	83.3%
Industrial/ Manufacturing	15	2.1%	93,800	2.0%	1,101,009	2.1%
Transportation/Utility	3	0.4%	90,572	1.9%	102,835	0.2%
Public Facilities & Institutions	18	2.5%	177,354	3.8%	765,649	1.4%
Open Space	-	0.0%	-	0.0%	-	0.0%
Parking Facilities	13	1.8%	72,708	1.5%	96,973	0.2%
Vacant Land	12	1.7%	37,391	0.8%	-	0.0%
No Data Available	2	0.3%	12,343	0.3%	69,300	0.1%
Total	**722**	**100.0%**	**4,702,464**	**100.0%**	**52,813,808**	**100.0%**

Source: 2024v1.1 PLUTO data

Figure 2-2: Existing Land Use



A description of existing land uses in each quadrant of the primary Study Area is provided below.

Northwest Quadrant

The northwest quadrant is characterized primarily by commercial uses (approximately 86 percent of built floor area). Industrial/manufacturing uses make up the next highest percentage of built floor area (approximately 4 percent), and mixed-use residential and commercial buildings make up approximately 2 percent of total floor area. This quadrant has no parks. As shown in **Figure 2-2**, mixed-use residential and commercial buildings are clustered near Eighth Avenue between West 38th Street and West 40th Street. According to MapPLUTO data, office uses occupy nearly 87 percent of the commercial area in this quadrant. Approximately 8 percent is occupied by retail uses. The remaining commercial area in this quadrant is used for storage purposes.

Table 2-1b: Existing Land Uses in the Northwest Quadrant

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	24	10.3%	172,277	9.2%	1,757,886	6.9%
One- & Two-Family Buildings	*-*	*0.0%*	*-*	*0.0%*	*-*	*0.0%*
Multifamily Walkup Buildings	*12*	*5.2%*	*31,369*	*1.7%*	*109,415*	*0.4%*
Multifamily Elevator Buildings	*12*	*5.2%*	*140,908*	*7.5%*	*1,648,471*	*6.5%*
Mixed Commercial/Residential Buildings	19	8.2%	60,750	3.2%	477,233	1.9%
Commercial/Office Buildings	162	69.5%	1,449,433	77.0%	21,897,710	86.4%
Industrial/Manufacturing	12	5.2%	67,605	3.6%	917,672	3.6%
Transportation/Utility	2	0.9%	54,495	2.9%	102,835	0.4%
Public Facilities & Institutions	8	3.4%	64,318	3.4%	164,422	0.6%
Open Space	-	0.0%	-	0.0%	-	0.0%
Parking Facilities	1	0.4%	4,937	0.3%	27,473	0.1%
Vacant Land	4	1.7%	3,684	0.2%	-	0.0%
No Data Available	1	0.4%	4,937	0.3%	-	0.0%
Total	**233**	**100.0%**	**1,882,436**	**100.0%**	**25,345,231**	**100.0%**

Source: 2024v1.1 PLUTO data

Northeast Quadrant

As shown in **Table 2-1b**, the northeast quadrant is similar to the northwest quadrant in terms of existing land uses. Approximately 83 percent of the quadrant's lots and 89 percent of the quadrant's floor area are occupied by commercial uses. Of the approximately 5,789,070 gsf of commercial floor area in the quadrant, approximately 86 percent is for commercial office uses. The remaining 14 percent of total commercial floor area is retail space. Mixed-use residential and commercial buildings make up approximately 10 percent of lot area and 6 percent of total building floor area in the quadrant. Parking facilities make up approximately 3 percent of total lot area and 1 percent of floor area, while residential buildings total

approximately 2 percent of total lot area and 1 percent of total floor area in the quadrant. Public facilities and institutions are limited to one lot in the quadrant and include a portion of Guttman Community College at 29 West 39th Street. There are no industrial uses, transportation/utility uses, open space, or vacant land in this quadrant.

Table 2-1c: Existing Land Uses in the Northeast Quadrant

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	3	2.7%	9,861	1.6%	80,638	1.2%
One- & Two-Family Buildings	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Multifamily Walkup Buildings	*1*	*0.9%*	*2,452*	*0.4%*	*10,329*	*0.2%*
Multifamily Elevator Buildings	*2*	*1.8%*	*7,409*	*1.2%*	*70,309*	*1.0%*
Mixed Commercial/Residential Buildings	18	15.9%	57,922	9.6%	406,270	6.2%
Commercial/Office Buildings	89	78.8%	498,989	82.8%	5,789,070	89.0%
Industrial/Manufacturing	0	0.0%	0	0.0%	0	0.0%
Transportation/Utility	0	0.0%	0	0.0%	0	0.0%
Public Facilities & Institutions	1	0.9%	11,455	1.9%	91,000	1.4%
Open Space	0	0.0%	0	0.0%	0	0.0%
Parking Facilities	1	0.9%	16,700	2.8%	69,500	1.1%
Vacant Land	0	0.0%	0	0.0%	0	0.0%
No Data Available	1	0.9%	7,406	1.2%	69,300	1.1%
Total	**113**	**100.0%**	**602,333**	**100.0%**	**6,505,778**	**100.0%**

Source: 2024v1.1 PLUTO data

Southeast Quadrant

The southeast quadrant is similar to the larger primary Study Area in terms of existing land uses, with a slightly lower percentage of commercial uses. Approximately 65 percent of the quadrant's lots and 82 percent of the quadrant's floor area are occupied by commercial uses. Of the approximately 6,209,014 gsf of commercial floor area in the quadrant, approximately 81 percent is for commercial office uses. Approximately 15 percent of total commercial floor area is retail space. The remaining 4 percent of commercial area is for storage/miscellaneous uses. Public facilities and institutions occupy approximately 8 percent of total lot area and 5 percent of total floor area in the quadrant. Public facilities and institutions in the quadrant include the Collegiate Reform Church at 270 Fifth Avenue, the Serbian Orthodox Cathedral of St. Sava at 20 West 26th Street, a building at 27 West 23rd Street that contains event space and medical office space, and the building at 71 West 23rd Steet. which includes nonprofit office space, the Livingston Library, and a Masonic center. The southeast quadrant has the highest percentage of residential floor area (approximately 7 percent). Mixed-use residential and commercial buildings make up approximately 9 percent of lot area and 6 percent of total building floor area in the quadrant, while parking facilities occupy approximately 4 percent of total lot area in the quadrant. There are no industrial uses or open space in this quadrant.

Table 2-1d: Existing Land Uses in the Southeast Quadrant

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	14	8.9%	63,651	6.7%	543,388	7.1%
One- & Two-Family Buildings	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Multifamily Walkup Buildings	*2*	*1.3%*	*4,125*	*0.4%*	*17,865*	*0.2%*
Multifamily Elevator Buildings	*12*	*7.6%*	*59,526*	*6.3%*	*525,523*	*6.9%*
Mixed Commercial/Residential Buildings	28	17.8%	84,072	8.9%	473,433	6.2%
Commercial/Office Buildings	96	61.1%	614,942	64.9%	6,209,014	81.6%
Industrial/Manufacturing	0	0.0%	0	0.0%	0	0.0%
Transportation/Utility	1	0.6%	36,077	3.8%	0	0.0%
Public Facilities & Institutions	4	2.5%	78,655	8.3%	382,902	5.0%
Open Space	0	0.0%	0	0.0%	0	0.0%
Parking Facilities	8	5.1%	38,611	4.1%	0	0.0%
Vacant Land	6	3.8%	31,551	3.3%	0	0.0%
No Data Available	0	0.0%	0	0.0%	0	0.0%
Total	**157**	**100.0%**	**947,559**	**100.0%**	**7,608,737**	**100.0%**

Source: 2024v1.1 PLUTO data

Southwest Quadrant

As shown in **Figure 2-2** and **Table 2-1e**, the southwest quadrant has the lowest percentage of commercial uses and the highest percentage of mixed-use residential and commercial uses compared to the other three quadrants. Commercial uses still make up the highest percentage of total lot area and built floor area in the quadrant at 64 percent and 71 percent, respectively (**Table 2-1e**). Of the approximately 9,761,313 gsf of commercial floor area in the southwest quadrant, nearly 78 percent is occupied by commercial office uses. Approximately 11 percent of commercial floor area is occupied by retail uses. The remaining 11 percent of commercial floor area in this quadrant is occupied by storage/miscellaneous uses. Mixed-use residential and commercial buildings make up approximately 21 percent of total lot area and 20 percent of built floor area in the quadrant. Residential uses occupy approximately 10 percent of the quadrant's total lot area and approximately 6 percent of the total built floor area, while public facilities are located on approximately six tax lots (3 percent of lot area and 1 percent of built floor area). Public facilities and institutions in this quadrant include the FDNY Engine 1/Ladder 24 fire station at 142 West 31st Street, the NYPD's Citywide Traffic Task Force at 138 West 30th Street, the Satellite Academy High School at 120 West 30th Street, the Magnet Theater at 254 West 29th Street, the Subud Chelsea Center at 224 West 29th Street, and a small three-story building at 152 West 24th Street that contains an animal shelter on the first floor. Industrial and manufacturing uses make up 2 percent of the total lot area in the quadrant and approximately 1 percent of the total floor area. There are two vacant lots totaling approximately 2,156 gsf. Parking facilities occupy approximately 1 percent of total lot area in the quadrant. There are no transportation/utility uses or open space in this quadrant.

Table 2-1e: Existing Land Uses in the Southwest Quadrant

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	29	13.9%	128,341	10.0%	867,521	6.3%
One- & Two-Family Buildings	*0*	*0.0%*	*0*	*0.0%*	*0*	*0.0%*
Multifamily Walkup Buildings	*5*	*2.4%*	*15,936*	*1.2%*	*64,636*	*0.5%*
Multifamily Elevator Buildings	*24*	*11.5%*	*112,405*	*8.8%*	*802,885*	*5.8%*
Mixed Commercial/Residential Buildings	45	21.5%	262,931	20.5%	2,747,055	20.1%
Commercial/Office Buildings	122	58.4%	813,829	63.5%	9,761,313	71.2%
Industrial/Manufacturing	3	1.4%	26,195	2.0%	183,337	1.3%
Transportation/Utility	0	0.0%	0	0.0%	0	0.0%
Public Facilities & Institutions	6	2.9%	37,761	2.9%	141,309	1.0%
Open Space	0	0.0%	0	0.0%	0	0.0%
Parking Facilities	2	1.0%	10,041	0.8%	0	0.0%
Vacant Land	2	1.0%	2,156	0.2%	0	0.0%
No Data Available	0	0.0%	0	0.0%	0	0.0%
Total	**209**	**100.0%**	**1,281,254**	**100.0%**	**13,700,535**	**100.0%**

Source: 2024v1.1 PLUTO data

Secondary Study Area

The secondary Study Area includes portions of three neighborhoods or, for the purposes of this analysis, subareas: Midtown, Chelsea, and Flatiron/NoMad. As shown in **Figure 2-1**, the Midtown subarea occupies lots within 0.25 miles of the primary Study Area north of 34th Street between Sixth Avenue and Tenth Avenue and north of 31st Street between Sixth Avenue and Park Avenue South. The Chelsea subarea occupies lots within 0.25 miles of the primary Study Area west of Sixth Avenue and south of West 34th Street, and the Flatiron/NoMad subarea occupies lots within 0.25 miles of the primary Study Area south of East 31st Street and east of Sixth Avenue.

In its entirety, the secondary Study Area occupies 2,749 lots, roughly 25.3 million sf of lot area, and more than 254 million sf of building floor area (see **Table 2-2a**). As shown in **Figure 2-2**, the secondary Study Area is primarily commercial, similar to the primary Study Area. The secondary Study Area contains a higher percentage of residential uses than the primary Study Area (**Table 2-2a**). More than 28 percent of the total lot area, 43 percent of lots, and 23 percent of the total building area in the secondary Study Area is occupied by residential and mixed-use residential and commercial uses (**Table 2-2a**). Each of the subareas is primarily commercial, although the Chelsea subarea contains a higher amount of residential and mixed-use residential and commercial uses relative to the other subareas.

Table 2-2a: Existing Land Uses in the Secondary Study Area

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	499	18.2%	3,268,182	12.9%	21,919,941	8.6%
One- & Two-Family Buildings	34	1.2%	55,048	0.2%	138,287	0.1%
Multifamily Walkup Buildings	240	8.7%	603,093	2.4%	2,013,700	0.8%
Multifamily Elevator Buildings	225	8.2%	2,610,041	10.3%	19,767,954	7.8%
Mixed Commercial/Residential Buildings	702	25.5%	3,933,123	15.5%	36,955,522	14.5%
Commercial/Office Buildings	1,256	45.7%	12,839,044	50.6%	181,773,018	71.3%
Industrial/Manufacturing	22	0.8%	157,814	0.6%	1,390,066	0.5%
Transportation/Utility	36	1.3%	1,671,236	6.6%	1,739,057	0.7%
Public Facilities & Institutions	121	4.4%	1,907,613	7.5%	9,552,356	3.7%
Open Space	8	0.3%	716,478	2.8%	139,748	0.1%
Parking Facilities	45	1.6%	425,380	1.7%	878,745	0.3%
Vacant Land	49	1.8%	213,450	0.8%	255,396	0.1%
No Data Available	11	0.4%	219,639	0.9%	223,779	0.1%
Total	**2,749**	**100.0%**	**25,351,959**	**100.0%**	**254,827,628**	**100.0%**

Source: 2024v1.1 PLUTO data

Midtown Subarea

The Midtown subarea occupies approximately 1,244 tax lots within 0.25 miles of the primary Study Area north of 34th Street, between Sixth Avenue and Tenth Avenue, and north of 31st Street, between Sixth Avenue and Park Avenue South. The north-south avenues (Ninth Avenue, Eighth Avenue, Seventh Avenue, Sixth Avenue, Broadway, Fifth Avenue, Madison Avenue, and Park Avenue) are the main corridors in the subarea. East-west streets in the subarea are primarily local streets, with the exception of 34th Street and 42nd Street, which are major east-west thoroughfares. Each of these major corridors are primarily occupied by commercial uses (**Figure 2-2**).

The subarea is occupied primarily by commercial uses (approximately 59 percent of total lot area and 79 percent of total floor area). Mixed-use residential and commercial uses make up approximately 134 percent of total lot area in the subarea and nearly 12 percent of total building area. Public facilities and institutions in the subarea occupy approximately 6 percent of total lot area and 2 percent of total building area. The most notable public facility and institutional use in this subarea is the New York Public Library's main branch located at Fifth Avenue and 42nd Street. Open spaces within the secondary subarea include Bryant Park, McCaffery Playground, Herald Square, Greeley Square, and the Times Square pedestrian plaza. Bryant Park is a 9.6-acre park that includes public seating, food kiosks, a fountain, a great lawn during the non-winter months, and an ice-skating rink/winter village during the winter. McCaffery Playground is a 0.44 -acre playground located on the north side of West 43rd Street between Eighth and Ninth

Avenues. The playground includes basketball courts, handball courts, playgrounds, spray showers, public restrooms, and public seating. Herald Square is a 0.21-acre plaza located on Broadway between West 35th Street and West 34th Street; it offers seating areas and public restrooms. Greeley Square is a 0.14-acre plaza located on Broadway between West 33rd Street and West 32nd Street. The plaza includes seating areas, public restrooms, and food kiosks. On Broadway between West 42nd Street and West 45th Street is a portion of the Times Square pedestrian plaza. Additionally, several privately owned public spaces are in the subarea (refer to Chapter 5, "Open Space," for further discussion of these resources).

Table 2-2b: Existing Land Uses in the Midtown Secondary Study Subarea

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	142	11.4%	798,964	6.4%	7,425,614	5.0%
One- & Two-Family Buildings	4	0.3%	7,423	0.1%	16,104	0.0%
Multifamily Walkup Buildings	81	6.5%	212,680	1.7%	727,222	0.5%
Multifamily Elevator Buildings	57	4.6%	578,861	4.7%	6,682,288	4.5%
Mixed Commercial/Residential Buildings	253	20.3%	1,650,135	13.3%	17,452,468	11.8%
Commercial/Office Buildings	689	55.4%	7,347,455	59.2%	117,355,643	79.0%
Industrial/Manufacturing	18	1.4%	129,494	1.0%	1,200,360	0.8%
Transportation/Utility	27	2.2%	1,192,671	9.6%	1,677,100	1.1%
Public Facilities & Institutions	57	4.6%	700,065	5.6%	2,702,785	1.8%
Open Space	4	0.3%	233,289	1.9%	117,024	0.1%
Parking Facilities	18	1.4%	169,267	1.4%	411,124	0.3%
Vacant Land	29	2.3%	130,335	1.1%	49,552	0.0%
No Data Available	7	0.6%	56,015	0.5%	69,300	0.0%
Total	**1,244**	**100.0%**	**12,407,690**	**100.0%**	**148,460,970**	**100.0%**

Source: 2024v1.1 PLUTO data

Chelsea Subarea

The Chelsea subarea includes 877 tax lots within 0.25 miles of the primary Study Area, south of West 34th Street and west of Sixth Avenue. Major corridors in the subarea include the north-south avenues of Sixth Avenue, Seventh Avenue, Eighth Avenue, and Ninth Avenue, as well as the east-west corridors of West 34th Street and West 23rd Street. As shown in **Figure 2-2**, the commercial uses are most concentrated in the northeastern corner of the subarea. Moving south and west, the subarea is occupied by more mixed-use residential and commercial, residential, and public facility uses.

Commercial uses occupy approximately 34 percent of all lot area in the subarea and approximately 55 percent of total floor area, a smaller area than the secondary Study Area as a whole and other subareas. Residential uses occupy approximately 25 percent of total lot area in

the subarea and 16 percent of total floor area. As shown in **Table 2-2c**, multifamily elevator buildings are the most common form of residential use in the subarea. Mixed-use residential and commercial buildings are concentrated on Sixth Avenue and in the area south of West 23rd Street. Mixed-use residential and commercial buildings occupy approximately 16 percent of total lot area and nearly 18 percent of total floor area in the subarea. Public facilities and institutions occupy approximately 12 percent of total lot area and 9 percent of total floor area in the subarea. Notable public facilities and institutions in the area include the Fashion Institute of Technology at 227 West 27th Street, the U.S. Post Office Morgan Processing and Distribution Center at 341 Ninth Avenue, the St. Francis of Assisi Roman Catholic Church at 135 West 31st Street, Public School 033 Chelsea Prep at 281 Ninth Avenue, and the High School of Fashion Industries at 225 West 24th Street.

Penn Station and Moynihan Train Hall at Penn Station are located within the subarea. As noted above, these two buildings are a multimodal transit hub with access to six subway lines (1, 2, 3, A, C, E), NJT Rail, the LIRR, and Amtrak. Madison Square Garden, an approximately 19,000 -seat multipurpose arena, sits above Penn Station. Three parks are in the subarea and include Penn South Playground, Chelsea Green, and Chelsea Park. Penn South Playground is a 0.6-acre playground on West 26th Street between Eighth and Ninth Avenues. The playground includes seating areas, basketball courts, and playgrounds. Chelsea Green is a 0.23-acre park on West 20th Street between Sixth and Seventh Avenues. The park was opened in 2019 and includes seating, synthetic turf, and a playground. Chelsea Park is a 3.9-acre park located on the block bound by West 28th Street to the north, Ninth Avenue to the east, West 27th Street to the south, and Tenth Avenue to the west. The park includes baseball fields, a soccer field, basketball courts, fitness equipment, playgrounds, handball courts, spray showers, running tracks, and public seating. Additionally, several privately owned public spaces are in the subarea (see Chapter 5, “Open Space,” for further discussion of these resources).

Table 2-2c: Existing Land Uses in the Chelsea Secondary Study Subarea

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	281	32.0%	2,069,821	24.8%	10,331,320	16.2%
One- & Two-Family Buildings	30	3.4%	47,625	0.6%	122,183	0.2%
Multifamily Walkup Buildings	140	16.0%	347,134	4.2%	1,130,014	1.8%
Multifamily Elevator Buildings	111	12.7%	1,675,062	20.1%	9,079,123	14.2%
Mixed Commercial/Residential Buildings	259	29.5%	1,371,019	16.4%	11,394,707	17.8%
Commercial/Office Buildings	246	28.1%	2,896,211	34.7%	35,459,369	55.5%
Industrial/Manufacturing	4	0.5%	28,320	0.3%	189,706	0.3%
Transportation/Utility	7	0.8%	432,498	5.2%	-	0.0%
Public Facilities & Institutions	52	5.9%	996,871	11.9%	5,973,991	9.3%
Open Space	3	0.3%	178,189	2.1%	18,924	0.0%
Parking Facilities	14	1.6%	184,862	2.2%	419,121	0.7%
Vacant Land	8	0.9%	31,881	0.4%	-	0.0%
No Data Available	3	0.3%	152,609	1.8%	153,579	0.2%
Total	**877**	**100.0%**	**8,342,281**	**100.0%**	**63,940,717**	**100.0%**

Source: 2024v1.1 PLUTO data

Flatiron/NoMad Subarea

The Flatiron/NoMad subarea includes tax lots within 0.25 miles of the primary Study Area, south of East 31st Street and east of Sixth Avenue (**Figure 2-1**). Major corridors in the subarea include the north-south avenues of Fifth Avenue, Broadway, Sixth Avenue, Madison Avenue, and Park Avenue South and the east-west streets of East 23rd Street.

Similar to the overall secondary Study Area, the subarea is primarily characterized by commercial uses that occupy approximately 55 percent of the subarea's total lot area and approximately 65 percent of total floor area (**Table 2-2d**). Mixed-use residential and commercial buildings occupy approximately 23 percent of the subarea's total lot area and approximately 22 percent of the total floor area. Residential uses occupy approximately 9 percent of lot area in the subarea and approximately 10 percent of total floor area. As shown in **Table 2-2d**, multifamily elevator residential buildings are the most common form of residential use. Open space occupies approximately 9 percent of the subarea's total lot area. There are two open spaces in the subarea: Worth Square and Madison Square Park. Worth Square, located between Broadway, Fifth Avenue, and West 25th Street, is a 0.27-acre plaza that marks the grave of General William Jenkins Worth. The plaza includes public seating, planters, and a monument. The subarea also includes Madison Square Park, a 6.23-acre park located between East 26th Street, Park Avenue South, Fifth Avenue, and East 23rd Street. The park includes a dog park, eateries, playgrounds, spray showers, lawns, and seating areas. Public facilities and institutions occupy approximately 2 percent of total lot area and 1 percent of total floor area in the subarea. Additionally, several privately owned public spaces are located in the subarea (see Chapter 5, "Open Space," for

further discussion of these resources). Public facilities and institutions in the subarea include the American Academy of Dramatic Arts at 120 Madison Avenue, the Church of the Transfiguration at 1 East 29th Street, the Collegiate Reform Church at 272 Fifth Avenue, and the New York State Appellate Division of the Supreme Court at 27 Madison Avenue.

Table 2-2d: Existing Land Uses in the Flatiron/NoMad Secondary Study Subarea

Land Use	Number of Lots	Percentage of Total Lots	Lot Area (sf)	Percentage of Total Lot Area	Building Area (sf)	Percentage of Total Building Area
Residential	61	13.0%	333,771	9.3%	3,614,877	10.4%
One- & Two-Family Buildings	0	0.0%	0	0.0%	0	0.0%
Multifamily Walkup Buildings	16	3.4%	37,179	1.0%	133,857	0.4%
Multifamily Elevator Buildings	45	9.6%	296,592	8.3%	3,481,020	10.0%
Mixed Commercial/Residential Buildings	161	34.4%	825,389	23.0%	7,621,109	22.0%
Commercial/Office Buildings	225	48.1%	1,980,436	55.2%	22,748,992	65.7%
Industrial/Manufacturing	0	0.0%	0	0.0%	0	0.0%
Transportation/Utility	1	0.2%	9,990	0.3%	61,957	0.2%
Public Facilities & Institutions	7	1.5%	68,822	1.9%	342,688	1.0%
Open Space	2	0.4%	316,015	8.8%	4,700	0.0%
Parking Facilities	5	1.1%	32,640	0.9%	48,500	0.1%
Vacant Land	6	1.3%	19,683	0.5%	205,844	0.6%
No Data Available	0	0.0%	0	0.0%	0	0.0%
Total	**468**	**100.0%**	**3,586,746**	**100.0%**	**34,648,667**	**100.0%**

Source: 2024v1.1 PLUTO data

Zoning

Primary Study Area

As shown in **Figure 2-3**, the primary Study Area is zoned for high-performance manufacturing (M1-6 and M1-6D). The northwest and southeast quadrants' current M1-6 zoning was established in 1961. Garment Center Subdistrict A-2, contiguous to the northwest quadrant, has a current C6-4M zoning that was established in 2004. The northeast quadrant was initially zoned C6-4 in 1961 and was later rezoned to C6-4M in April 1981, and then M1-6 in July of the same year. Most of the southwest quadrant was zoned M1-6 in 1961. The area west of Seventh Avenue between West 30th Street and West 28th Street was zoned M1-5. This portion of the primary Study Area was rezoned in 2011 from M1-5 to M1-6 as part of the *West 28th Street Rezoning* (Land Use Application No. C 100063 ZMM & No. 110285 ZRY). The M1-6D district was established to facilitate the creation of vibrant mixed-use areas by preserving existing concentrations of Class B and C office and light industrial space, while allowing contextual infill residential development with ground-floor retail.

Existing zoning districts in the primary Study Area are listed in **Table 2-3** and described in greater detail below.

Table 2-3: Summary of Existing Zoning and Allowable Densities in the Primary Study Area

Zoning District	Residential FAR	Commercial FAR	Industrial FAR	Community Facility FAR	Permitted Use Groups
M1-6	-	10.0	10.0	10.0	I, III(B), IV(A, B, C). V, VI, VII, VIII, IX(A, B, C), X.
M1-6 (SGCD)	-	10.0	10.0	10.0	I, III(B), IV(A, B, C). V, VI, VII, VIII, IX(A, B, C), X.
M1-6 (SMD)	-	10.0	10.0	10.0	I, III(B), IV(A, B, C). V, VI, VII, VIII, IX(A, B, C), X.
M1-6D	10.0[1]	10.0	10.0	10.0	I, II, III(B), IV(A, B, C). V, VI, VII, VIII, IX(A, B, C), X.
C6-4M (SGCD – A-2)	10.0[1]	10.0[2]	0.0	10.0[2]	I, II, III (A and B), IV (A, B, C), V, VI, VII, VIII, IX(A, C), X

Note: [1]Up to 12.0 residential FAR is available for projects that participate in the IH program and provide 20 percent of residential floor area as affordable housing.
[2]Up to 12.0 non-residential FAR for projects that contribute to the District Improvement Fund Bonus (ZR 93-31)
Key: SGCD = Special Garment Center District; SMD = Special Midtown District

M1-6

The northeast, southeast, and majority of the southwest quadrants are each zoned M1-6 (**Figure 2-3**). M1 districts are generally buffers between higher-intensity manufacturing districts (e.g., M2 and M3) and adjacent residential and commercial districts. As shown in **Table 2-3**, permitted uses in the M1-6 zoning district include agriculture and open uses (Use Group I) community facilities without sleeping accommodations (Use Group III(B)), public service facilities, utility infrastructure, or renewable energy and green infrastructure commercial uses (Use Group IV (A, B, and C), transient accommodations (Use Group V), retail/service establishments (Use Group VI), offices and laboratories (Use Group VII), recreation, entertainment, and assembly spaces (Use Group VIII), general, specialized, and vehicle storage (Use Group IX (A, B, and C), and production (Use Group X). Community facility, commercial, and industrial uses are permitted to a maximum FAR of 10.0. The M1-6 district permits a maximum base height of 85 feet or six stories, whichever is less. Above the maximum base height, buildings in this zoning district are required to setback 20 feet from narrow streets and 15 feet from wide streets, as defined by the ZR. The maximum building height in this zoning district is dictated by the sky exposure plane. On narrow streets, the sky exposure plane is a ratio of 2.7 feet to 1 foot vertical to horizontal. On wide streets, the sky exposure plane is a ratio of 5.6 feet to 1 foot vertical to horizontal. Manhattan Core parking

regulations apply to the area. Accessory parking is not required but is permitted in new buildings at a rate of one space per 4,000 zsf of commercial or community facility floor area. Expanded accessory or public parking is allowed via a special permit.

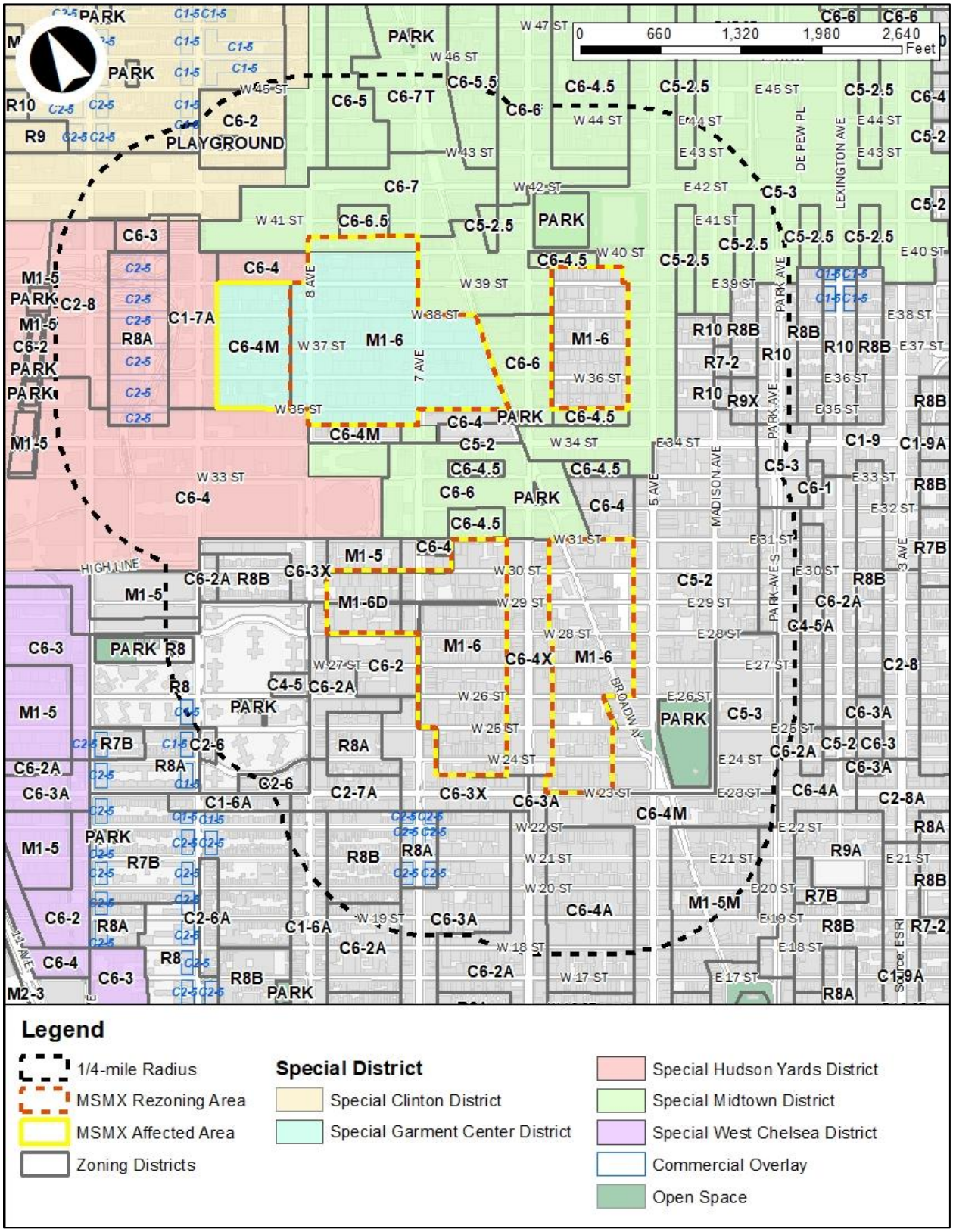
M1-6 (Special Garment Center District [A-1])

A large portion of the northwest quadrant is zoned M1-6 and is located within the Special Garment Center District and Special Midtown District (**Figure 2-4**). As shown in **Table 2-3**, within the Special Garment Center District, the same use groups permitted under the M1-6 district described above are also permitted here. Commercial uses within the M1-6 (Special Garment Center District) are permitted to a maximum FAR of 10.0, a maximum community facility of 10.0 FAR, and a maximum industrial FAR of 10.0. On wide streets, buildings in this district have a minimum base height of 125 feet and a maximum base height of 155 feet. If the height of the existing adjacent street wall on the street line exceeds 155 feet before the setback, the maximum base height may be increased to the height of the existing adjacent street wall but cannot exceed a base height of 205 feet. On narrow streets, the minimum base height is 85 feet, and the maximum base height is 135 feet. A setback of 15 feet is required along narrow streets, and a 10-foot setback is required along wide streets above the maximum base height. There is no height limit for towers in this special district. Each story of a tower above the required setback must not exceed a maximum lot coverage of 40 percent or, for zoning lots of less than 20,000 square feet, the percent set forth in ZR 43-451. Manhattan Core parking regulations apply to the area. Accessory parking is not required but is permitted in new buildings at a rate of 1 space per 4,000 zsf of commercial or community facility floor area. Expanded accessory or public parking is allowed via a special permit.

C6-4M (Special Garment Center District [A-2])

Within the Northwest Quadrant, between West 39th Street and West 35th Street 100 feet west of Eighth Avenue the area is zoned C6-4M and is Subdistrict A-2 of the Special Garment Center District. The C6-4M zoning district permits agriculture and open uses (Use Group I) community facilities without sleeping accommodations (Use Group III(B)), public service facilities, utility infrastructure, or renewable energy and green infrastructure commercial uses (Use Group IV (A, B, and C), transient accommodations (Use Group V), retail/service establishments (Use Group VI), offices and laboratories (Use Group VII), recreation, entertainment, and assembly spaces (Use Group VIII), general, specialized, and vehicle storage (Use Group IX (A, B, and C), and production (Use Group X). Up to 12.0 non-residential FAR is permitted for projects that contribute to the District Improvement Fund pursuant to ZR 93-31. C6-4M districts in the Special Garment Center District are governed by contextual bulk regulations designed to mirror the high street wall loft buildings (refer to ZR 121-42).

Figure 2-3: Existing Zoning



M1-6 (Special Midtown District)

The portion of the northwest quadrant between Seventh Avenue to the east, Eighth Avenue to the west, West 40th Street to the south, and the midline of the block between West 40th Street and West 41st Street to the north is within the Theater Subdistrict of the Special Midtown District. The Theater Subdistrict was created to preserve and protect the character of the area as a cultural, theatrical, and entertainment destination and to preserve a complementary cluster of shops, restaurants, and related amusement activities. Permitted uses are limited to a defined set of uses meant to support the theater industry and enhance the character of the area; ground floors are further restricted to more active retail and service uses. Larger developments are required to provide entertainment-related uses such as theaters and studios. Qualifying sites may increase the maximum allowable FAR up to an additional 4.4 FAR through one or a combination of density bonus programs, including a transfer of development rights from a listed theater or a CPC special permit for the substantial rehabilitation or restoration of a theater. Retail and street wall continuity requirements apply along Seventh Avenue.

M1-6D

As shown in **Figure 2-3**, the midblock area between Seventh Avenue and Eighth Avenue between West 30th Street and West 28th Street is zoned M1-6D. As described above, the M1--6D district was created in 2011 to facilitate the creation of vibrant mixed-use areas by preserving existing concentrations of Class B and C office and light industrial space, while allowing contextual infill residential development with ground-floor retail.

Use Group II (residential) is permitted as-of-right in this district to a maximum FAR of 10.0 for lots that do not contain “qualifying” buildings (defined as buildings that existed on April 25, 2011, and contained at least 40,000 gsf of floor area as of April 25, 2011; see **Table 2-3**). On zoning lots with qualifying buildings, residential uses are allowed pursuant to a zoning certification (a ministerial action requiring review by the Chair of the CPC) provided that nonresidential space preservation requirements are satisfied. Refer to **Table 2-3**. M1--6D districts permit a maximum residential base FAR of 10.0, which may be increased to 12.0 FAR under the IH program. The M1-6D district permits a maximum FAR of 10.0 for commercial and community facility uses. Bulk requirements include mandatory street walls and setbacks governed by sky exposure plane regulations, with a base height of 85 feet to 125 feet, and a maximum building height of 210 feet on narrow streets. The district regulations also established a maximum street wall width per building. The Manhattan Core parking regulations apply to this zoning district. Accessory parking is not required but is permitted in new buildings at rates of 0.2 parking spaces per dwelling units and 1 space per 4,000 zsf of commercial or community facility floor area. Expanded accessory or public parking is allowed via a special permit.

Secondary Study Area

Zoning classifications within the secondary Study Area are also shown in **Figure 2-3** and listed in **Table 2-4**; they include a mix of residential, commercial, and high-performance manufacturing districts. Most of the secondary Study Area is zoned for commercial/residential use and consists of contextual and non-contextual, high-density mixed-use districts.

Table 2-4: Existing Zoning Districts within the Secondary Study Area

Zoning District	Definition/General Use	Maximum FAR			
		R	CF	C	M
Commercial Districts					
C1-6A	C1-6 through C1-9 and C2-6 and C2-9 districts are commercial districts that are predominantly residential in character. They are typically mapped along major thoroughfares in medium- and higher-density areas of the City.	4.0 (5.01 for QAH)	4.0	2.0	0.0
C1-7A		6.02 (7.2 for QAH)	6.5	2.0	0.0
C2-6		3.44 or 4.0* (5.01 for QAH)	6.5	2.0	0.0
C2-7A		7.52 (9.02 for QAH)	7.5	2.0	0.0
C4-5	C4 districts are mapped in regional commercial centers that are located outside the CBD. In these areas, specialty and department stores, theaters and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas.	3.44 or 4.0* (5.01 for QAH)	6.5	3.4	0.0
C5-2	C5 is a central commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region.	10.0 (12.0 for QAH)	10.0	10.0	0.0
C5-2.5		10.0 (12.0 for QAH)	10.0	10.0	0.0
C5-3		10.0 (12.0 for QAH)	15.0	15.0	0.0
C6-2	C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed buildings are permitted. C6 districts are distinguished by individual suffixes. In general, the higher the numeric suffix, the higher the permitted commercial density. Some of the districts with number and letter suffixes are contextual zoning districts that have been created over time to address different planning needs.	6.02 or 7.2* (7.2 for QAH or 8.64 for UAP or QSH)	6.5	6.0	0.0
C6-2A		6.02 (7.2 for QAH)	6.5	6.0	0.0
C6-3		7.52 (9.02 for QAH)	10.0	6.0	0.0
C6-3A		7.52 (9.02 for QAH)	7.5	6.0	0.0
C6-3X		9.0 (10.8 for QAH)	9.0	6.0	0.0
C6-4		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-4.5		10.0 (12.0 for QAH)	6.5	10.0	0.0
C6-4A		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-4M		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-4X		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-5		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-5.5		10.0 (12.0 for QAH)	10.0	10.0	0.0
C6-6		10.0 (12.0 for QAH)	15.0	15.0	0.0
C6-6.5		10.0 (12.0 for QAH)	15.0	15.0	0.0

Zoning District	Definition/General Use	Maximum FAR			
		R	CF	C	M
C6-7		10.0 (12.0 for QAH)	15.0	15.0	0.0
C6-7T		10.0 (12.0 for QAH)	15.0	15.0	0.0
Manufacturing Districts					
M1-5	M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, which must meet the stringent M1 performance standards.	0.0	6.5	5.0	5.0
M1-5M		5.0	6.5	5.0	5.0
Residential Districts					
R7B	R7B is a contextual, medium-density district that generally produces 6- to 7-story apartment buildings.	3.0 (3.9 for QAH)	3.0	0.0	0.0
R7-2	R7-2 are non-contextual, medium-density districts that allow Height Factor or Quality Housing regulations.	3.44 or 4.0* (5.01 for QAH)	6.5	0.0	0.0
R8	R8 are non-contextual, medium-density districts that allow Height Factor or Quality Housing regulations. This district generally produces 8- to 10-story apartment buildings.	6.02 or 7.2* (7.2 for QAH or 8.64 for UAP or QSH)	6.5	0.0	0.0
R8A	R8A are contextual districts that produce 12- to 14-story apartment buildings. Quality Housing bulk regulations are mandatory in this district.	6.02 (7.2 for QAH)	6.5	0.0	0.0
R8B	R8B are contextual districts that generally produce unified blocks of "brownstone" rowhouses. Quality Housing is required.	4.0 (4.8 for QAH)	4.0	0.0	0.0
R9X	R9X are contextual, high-density districts that generally produce 16- to 18-story apartment buildings. Quality Housing regulations are mandatory in this district.	9.0 (10.8 for QAH)	9.0	0.0	0.0
R10	R10 districts are high-density districts that allow Quality Housing regulations or tower regulations. R10 districts provide the highest possible residential FAR.	10.0 (12.0 for QAH)	10.0	0.0	0.0

Source: ZR of the City of New York

Key: R = Residential; C = Commercial; CF = Community Facility; M = Manufacturing; QAH = Qualifying Affordable Housing; QSH = Qualifying Senior Housing; UAP= Universal Affordability Preference

* For zoning lots or portions thereof located within 100 feet of a wide street.

M1-5

An M1-5 manufacturing district is mapped across a small area south of Penn Station between West 31st Street, Eighth Avenue, West 30th Street, and Seventh Avenue. M1-5 districts permit a maximum FAR of 5.0 for commercial and manufacturing uses and 6.5 FAR for community facility uses. Residential uses are not permitted unless paired with residence districts in a Special Mixed-Use District. The maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) which may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required is most cases.

C5

Much of the Rezoning Area is surrounded by various high-density C5 commercial districts to the east and north, including C5-2, C5-2.5, and C5-3 districts. C5 is a CBD commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region. Most residential and community facility uses are also allowed as-of-right. The basic maximum commercial FAR in the surrounding areas ranges from 10.0 (C5-2) to 15.0 (C5-3). C5 districts without a letter suffix have a corresponding residential district equivalent of R10, which regulates the bulk of residential and mixed-use buildings. Under typical C5 bulk regulations, the maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. If there is an R use, then the maximum base height is 155-feet. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) that may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required is most cases. There are no off-street parking requirements.

Most of the surrounding C5 districts are within the Special Midtown District, which may, depending on the particular subdistrict, modify the underlying C5 use, height, setback, and/or streetscape regulations. In almost all cases, the height and setback regulations of the underlying C5 districts are superseded by two exotic height and setback regulations: Daylight Compensation and Daylight Evaluation. The Special Midtown District also provides a menu of as-of-right and discretionary density bonus incentives that allow qualifying sites to achieve significantly higher FARs, in some cases exceeding 18.0 FAR.

C6

Much of the Project Area is surrounded by various medium- and high-density C6 commercial districts to the north, west, and south, including C6-2, C6-2A, C6-3A, C6-3X, C6-4, C6-4M, C6-4X, C6-4.5, C6-6, C6-6.5, and C6-7 districts. C6-2 and C6-3 districts are typically mapped in areas just outside CBDs (e.g., Chelsea) and have a basic maximum commercial FAR of 6.0. C6-4 through C6-9 districts, typically mapped within the City's major business districts, have a basic maximum commercial FAR of 10.0 (C6-4) or 15.0 (C6-6 and C6-7), exclusive of any bonuses. C6 districts permit a wide range of high-bulk commercial uses requiring a central location as well as most residential and community facility uses. Corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed buildings are permitted in C6 districts. C6 districts without a letter suffix have a corresponding residential district equivalent of R8 (C6-2) or R10 (C6-4, C6-6, C6-7) that regulates the bulk of residential and mixed-use buildings; C6 districts with a letter suffix have a corresponding residential district equivalent of R8A (C6-2A), R9A (C6-3A), R9X (C6-3X), R10 (C6-4M), or R10X (C6-4X). Under typical C6 bulk regulations, the maximum height of a building at the street wall is six stories or 85 feet, whichever is less, above which, an initial setback of 20 feet (narrow street) or 15 feet (wide street) is required. Maximum building height and setbacks are controlled by a sky exposure plane (2.7:1 on a narrow street or 5.6:1 on a wide street) that may be penetrated by a tower subject to lot coverage requirements. If front setbacks are provided at the ground floor, a steeper sky exposure plane is permitted. A 20-foot rear yard is required in most cases. There are no off-street parking requirements. .

Most of the surrounding C6 districts are within special districts, including the Special Garment Center District, the Special Hudson Yards District, and the Special Midtown District. C6-4M districts in the Special Garment Center District are governed by contextual bulk regulations designed to mirror the high street wall loft buildings. C6 districts in the Special Hudson Yards District generally have bespoke building envelopes and FAR regulations that supersede those of the underlying zoning districts as well as a unique density bonus structure that allows FARs to reach between 13.0 and 19.5, depending on the subdistrict. Special Midtown District rules generally modify the underlying C6 use, height, setback, and/or streetscape regulations, depending on the subdistrict. In almost all cases, the height and setback regulations of the underlying C6 districts are superseded by two exotic height and setback regulations: Daylight Compensation and Daylight Evaluation. The Special Midtown District also provides a menu of as-of-right and discretionary density bonus incentives that allow qualifying sites to achieve significantly higher FARs, in some cases exceeding 18.0 FAR.

R7

R7 districts (specifically R7B and R7-2) make up a small portion of the secondary Study Area. A portion of an R7B district is located within the southwest corner of the secondary Study Area on West 22nd Street, west of Eighth Avenue. R7B is a contextual, medium-density district. As shown in **Table 2-4**, the R7B district permits a maximum residential and community facility FAR of 3.0 (or up to 3.9 residential FAR for qualifying affordable housing). The R7B district permits buildings to rise to a maximum base height of 65 feet and a maximum building height of 75 feet, or a maximum base height of 85 feet and a maximum building height of 95 feet for qualifying affordable housing.

An R7-2 district is located on the east side of Madison Avenue between East 37th Street and East 36th Street. The R7-2 district is a medium-density residential district. Buildings in this district can reach a maximum residential FAR of 3.44 or 4.0 on wide streets (or up to 5.01 for qualifying affordable housing) and a maximum community facility FAR of 6.5. The R7-2 district permits buildings to rise to a maximum base height of 65 feet on narrow streets, 75 feet on wide streets, and 85 feet for qualifying affordable housing, and a maximum building height of 75 feet on narrow streets, 85 feet on wide streets, 105 feet on narrow streets with qualifying affordable housing, and 115 feet on wide streets with qualifying affordable housing.

Parking is not required for buildings within the Manhattan Core, but parking is permitted for up to 20 percent of DUs up to 200 spaces, whichever is less.

R8

As shown in **Figure 2-3**, R8 districts are generally mapped along the edges of the secondary Study Area, specifically along the secondary Study Area's western boundary. R8 districts are non-contextual, medium-density districts that allow Height Factor or Quality Housing regulations. Buildings in the R8 district can reach a maximum residential FAR of 7.2 (or up to 8.64 for qualifying affordable housing) and a maximum community facility FAR of 6.5. The R8 district permits buildings to rise to a maximum base height of 60 feet and a maximum building height of 85 feet on narrow streets and 95 feet on wide streets, or a maximum base height of 105 feet and a maximum building height of 145 feet for qualifying affordable or senior housing.

The R8A district is a contextual district. Buildings in the R8A district can reach a maximum residential FAR of 6.02 (or up to 7.2 for qualifying affordable housing) and a maximum community facility FAR of 6.5. The R8A district permits buildings to rise to a maximum base height of 95 feet and a maximum building height of 125 feet, or a maximum base height of 105 feet and a maximum building height of 145 feet for qualifying affordable housing.

R8B are contextual districts that generally produce unified blocks of "brownstone" rowhouses. The maximum residential FAR in this district is 4.0 (or up to 4.8 for qualifying affordable housing). The R8B district permits buildings to rise to a maximum base height of 65 feet and a maximum building height of 75 feet, or a maximum base height of 85 feet and a maximum building height of 95 feet for qualifying affordable housing.

Parking is not required for buildings within the Manhattan Core, but parking is permitted for up to 20 percent of DUs up to 200 spaces, whichever is less.

R9

A R9X district is mapped in small portion in the northeastern corner of the secondary Study Area between Park Avenue and Madison Avenue between East 36th and East 34th Streets (**Figure 2-3**). R9X districts are contextual, high-density districts. This district permits a maximum residential FAR of 9.0 (or up to 10.8 for qualifying affordable housing) and a maximum community facility FAR of 9.0. The R9X district permits buildings to rise to a maximum base height of 125 feet, a maximum building height of 165 feet on narrow streets and 175 feet on wide streets, a maximum base height of 155 feet for qualifying affordable housing, and a maximum building height of 215 feet for qualifying affordable housing.

R10

The R10 district is a high-density residential district that is mapped in the eastern portion of the secondary Study Area, specifically on Park Avenue between East 39th and East 35th Streets. The R10 district allows the use of tower regulations. R10 districts provide the highest possible residential FAR.

Public Policy

Applicable public policies are discussed in the following section. Several public policies that affect the primary Study Area also affect the secondary Study Area. The Proposed Actions' consistency with each of these policies is assessed under "F. With-Action Scenario."

Housing Our Neighbors: A Blueprint for Housing and Homelessness

In 2022, the Adams's administration released *Housing Our Neighbors: A Blueprint for Housing and Homelessness*, a comprehensive, Citywide policy aimed at addressing the City's housing crisis through investments in new construction and preservation efforts to provide access to affordable, high-quality housing for all New Yorkers. This plan outlines policies and strategies to address five goals: (1) transform New York City Housing Authority; (2) address homelessness and housing instability; (3) create and preserve affordable housing; (4) improve the health and safety of New Yorkers; and (5) reduce administrative burden. The plan details the specific actions

that agencies and stakeholders should undertake to address these goals. Similar to the previous administration's *Housing New York* plan, *Housing Our Neighbors* emphasizes the importance of building new housing in amenity-rich areas and expanding the availability of different housing types including affordable housing and senior housing. In addition, the plan emphasizes cooperation between numerous City agencies.

Where We Live NYC/Fair Housing Together Plan

The *Where We Live NYC Plan* is the City's blueprint for fair housing in the five boroughs to break down barriers to opportunity and build more integrated, equitable neighborhoods. This five-year plan seeks to make reparations for the years of unfair housing policies faced by minority communities.

The key goals of the plan include:

- Fight housing discrimination by pursuing increased resources and protections.
- Promote development that opens up more communities to low-income families.
- Preserve low-cost housing and prevent displacement of long-standing residents through stronger tenant protections and new affordable housing investments.
- Empower families receiving rental assistance and expand use of these benefits in amenity-rich neighborhoods.
- Create better and more integrated living options for people with disabilities.
- Align investments to address segregation, discrimination, and concentrated poverty.

The City plans to address these goals in many ways, including (but not limited to):

- Introducing more opportunities to promote equitable housing growth.
- Expanding government housing programs to more New Yorkers.
- Protecting tenants facing harassment and eviction.
- Helping people with disabilities find affordable and accessible housing.
- Strengthening social resiliency.
- Decreasing violence.
- Working toward more diverse and integrated schools.
- Making public transportation more accessible.

Vision Zero

The City's Vision Zero initiative seeks to eliminate all fatalities from vehicular, bicycle, and pedestrian traffic crashes. Vision Zero programs combine strong enforcement and better roadway engineering with improved emergency response and high visibility campaigns to discourage dangerous behavior on roads. Since 2014, the City has invested in comprehensive engineering,

enforcement, and education strategies to bring the City closer to the goal of zero deaths and serious injuries. Part of this initiative is identifying places where the numbers of crashes and fatalities are elevated. Vision Zero highlights three types of these areas; Priority Areas, Priority Corridors, and Priority Intersections.

The plan identifies 42nd Street, 40th Street, 34th Street, 23rd Street, Ninth Avenue, Eighth Avenue, Seventh Avenue, and Sixth Avenue as Priority Corridors. There are also six Priority Intersections: West 42nd Street and Seventh Avenue, West 40th Street and Eighth Avenue, West 34th Street and Eighth Avenue, West 34th Street and Sixth Avenue, West 23rd Street and Sixth Avenue, and East 23rd Street and Madison Avenue.

New York City Food Retail Expansion to Support Health Program

Half of the primary Study Area and the northern half of the secondary Study Area are designated as eligible to participate in New York City's Food Retail Expansion to Support Health (FRESH) Program (**Figure 2-4**). The FRESH program is a joint effort sponsored by DCP and the New York City Economic Development Corporation (EDC). The program promotes the establishment and expansion of grocery stores in underserved communities that lack full-line grocery stores through financial and zoning incentives for grocery store operators/developers. The incentives include tax reductions, sales tax exemptions, additional development rights, and reductions in required accessory parking. As shown in **Figure 2-4**, only tax incentives are available in this area. It is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by full-line grocery store operators who meet the following criteria:

- Provide a minimum of 5,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption, and utilization
- Provide at least 50 percent of a general line of food products intended for home preparation, consumption, and utilization
- Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods
- Provide at least 500 sf of retail space for fresh produce.

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH food stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, and mortgage recording tax deferrals.

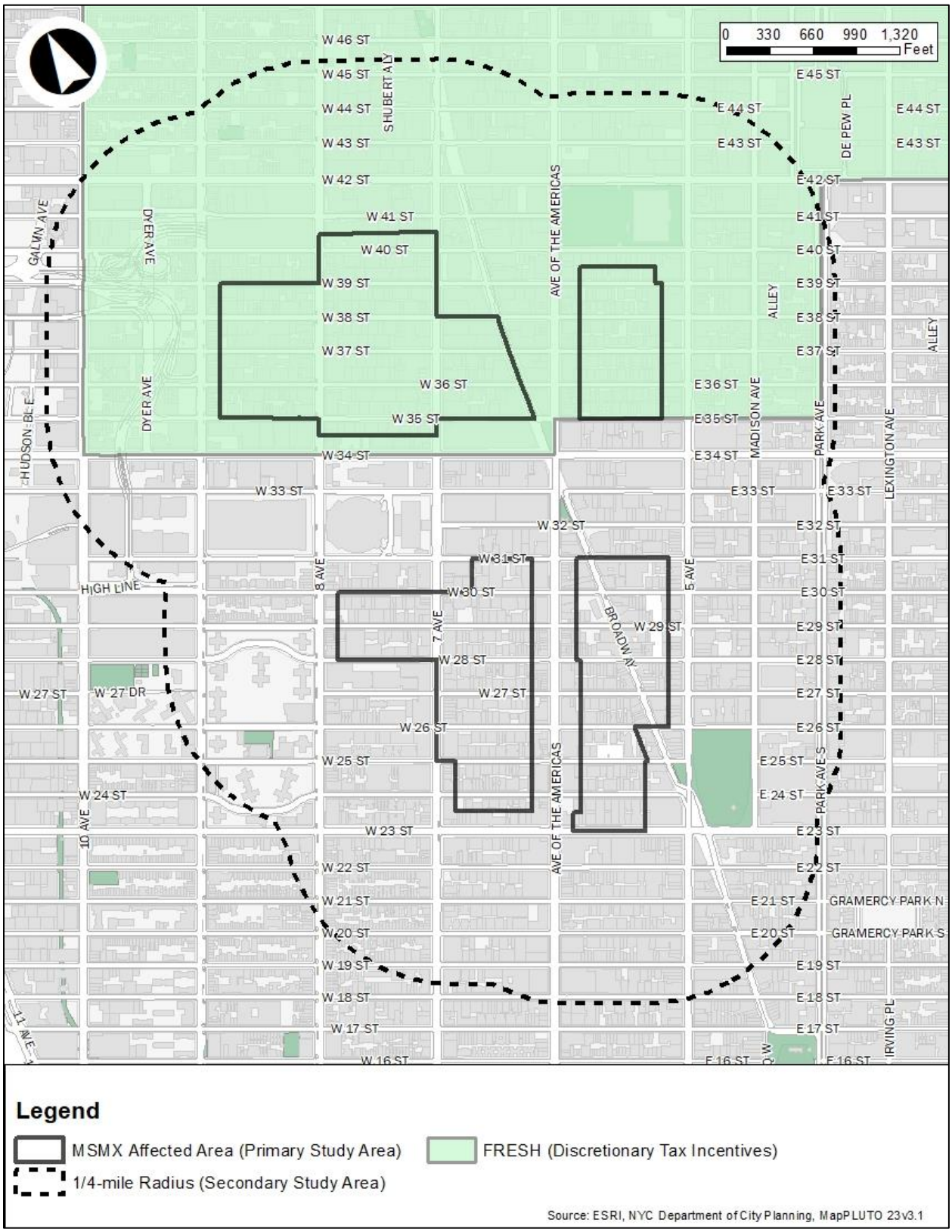
PlaNYC/OneNYC

In April 2007, the Mayor's Office of Long-Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor's Office of Long-Term Planning and Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds on the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include ensuring access to affordable, high-quality housing and thriving

neighborhoods (ensuring that neighborhoods will be well-served). OneNYC has since been updated to OneNYC 2050—a nine-volume long-term strategic plan to "confront our climate crisis, achieve equity, and strengthen our democracy" in New York City.

Overall, OneNYC 2050 outlines 30 strategic initiatives organized around 8 overarching goals: a vibrant democracy; an inclusive economy; thriving neighborhoods; healthy lives; equity and excellence in education; a livable climate; efficient mobility; and modern infrastructure. In addition, in April 2023, the Adams's administration released PlaNYC: Getting Sustainability Done, which provides an action plan for a cleaner, greener and more just City for all. PlaNYC: Getting Sustainability Done builds on the prior four plans while facing the challenges and seizing the opportunities that are specific to today. The action plan is based on the following nine principles: (1) act with urgency and focus on implementation; (2) achieve near-term benefits for New Yorkers while implementing long-term goals; (3) center environmental justice and health equity in New York City's work; (4) create economic activity through climate action; (5) strengthen private sector investments through both incentives and mandates; (6) lead by example as a City; (7) make full use of unprecedented federal and state fundings; (8) implement climate budgeting to align City resources with sustainability and resilience goals; and (9) streamline the City's procurement processes to expedite project delivery.

Figure 2-4: NYC FRESH Zoning Boundaries



Business Improvement Districts

As shown in **Figure 2-5**, portions of the primary and secondary Study Areas are within BIDs. The northwest quadrant is located within the Times Square BID, the Garment District Alliance, and 34th Street BID. The northeast quadrant is located within the Bryant Park BID, Grand Central Partnership, and Garment Center. The entire southeast quadrant is within the Flatiron/23rd Street Partnership. A small portion of the southwest quadrant is located in the Flatiron/23rd Street Partnership (refer to **Figure 2-5**). The secondary Study Area includes portions of the following seven BIDs: 34th Street BID, Bryant Park BID, Flatiron/23rd Street Partnership, Garment District Alliance, Grand Central Partnership, Hudson Yards/Hell's Kitchen Alliance, and the Times Square BID.

A BID is a public-private partnership to stimulate economic development and improve the overall quality of life for merchants, residents, and patrons within a defined boundary. Property owners and businesses pay an additional tax or fee to the City to fund supplemental services such as marketing, street cleaning, public safety, and beautification of their BID.

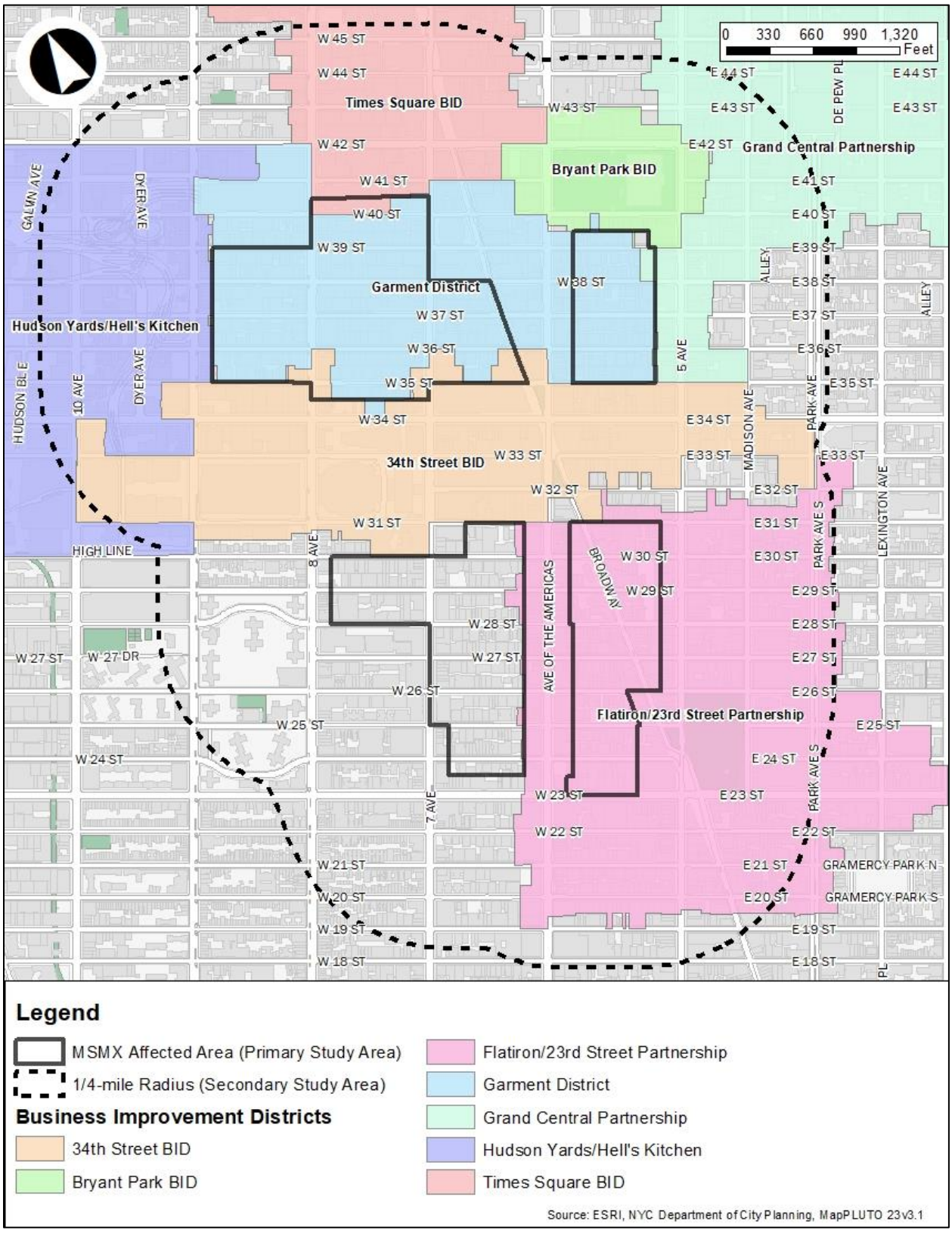
The 34th Street Partnership (34SP) is located in the center of the secondary Study Area between the primary Study Area quadrants. The partnership provides sanitation, promotional and event marketing, landscaping, and beautification services.

As shown in **Figure 2-5**, the Bryant Park BID is located in the northern half of the secondary Study Area in a small area surrounding Bryant Park. The Bryant Park BID is managed by the Bryant Park Corporation (BPC). The BPC was established in 1980 to renovate and operate Bryant Park. The BPC was formed to restore the park, which had suffered severe decline in conditions in the 1970s. It provides supplementary park maintenance, temporary retail kiosks, public events, sanitation, promotional and event marketing, and landscaping.

The Flatiron/23rd Street Partnership covers the area between East 31st Street, Park Avenue, East 20th Street, and Sixth Avenue (**Figure 2-5**). The BID was established in 2006 and expanded in January 2022 to include NoMad. The BID provides sanitation, public safety, homeless outreach, marketing and events, and streetscape beautification.

A portion of the Grand Central Partnership's area is located in the northeast corner of the secondary Study Area. The partnership was created in the mid-1980s to address issues of economic and physical deterioration in the district. The partnership provides tourist and visitor services, streetscape beautification, homeless outreach, and business support and promotion.

Figure 2-5. Business Improvement Districts



The Hudson Yards/Hell's Kitchen Alliance generally covers the area between West 42nd Street, Eleventh Avenue, West 30th Street, and Ninth Avenue (**Figure 2-5**). The alliance provides supplemental sanitation services, streetscape improvements, neighborhood horticulture and beautification projects, and assistance to small businesses. It is also the official maintenance and operations partner for Bella Abzug Park in Hudson Yards.

The Times Square Alliance was founded in 1992 and works to improve and promote Times Square. The organization encourages economic development and public improvements, coordinates major events, curates and presents public arts projects, and advocates on behalf of constituents.

Get Stuff Built

Get Stuff Built: A Report of the Building and Land Use Approval Streamlining Taskforce was released in December 2022 and makes 111 recommendations to improve the CEQR, ULURP, and Department of Buildings permitting process with the goals of increasing the speed of compliant projects while decreasing costs, ensuring environmental protection and meaningful public participation, promoting an increase in affordable housing and environmental sustainability, and reducing risk for entrepreneur businesses and emerging developers by improving the predictability of the development process. These recommendations are intended to reduce building timelines and costs by up to 50 percent.

City of Yes

City of Yes is a series of initiatives proposed in June 2022 and adopted by the City to modernize and update the ZR to advance carbon neutrality, economic opportunity, and housing opportunity.

To facilitate carbon neutrality, DCP in close consultation with the Mayor's Office of Climate and Environmental Justice (MOCEJ) developed a Citywide zoning text amendment to remove impediments to, and expand opportunities for, high-performance building retrofits, decarbonization retrofit projects, solar energy, electric vehicle charging, and energy storage systems. The amendment also includes other measures to help achieve the City's ambitious climate goals across four broad categories: energy, buildings, transportation, and waste. To meet energy goals, this proposal is designed to help ensure that zoning supports the installation of solar arrays and energy storage systems. For buildings, updates to the NYC Construction Code include stringent requirements on energy efficiency and building performance. This means that the requirements of the 2012 Zone Green text amendment must change to ensure that they support the next generation of high-performance construction. Additionally, New York has ambitious electrification goals for its transportation sector, but recent studies show it is significantly behind other major U.S. cities. Of the City's 1.9 million private vehicles, less than 1 percent (approximately 12,500) are zero-emission vehicles, and there are few public locations available to charge electric vehicles. ZR updates are anticipated to contribute to this effort. Finally, improving management of the City's waste stream is key to achieving carbon neutrality, which will require a substantial reduction of organic matter sent to landfills, as well as a reduction of stormwater that needs treating.

To expand economic opportunity, DCP developed a Citywide text amendment to update zoning regulations to support economic growth and resiliency in New York City. This text amendment, known as City of Yes for Economic Opportunity (COYEO), is a comprehensive overhaul of zoning regulations that: (1) made it easier for businesses to find space and grow by lifting barriers so businesses can be closer to their customers; (2) boosted growing industries by reducing zoning impediments for emerging business types; (3) enabled more business-friendly streetscapes by delivering active, safe, and walkable streets for businesses and residents; and (4) created new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. COYEO supports economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City.

To grow housing opportunity, DCP proposed a Citywide approach to expanding and diversifying the housing supply in all neighborhoods to provide equitable access to opportunity for all New Yorkers. This text amendment, known as City of Yes for Housing Opportunity includes minor changes to regulations applicable in the highest-density areas to the lowest. These changes allow housing types that serve everyone while fighting legacies of redlining and segregation by expanding opportunities for two-family houses, accessory dwelling units (ADUs), small- and medium-sized apartment buildings, and shared housing models; allow all types of affordable housing (senior, supportive, and families with children) to be bigger than market-rate buildings in most medium- and high-density districts; expand the ZR to facilitate conversions of old office and loft buildings to allow them to create supportive housing and other types of apartments; reduce parking requirements; and make it easier for homeowners and small building owners to alter and update their buildings.

E. No-Action Condition

This section analyzes the future conditions absent the Proposed Actions (the No-Action condition). As described in Chapter 1, “Project Description,” to assess the possible effects of the Proposed Actions, the RWCDS was established for both the future No-Action and With-Action Conditions for the 2034 Build Year.

Land Use

Primary Study Area

In the 2034 future without the Proposed Actions, current land use trends and general development patterns are expected to continue. These trends and patterns are characterized primarily by commercial uses. The primary Study Area will continue to include mixed-use residential and commercial uses, residential uses, and public facilities and institutions.

The identified projected development sites are zoned M1-6 and are assumed to remain unchanged from existing conditions.

As shown in **Figure 2-6**, there is one development expected within the primary Study Area

(Affected Area) absent the Proposed Actions by 2034. By 2029, an office/hotel building at 515 7th Avenue is expected to be completed that would include 181,110 gsf of office space and 255 hotel rooms.

Secondary Study Area

Table 2-5 lists the developments that are expected to be built and operational by 2034 in the secondary Study Area (0.25 mile study area).

Demand for residential, commercial office space, and retail is expected to remain strong in the Midtown and Chelsea neighborhoods within the secondary Study Area. As shown in **Table 2-5**, 22 sites within the secondary Study Area are expected to be developed with new mixed-use developments, and existing buildings on three sites would undergo alteration, resulting in a total of 5,575 DUs, 167,388 gsf of community facility space, 11,760,815 gsf of office space, and 636,611 gsf of retail space by 2034[1].

[1] The Western Railyards Modifications project (CEQR No. 24DCP091M) includes two With-Action scenarios. The Alternative Scenario includes 1,816 DUs, a 700-room hotel, 3,745,932 gsf of office space, 34,868 gsf of retail space, and 146,000 gsf of community facility space.

Figure 2-6: No-Build Developments in the Primary and Secondary Study Areas

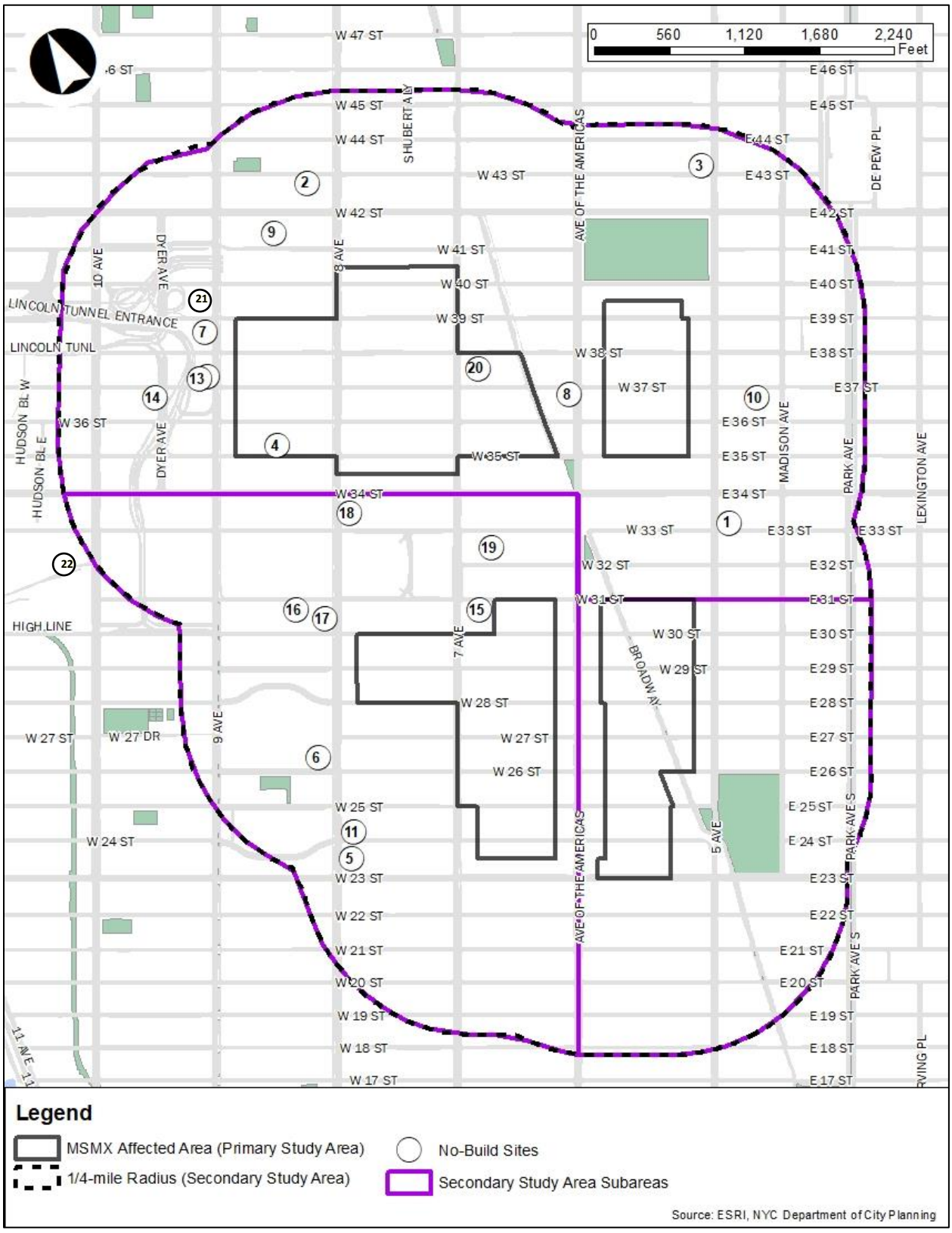


Table 2-5: Development Projects in the Future without the Proposed Actions

Map No.	Project Name/ Address	Development Proposal Program	Development Type
No-Build Projects- Secondary Study Area (1/4-mile)			
1	335 5th Avenue	Mixed-use development of 85 DUs, 12,910 sf of local retail	New Development
2	312 West 43rd Street	Mixed-use development of 330 DUs (including 15 affordable DUs), and 20,364 sf of local retail	New Development
3	520 Fifth Avenue	Mixed-use development of 98 DUs, 340.382 sf of local retail	New Development
4	335 West 35th Street	Residential building with 66 DUs	Alteration
5	278 8th Avenue	Mixed-use development of 190 DUs (including 44 affordable DUs), 5,000 sf of local retail, and 28,000 sf of destination retail	New Development
6	335 8th Avenue	Mixed-use development of 188 DUs, a 20,121 sf supermarket, and 1197 sf of medical office space	New Development
7	511 9th Avenue	Residential building with 16 DUs	Alteration
8	100 West 37th Street	Mixed-use development of 300 DUs. 30,043 sf of office space, and 9,870 sf of local retail	New Development
9	330 West 42nd Street	Residential building with 224 DUs	Alteration
10	12 East 37th Street	Mixed-use development of 121 DUs, and 792 sf of local retail	New Development
11	280 Eighth Avenue	Mixed-use development of 104 DUs, 11,131 sf of local retail, and 960 sf of medical office space	New Development
12	489 9th Avenue	Mixed-use development of 59 DUs and 6,013 sf of local retail	New Development
13	501 9th Avenue	Mixed-use development of 63 DUs, 3,400 sf of local retail, and 833 sf of medical office space	New Development
14	430 West 37th Street	Mixed-use development of 128 DUs and 9,659 sf of local retail	New Development
15	371 7th Avenue	Residential building with 615 DUs	Alteration
16	Penn Station Site 1A	Mixed-use development of 542 DUs (including 163 affordable DUs), 6,000 sf of local retail, and 18,398 sf of medical office space	New Development
17	Penn Station Site 1B	Commercial development with 584,348 sf of office space and 8,500 sf of local retail	New Development
18	Penn Station Site 4	Mixed-use development of 630 DUs (including 189 affordable DUs), 100,000 sf of destination retail, and a hotel with 472 rooms	New Development
19	Penn Station Site 7	Commercial development with 1,879,000 sf of office space and 202,000 sf of destination retail	New Development
20	515 7th Avenue	Commercial development with 181,110 sf of office and 255 hotel rooms	New Development
21	Port Authority Bus Terminal Replacement	New Bus Terminal, 157,983 sf of retail, and 5,000,000 sf of office	New Development
22	Western Railyards	1,816 DUs, 146,000 gsf of community facility space, 3,745,932 gsf of office space, 34,868 gsf of retail, a 700-room hotel, and 5.63 acres of open space.	New Development
Subtotal for Primary Study Area (1/4-mile)		***5,575 DUs, 11,760,815 sf office, 636,611 sf retail, 1,427 hotel rooms, 167,388 sf community facility space***	

Zoning

As stated in Chapter 1, "Project Description," in the future without the Proposed Actions, zoning is expected to remain unchanged throughout much of the primary and secondary Study Areas by 2034. Without zoning changes, no changes are expected within the primary Study Area, and most of the secondary Study Area would remain similar to existing conditions.

DCP is proposing a Citywide zoning text amendment to expand opportunities for housing within all zoning districts and across all 59 Community Districts, including both the primary and secondary Study Areas. These changes to the City's ZR would 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 prohibitive cost of housing in New York City. These text amendments are expected to be in public review concurrent with the Proposed Actions and, when adopted, will affect the proposed zoning districts. For environmental review purposes, these additional actions are assumed to be implemented under the No-Action condition.

To create more housing and more types of housing, the City of Yes for Housing Opportunity proposal includes components that fall into four major proposal areas :(1) medium- and high-density districts, (2) low-density districts, (3) parking, and (4) other initiatives that are miscellaneous, Citywide in nature, and align with overall project goals.

Medium- and high-density districts (R6 through R10) are typically mapped in areas where transit access, job access, infrastructure, and other factors make such densities appropriate. Housing in these areas consists of multifamily housing with some income-restricted affordable housing, rent-regulated housing, and market-rate housing that ranges from modest and inexpensive to some of the most expensive housing in the world. The City of Yes for Housing Opportunity proposal will increase housing opportunities in these areas by increasing affordable and supportive FARs in all medium- and high-density districts; expanding eligibility for the City's adaptive reuse regulations to a broader range of buildings, such as struggling office districts; enabling small and shared apartment models to take pressure off family-sized units; and simplifying infill regulations for campuses and other zoning lots with existing buildings.

Lower-density districts are usually mapped in areas with less access to transit, jobs, and infrastructure than medium- and high-density areas. In some areas, lower-density districts have served as unduly restrictive ways to "protect" neighborhoods from unwanted change and development. Housing in these areas may consist of one- and two-family homes but also multifamily housing constructed under current regulations or prior to the advent of contemporary low-density zoning in 1961. The City of Yes for Housing Opportunity proposal will increase housing opportunities in these areas by adjusting ZRs to ensure that two-family and multifamily districts genuinely allow the two-family and multifamily housing that are nominally permitted, reintroducing modest three- to five-story apartment buildings in low-density commercial districts and on large sites near transit, and newly enabling owners of one- and two-family houses to add an ADU if they choose. Aspects of the conversions and small and shared apartments proposal also would apply in low-density areas.

Residential parking regulations set minimum numbers of required parking spaces based on zoning district and number of DUs, as modified by relevant geographies (like the "Transit Zone" which has been renamed the Inner Transit-Oriented Development Area), housing type (such as "income-restricted housing unit" or "affordable independent residences for seniors"), and other factors such as lot size. In general, these regulations date to the 1960s when the automobile was ascendant, and housing was inexpensive and abundant. The City of Yes for Housing Opportunity proposal will increase housing opportunities by eliminating costly parking mandates Citywide for new residential development.

The City of Yes for Housing Opportunity proposal also includes a range of other proposals intended to facilitate more housing and a broader range of housing types by removing obstacles, simplifying overcomplicated zoning, and updating regulations conceived in the last century to address a separate set of circumstances. These include relief for challenged sites and from unnecessarily onerous procedures; adjustment or elimination of outdated or exclusionary limits on development; and creation of residential zoning districts to ensure a full range of densities appropriate for New York City neighborhoods, among other initiatives.

Public Policy

Public policies that affect the primary and secondary Study Areas in the existing condition would remain unchanged through 2034. No changes to public policies affecting either Study Area are anticipated.

F. With-Action Scenario

This section describes the land use and zoning conditions that would result from the Proposed Actions by 2034 and evaluates the potential for the Proposed Actions to result in significant adverse impacts related to land use and zoning and their consistency with the applicable public policies described earlier in this chapter.

As described in detail in Chapter 1, "Project Description," the Proposed Actions include zoning map and text amendments affecting a 42-block area, in Midtown Manhattan in Manhattan Community Districts 4 and 5.

Land Use

Primary Study Area

The Proposed Actions would allow for new uses and would increase the permitted densities in most of the primary Study Area. The Proposed Actions are intended to nurture a more vibrant, mixed-use neighborhood, create opportunities for new housing through both ground-up development and conversions, support critical commercial activity and job growth, stabilize the commercial real estate market in the wake of the COVID-19 pandemic and shifting work patterns, and reflect the historical architectural legacy and industrial character of the neighborhood.

The Proposed Actions would allow residential development in the primary Study Area, where it is not currently permitted in areas zoned M1-6. This change would facilitate the development of new

housing, including affordable housing, and allow for the conversion of commercial space into new housing and permanently affordable housing.

The Proposed Actions would promote economic recovery, resiliency, and growth by allowing a wider range of compatible commercial, community facility, and light manufacturing uses; modernizing outdated zoning provisions; and reducing existing zoning barriers to accommodate a more balanced mix of uses.

As shown in **Table 2-6**, the Proposed Actions would increase the amount of residential, retail, and community facility space, and decrease office and industrial space. The incremental difference between the With-Action and No-Action conditions for all 61 projected development sites and conversion sites are shown in **Table 2-6**. Under the With-Action condition, there would be an increase of 9,676 DUs, 462,129 gsf of local retail space, and 81,755 gsf of other community facility space. The Proposed Actions would also result in a decrease of 732,619 gsf of commercial office space, 69,782 gsf of industrial space, and 1,093,808 gsf of nonresidential commercial space (area to be converted to residential use).

Table: 2-6: **2034 RWCDS No-Action and With-Action Land Uses at the 61 Projected Development Sites and Conversion Sites (This table has been revised for the FEIS)**

Land Use	No-Action Condition	With-Action Condition	Increment
Residential			
Residential	81,610 gsf	8,774,191 gsf	+8,692,581 gsf
	54 DU	8,949 DU	+8,895 DU
Residential (From Conversions)			
Residential (via conversions)	0 gsf	1,093,808 gsf	+1,093,808 gsf
	0 DU	781 DU	+781 DU
Residential Total			
Total Residential	**81,610 gsf**	**9,867,999 gsf**	**+9,786,389 gsf**
	54 DUs	**9,730 DUs**	**+9,676 DUs**
Commercial			
Local Retail	431,623 gsf	893,752 gsf	+462,129 gsf
Office	799,323 gsf	66,704 gsf	-732,619 gsf
Total Commercial	**1,230,946 gsf**	**960,456 gsf**	**-270,490 gsf**
Community Facility			
Total Community Facility	**13,984 gsf**	**95,739 gsf**	**+81,755 gsf**
Industrial			
Industrial	17,386 gsf	0 gsf	-17,386 gsf
Warehouse	52,396 gsf	0 gsf	-52,396 gsf
Total Industrial	**69,782 gsf**	**0 gsf**	**-69,782 gsf**
Non-Residential (Conversion)	**1,093,808 gsf**	**0 gsf**	**-1,093,808 gsf**
Total Floor Area	**2,490,130 gsf[3]**	**10,924,194 gsf**	**+8,434,064 gsf[3]**
Parking	**69,500 gsf**	0 gsf	**-69,500 gsf**
Parking Spaces	**225**	**0**	**225 spaces**
Population			
Residents [1]	91	16,347	+16,256 residents
Workers [2]	8,959	3,435	-5,523 workers

Notes:

1 Assuming an average occupancy of 1.68 persons per household, based on the average household size in Manhattan Community Districts 4 and 5 (2020 Decennial Census).

2 Estimate of workers based as follows: 1 employee per 250 sf of office; 1 employee per 875 sf of destination retail; 1 employee per 333 sf of local retail; 1 employee per 25 DUs; 1 employee per 1,000 sf of industrial/warehouse space; 1 employee per 1,000 sf of community facility space; and 1 employee per 50 parking spaces.

3 The FEIS RWCDS has been updated to correct the No-Action Total Floor Area, which didn't include 17,386-gsf of Industrial floor area. This correction lowers the Total Floor Area Increment, and does not affect any of the EIS analyses or conclusions. The FEIS RWCDS has been updated to correct the No-Action Total Floor Area, which didn't include 17,386-gsf of Industrial floor area. This correction lowers the Total Floor Area Increment, and does not affect any of the EIS analyses or conclusions.

Secondary Study Area

The Proposed Actions would not affect land use patterns in the secondary Study Area, which is predominantly residential and more built-out. The consistency of the Proposed Actions with land uses in the secondary Study Area is discussed in the "Assessment" section, below.

Zoning

Primary Study Area

The Proposed Actions include zoning map amendments that would affect an approximately 42--block area. The zoning map changes to the primary Study Area are shown in **Figure 2-7.** The Proposed Actions also include zoning text amendments to establish regulations for the proposed Special Mixed-Use District and to amend Appendix F of the ZR to apply MIH in the primary Study Area (excluding the Special Garment Center Subdistrict A-2) where significant new housing capacity would be created as part of the Proposed Actions.

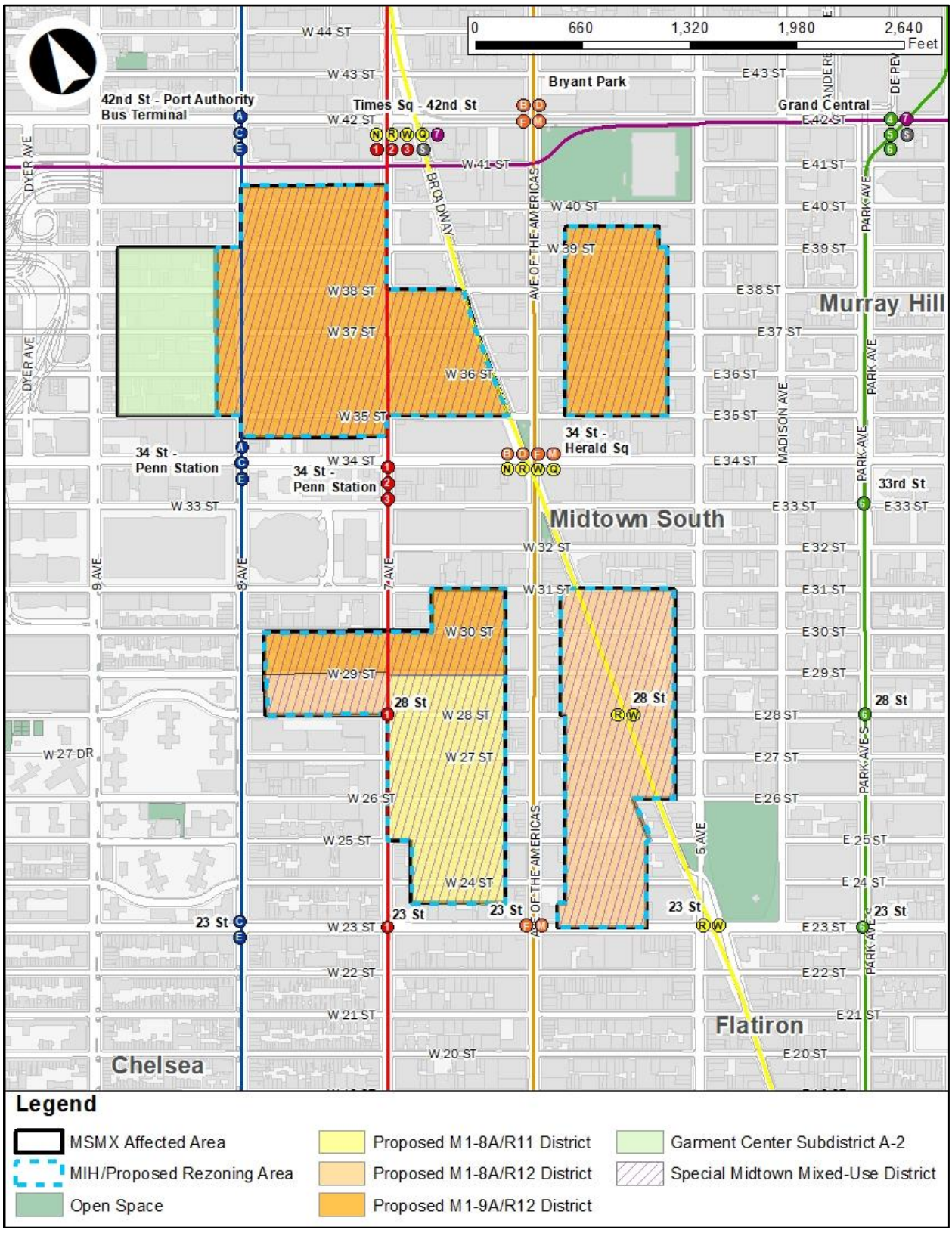
Zoning Map Amendments

The zoning map amendments would replace all or portions of the existing M1-6 and M1-6D districts in the primary Study Area with M1-9A/R12, M1-8A/R12, and M1-8A/R11 districts.

The northwest and northeast quadrants would be rezoned from M1-6 to M1-9A/R12. The southwest quadrant would be rezoned from M1-6 and M1-6D to M1-9A/R12, M1-8A/R12, and M1-8A/R11 (**Figure 2-7**). The southeast quadrant would be rezoned from M1-6 to M1-8A/R12.

A proposed Special Mixed-Use District would be mapped over the entire Rezoning Area to establish special regulations to address the neighborhood's unique history, building typologies, and the existing and anticipated mix of uses, and to support the above-specified planning goals. The Proposed Actions would eliminate the portion of the Special Garment Center District from the zoning map that is coextensive with the Rezoning Area (Subdistrict A-1). The portion of the Special Garment Center District west of the Rezoning Area that is coextensive with an underlying C6-4M zoning district (Subdistrict A-2) would be subsumed into the Special Hudson Yards District as a separate subdistrict.

Figure 2-7. Proposed Zoning Map Amendment



- **Proposed M1-9A/R12:** As described above, and shown in **Figure 2-7**, the northwest and northeast quadrants would be rezoned with M1-9A/R12 districts. This change would expand the allowable uses in the area, including permitting residential uses, and allow additional community facility, commercial, and industrial permitted FAR (to a maximum FAR of 15.0).
- **Proposed M1-8A/R12:** A M1-8A/R12 district would be mapped over portions of the southwest quadrant and the entire southeast quadrant. For the area currently zoned M1-6, the proposed M1-8A/R12 district would permit new residential uses and increase the community facility, commercial, and industrial FAR. For the portion of the southwest quadrant currently zoned M1-6D, the proposed M1-8A/R12 district would increase the maximum residential FAR to 18.0 and the maximum community facility, commercial, and industrial FAR to 12.0.
- **Proposed M1-8A/R11:** A M1-8A/R10 district would be mapped over a portion of the southwest quadrant. The proposed M1-8A/R11 district would permit new residential uses and increase the community facility, commercial, and industrial FAR. The M1-8A/R11 district permits a maximum residential FAR of 15.0, and a maximum commercial, community facility, and industrial FAR of 12.0.

Special Mixed-Use District: As discussed above, a Special Mixed-Use District would be mapped over the Rezoning Area to establish special regulations to address the neighborhood's unique history, building typologies, and the existing and anticipated mix of uses, and to support the project's specified planning goals (discussed in greater detail in Chapter 1, "Project Description.)"

Zoning Text Amendment

The Proposed Actions include amendments to the text of the ZR. A Special Mixed-Use District would be established and would overlay the Rezoning Area. MIH would be mapped within the Rezoning Area, setting mandatory affordable housing requirements pursuant to the MIH program.

- **Special Mixed-Use District:** The special district would modify the typical regulations of the underlying paired districts and establish additional requirements and parameters for future development derived from and responsive to block- and neighborhood-wide characteristics.
- **Street Wall Requirements:** To maintain a strong street wall and create an inviting pedestrian experience, the Proposed Actions also would require that a certain percentage of the street wall be located at the street line, with appropriate flexibility for recesses, articulation, and other architectural expression.
- **Provide More Flexible Base Heights:** Base height provisions are generally intended to align new development with neighboring buildings but can prevent alignment when they are not flexible enough. The Proposed Actions would retain existing minimum and maximum base heights while adding an allowance that enables new developments in the Rezoning Area to go higher than those limits to match the base heights of neighboring buildings, similar to a provision that already exists in Subdistrict A-1 of the Special Garment Center District.

- **Minimum Distance Between Buildings:** The Rezoning Area contains a number of large lots capable of being redeveloped with multiple buildings. In order to provide additional site planning flexibility and minimize the potential for non-compliances, the Proposed Actions would reduce the minimum distance between buildings or portions of buildings on a single zoning lot to eight feet. Residential developments would still be required to comply with legal light and air requirements of the state Multiple Dwelling Law (MDL).

- **Large Retail Uses:** In M1 districts, many common retail and services uses such as clothing stores, grocery stores, and electronics stores, among others, are limited to 10,000 zoning square feet per establishment. The surrounding Midtown neighborhood is characterized by a range of large retail offerings, including department stores such as Macy's that are famous for their expansiveness. Limiting the scale of retail uses is inconsistent with Midtown's role as a regional shopping destination. Therefore, the Proposed Actions would eliminate the 10,000-square-foot cap on Use Group VI uses with such size restriction.

- **Floor Area Exemption for Public Schools:** The Proposed Actions are expected to result in the creation of thousands of new residential units, many of which will house families with children. In order to better facilitate the siting of public schools to serve the local community, the Proposed Actions would permit up to 150,000 square feet of floor space within a public school, constructed in whole or in part pursuant to an agreement with the New York City School Construction Authority (SCA) and subject to the jurisdiction of New York City Schools, to be exempt from the definition of floor area for the purposes of calculating the permitted floor area ratio for community facility uses and the total maximum floor area ratio of the zoning lot. This exemption would apply to qualifying sites of at least 20,000 square feet in area.

- **Covered Pedestrian Space:** Currently, Covered Pedestrian Spaces (CPS) are not permitted within the proposed mixed-use zoning districts. The Proposed Actions would allow new developments or enlargements to apply, via CPC special permit, for the CPS floor area bonus of up to 20 percent.

- **Transit Bonus:** Currently, large portions of the Rezoning Area are located more than 500 feet from a mass transit station, making many sites ineligible for a transit bonus and related bulk waivers pursuant to ZR 66-50. For the purposes of applying ZR Article 6, Chapter 6 regulations, the Proposed Actions would add the proposed MSMX to the definition of "Central Business District" (ZR 66-11), thus extending the density bonus applicability to 1,500 feet from mass transit stations and making virtually all sites within the Rezoning Area qualifying transit improvement sites.

- **Special Garment Center District:** The Special Garment Center District extends roughly from a line 100 feet east of Ninth Avenue to Broadway between West 35th and West 40th Streets. When it was established in 1987, residential use was already restricted by the M1-6 zoning; the primary goal of the special district was to protect the remaining garment manufacturing sector and the ecosystem of related businesses by restricting the conversion of existing factory, warehouse, and showroom floor area to office use within

the designated "Preservation Areas," roughly corresponding to the midblocks within the special district boundaries. As part of the 2005 Hudson Yards Rezoning, the preservation areas were divided into two zones with slightly different preservation requirements: P-1, two midblock areas east of Eighth Avenue where most of the remaining garment-related activity was concentrated, and P-2, the midblock area west of Eighth Avenue outside the Rezoning Area. In area P-1, the manufacturing preservation controls of the Special Garment Center District were maintained. In area P-2, which was remapped to C6-4M from M1-5 and M1-6, restrictions on office conversions were lifted, and residential conversions and the construction of new residential buildings on sites with less than 70,000 sf of floor area became permitted as of right; residential conversions on sites above 70,000 sf of floor area were permitted subject to modified preservation requirements. The 2005 amendments also applied new bulk regulations to area P-2 to ensure that new development would be consistent with the distinctive "wedding cake" silhouette typical of the bulky loft buildings. In addition, area P-2 became subject to many of the Special Hudson Yards District's regulations, including those for parking, anti-harassment and anti-demolition, and the District Improvement Bonus for IH developments.

The 2018 Garment Center Text Amendment removed the restriction on the conversion of manufacturing and warehousing uses to office uses in area P-1. Area P-1 and all the avenue frontages outside the preservation areas were redesignated as Subdistrict A-1. In area P-2, which was redesignated Subdistrict A-2, the floor area preservation requirements were slightly amended to prohibit the conversion of manufacturing and warehousing space in buildings 70,000 sf or larger to residential or dormitory use to maintain the larger sites for both office and manufacturing uses. The 2018 text amendment also established contextual bulk regulations for Subdistrict A-1 similar to the height, setback, and street wall rules for M1-6D districts, which were created to permit a building envelope more in keeping with the existing context of Manhattan loft districts. Additionally, new buildings on eligible sites in Subdistrict A-1 were permitted to use a density bonus for privately owned public spaces. This bonus was limited to the side streets to preserve a contiguous street wall along the avenues and to maintain an inviting pedestrian experience.

The Proposed Actions would remove references to Subdistrict A-1 in the Special Garment Center District text and eliminate the prohibition on residential conversions in buildings over 70,000 sf in Subdistrict A-2 of the Special Garment Center District, which would be subsumed into the Special Hudson Yards District as a new subdistrict.

- **Special Midtown District:** The Proposed Actions would modify Appendix A of ZR Article VIII, Chapter 1 to eliminate the southern half of Manhattan Block 1012 (West 40th Street to the south, Seventh Avenue to the east, Eighth Avenue to the west, and the centerline of the block to the north) from the Special Midtown District maps.
- **Special Hudson Yards District:** With the elimination of Special Garment Center Subdistrict A-1, Subdistrict A-2 would be an island less than four blocks in area. Recognizing that Subdistrict A-2 already contains provisions related to the Special Hudson Yards District (HY), namely, the district improvement bonus, parking regulations, and anti-

harassment and demolition rules, the Proposed Actions seek to rationalize the patchwork of special districts in the area. The Proposed Actions would modify the Special Hudson Yards District maps (Appendix A and Appendix B of ZR Article IX, Chapter 3) and create the new Subdistrict H within HY co-extensive with the existing Special Garment Center Subdistrict A-2. Subdistrict H would retain all the rules that currently apply to GC Subdistrict A-2 except that the prohibition on residential conversions in buildings over 70,000 square feet would be eliminated.

- **Mandatory Inclusionary Housing Program:** The Proposed Actions include a zoning text amendment to Appendix F of the ZR to apply the MIH program to the Rezoning Area. The MIH program requires permanently affordable housing within new residential developments, enlargements, and conversions from nonresidential to residential use within the mapped Mandatory Inclusionary Housing Areas. The program requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zoning square feet within the MIH-designated areas or, as an additional option for developments between 10 and 25 units (12,500 to 25,000 sf), a payment into an Affordable Housing Fund. Developments, enlargements, or conversions that do not exceed either 10 units or 12,500 sf of residential floor area would be exempt from the requirements of the program.

  In cases of hardship, where these requirements would make development financially infeasible, developers may apply to BSA for a special permit to reduce or modify the requirements. In addition, within the MSX special district, for conversions from non-residential to residential use in buildings that are not otherwise subject to the MIH program's affordable housing fund provisions, BSA may permit a contribution to the affordable housing fund where strict compliance with the options for affordable housing requirement may not be feasible. In such case, BSA must determine that the configuration of the building imposes constraints such as deep, narrow or otherwise irregular floorplates, limited opportunities to locate legally required windows, or pre-existing locations of vertical circulation or structural column systems that would create practical difficulties in reasonably configuring the required affordable floor area into a range of apartment sizes and bedroom mixes.

  In most areas of Manhattan, the MIH program includes three primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while providing flexibility for the number of affordable units and level of affordability. Option 1 would require 25 percent of residential floor area be for affordable housing units for residents with incomes averaging 60 percent of the area median income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 would require 30 percent of residential floor area be for affordable for residents with incomes averaging 80 percent AMI. Option 3 would require that 20 percent of the residential floor area be affordable to residents at 40 percent AMI. For all options, no units could be targeted to residents with incomes above 130 percent AMI. (Option 4, a middle-income affordability option, does not apply to the Manhattan Core.)

Secondary Study Area

The Proposed Actions would not affect zoning in the secondary Study Area. The compatibility of the Proposed Actions with zoning in the secondary Study Area is discussed in the "Assessment" section below.

Assessment

Primary Study Area

The Proposed Actions would not result in significant adverse impacts on land use and zoning. They would facilitate significant land use changes and modify and update the existing zoning in the primary Study Area. As described in Chapter 1, "Project Description," the Proposed Actions were prepared in response to neighborhood-wide and Citywide planning challenges brought by changes in the real estate and labor markets. They were informed by local residents, the business community, property owners, landlords, nonprofit organizations, elected officials, neighborhood associations, and other civic leaders during the stakeholder engagement process undertaken in late 2023 and early 2024 by DCP to solicit feedback and potential areas for intervention in advance of the formal ULURP public review period.

The Proposed Actions would implement land use and zoning changes to nurture a more vibrant, mixed-use neighborhood, create opportunities for new housing through both ground-up development and conversions, support critical commercial activity and job growth, stabilize the commercial real estate market in the wake of the COVID-19 pandemic and shifting work patterns, and reflect the historic architectural legacy and industrial character of the neighborhood.

The existing manufacturing zoning in the primary Study Area has, in general, stymied new investment and development, such as new housing, that could complement existing uses, enhance the business environment by enlivening streets and bringing in new retail services, and generally create a more robust mixed-use community. The primary Study Area is one of the most well-connected and transit-dense areas of the entire country.

The absence of a residential population also has direct implications on the health of the microeconomy and street life. Although the daytime population of workers supports an ecosystem of restaurants, convenience stores, banks, and other local services, the streets are noticeably less active outside work hours and on weekends, and businesses tend to close earlier than in areas with a more established, captive residential presence. This lack of demand limits the diversity of retail offerings and directly contributes to storefront vacancy. The Proposed Actions would help further the City's objective of increasing housing production across all five boroughs as articulated by Mayor Adams's City of Yes suite of zoning reforms whose moonshot goal aims to deliver 500,000 new homes to New Yorkers by 2033. A larger residential population would expand the number and diversity of retail stores and amenities, invigorating the public realm and contributing to greater economic stability.

The proposed zoning changes would allow for a significant amount of new housing to be developed in the neighborhood in accordance with the Quality Housing program and MIH. MIH

requires the inclusion of permanently affordable housing in new developments, expansions, or conversions.

The proposed M1-9A/R12, M1-8A/R12, and M1-8A/R12 districts would foster mixed-use development, including introducing residential use, and would encourage a full range of services and local job opportunities for new and existing residents within walking distance. The pairing of residential with manufacturing districts would encourage the creation of new space for jobs through the adaptive reuse of existing buildings and new, loft-style buildings and allow for flexibility to locate a diverse mix of uses either in the same building or side by side.

Secondary Study Area

The Proposed Actions would not adversely affect land use or zoning in the secondary Study Area. The increase in residential and commercial retail development in the primary Study Area would be compatible with existing and planned residential, commercial, and community facility developments in the secondary Study Area. The increased supply of new housing, including affordable housing, would provide New Yorkers with more housing options with access to transit and within walking distance of jobs. The new commercial and community facility development projected under the RWCDS associated with the Proposed Actions would provide employment opportunities and additional services for the secondary Study Area. Therefore, the Proposed Actions would not result in significant adverse impacts.

Public Policy

Housing Our Neighbors: A Blueprint for Housing and Homelessness

The Proposed Actions directly support the goals and principles outlined in *Housing Our Neighbors* including developing affordable housing on private sites. Under the RWCDS, on the 61 projected development sites, the Proposed Actions would introduce approximately 9,676 new units of housing, approximately 1,940 to 2,890 units of which would be permanently affordable pursuant to MIH. The conversion of approximately 1,093,808 gsf of non-residential space to residential uses would add an additional 781 DUs to the primary Study Area, of which 156 to 234 DUs would be permanently affordable pursuant to MIH.

Where We Live

Where We Live NYC is a collaborative planning process to better understand how challenges like segregation and discrimination impact New Yorkers' everyday lives. Through Where We Live NYC, the City is developing fair housing policies that fight discrimination, breakdown barriers to opportunity, and build more just and inclusive neighborhoods.

The Proposed Actions would facilitate equitable housing development by increasing housing opportunities. The proposed zoning framework would map high-density zoning districts, specifically mixed-use districts, that would permit a mix of housing, including affordable housing, community facility, and commercial development, as well as MIH, which would provide for permanently affordable housing.

Vision Zero

The Proposed Actions support the goals outlined in Vision Zero by encouraging a pedestrian-friendly environment. Overall, the proposed zoning changes are intended to foster a safe, varied, and walkable pedestrian experience along major corridors. Therefore, the Proposed Actions would be compatible with and supportive of this public policy.

OneNYC

The Proposed Actions would be consistent with the following goals of OneNYC:

- **Land Use:** The Proposed Actions support the land use goals of OneNYC by pursuing transit-oriented development, promoting walkable destinations for retail, and mapping MIH. They also would support new housing, including affordable housing, and jobs in a neighborhood with strong access to public transit and jobs. The Proposed Actions would provide new housing for current and future residents. The affordable housing that would be produced through the application of MIH would promote a diverse and inclusive mixed-income neighborhood.
- **Transportation:** The Proposed Actions support the transportation goals of OneNYC by facilitating transit-oriented development. The Proposed Actions allow housing where it is not currently permitted and increase allowable density to facilitate housing development as well as nonresidential development in an area that is rich in public transit options with access to several subway and bus lines. By supporting active ground-floor uses, the Proposed Actions would foster a safe, varied, and walkable pedestrian experience throughout the primary Study Area.
- **Air Quality:** The Proposed Actions are consistent with the air quality goals of OneNYC. At certain sites, an (E) Designation would be mapped in connection with the Proposed Actions to ensure that future developments would not result in any significant air quality impacts from fossil fuel-fired heat and hot water systems emissions.
- **Energy:** Any new developments resulting from the Proposed Actions would be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance. Larger buildings must comply with the Greener, Greater Buildings Plan that requires benchmarking and energy audits, among other requirements.
- **Solid Waste:** As described in further detail in Chapter 11, “Solid Waste and Sanitation Services,” the Proposed Actions would not result in any significant adverse impacts to the City’s solid waste system. Developments within the primary Study Area would be subject to mandatory recycling requirements. As such, the Proposed Actions would be consistent with OneNYC’s solid waste management goals.

New York City Food Retail Expansion to Support Health Program

The Proposed Actions would facilitate the creation of new ground-floor commercial spaces that would provide an opportunity for new neighborhood grocery stores to be located within the boundaries of the FRESH zone. Within the primary Study Area, discretionary tax incentives would be available for grocery stores in buildings within the primary Study Area. Therefore, the Proposed Actions would be compatible with and supportive of this public policy.

Business Improvement Districts

The Proposed Actions would support the goals of the 34th Street BID, the Garment District Alliance, and the Flatiron/23rd Street Partnership. Projected development sites 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 36, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, and 62 are located in the Garment Center District.[2] Projected development sites 28, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50 are located within the Flatiron/23rd Street Partnership. Projected development site 9 is located in the 34th Street BID. The Proposed Actions would not affect the other BIDs located in the secondary Study Area, the Hudson Yards/Hell's Kitchen Alliance, Times Square BID, Grand Central Partnership, and Bryant Park BID.

The Proposed Actions would increase the allowable density of all types of nonresidential uses (commercial, industrial, and community facilities). In addition, the proposed zoning changes would allow residential uses in the primary Study Area. The Proposed Actions would also promote active uses on the ground floors of buildings, which would enhance walkability and the pedestrian experience in the primary Study Area. In addition, the Proposed Actions would introduce a new residential population that would increase demand for the goods and services provided by existing businesses in the primary and secondary Study Areas, including those in the aforementioned BIDs.

Get Stuff Built

Under the RWCDS, the Proposed Actions would introduce 9,676 additional units of housing on the projected development sites and sites to be converted from commercial to residential use. Approximately 1,940 to 2,890 DUs would be permanently affordable pursuant to MIH. If the recommendations of Get Stuff Built are implemented, the potential and projected development expected with the Proposed Actions may benefit from these policy changes, thereby allowing for expedited development of affordable housing, furthering the City's overall goal.

City of Yes

The Proposed Actions would allow for housing growth with permanently affordable housing and retail in a neighborhood with strong public transit access within the CBD of Midtown Manhattan. With the passage of the zoning text amendments proposed with the City of Yes, the developments generated by the Proposed Actions would be able to take advantage of expanded opportunities to move toward carbon neutrality, such as the implementation of high-performance construction and energy efficiency standards, solar panels, and electric vehicle charging stations. The

[2] There are 61 total projected development sites. Projected development site 24 was removed from the RWCDS and the other sites retained their original numbering.

Proposed Actions would also create new economic opportunities by fostering new and expanded commercial, community facility, and light industrial development, particularly by increasing the number of job-generating uses. Lastly, the Proposed Actions would expand and diversify the City's housing supply by permitting approximately 9,676 incremental units of housing, approximately 1,940 to 2,890 units of which would be affordable. Therefore, the Proposed Actions would be consistent with the goals of the City of Yes.