

**A. INTRODUCTION**

The Proposed Actions would result in the development of a mix of affordable and market-rate residential units, retail uses, and the relocated and expanded P.S. 51, the Elias Howe School and accessory playground on Block 1073, Lot 1 in Manhattan Community District 4. In order to facilitate the proposed development, two buildings on the Project Site (a vacant industrial building and a stable) would be demolished, an existing rail cut would be decked over, surface parking lots would be displaced, and the existing school would be converted to residential use<sup>1</sup>. The Proposed Actions would complement the ongoing residential redevelopment of Manhattan's west side and activate an underutilized site with much needed affordable housing and school seats. The proposed development program would include up to 1,350 residential units, 17,500 gross square feet (gsf) of retail, and a new, expanded school consisting of 97,850 gsf. A total of up to 204 off-street, accessory parking spaces would be provided.

This chapter considers the potential impacts of the Proposed Actions on land use, zoning, and public policy. To determine existing conditions and assess the potential for project-related impacts, the land use study area has been defined as the area within a ¼-mile radius of the Project Site, where the Proposed Actions have the greatest potential to affect land use trends. Various sources were used to analyze the land use, zoning, and public policies of the study area, including field surveys and land use and zoning maps.

**PRINCIPAL CONCLUSIONS**

Overall, the Proposed Actions would not have any significant adverse impacts on land use, zoning, and public policy. The Proposed Actions would introduce new uses to an underutilized site which would be compatible with and complementary to the mixed-use nature of the surrounding neighborhood. It would map new residential zoning districts consistent with districts found in the surrounding area, and would further several of the City's stated public policies concerning land use, affordable housing, and sustainability.

**B. METHODOLOGY**

In accordance with *CEQR Technical Manual* guidance, the land use study area is identified as the area in which the Proposed Actions could have the potential for indirect effects on land use, zoning, and public policy. As discussed above, the land use study area is defined as the area within a ¼-mile radius of the Project Site.

This chapter provides a detailed description of land use, zoning, and public policies affecting the study area to establish existing conditions. Existing conditions were identified through a review

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<sup>1</sup> The existing school would function as a school until the new, expanded school is operational.

of database records, including the City's Primary Land Use Tax Lot Output (PLUTO) system, field surveys, and secondary sources such as website and newspaper articles. Future development projects, pending zoning actions, or other public policy actions in the study area that are anticipated independent of the Proposed Actions were also reviewed. Following the existing conditions assessment, the DEIS provides an assessment of potential changes and resultant impacts on land use, zoning, and public policy with implementation of the Proposed Actions.

## **C. EXISTING CONDITIONS**

### **BACKGROUND**

The project site is located in the Clinton neighborhood of Manhattan. Following Native American occupation, this area was settled with farms. In the nineteenth Century, the area developed with warehouses, factories, tenements, and rail lines. At this time and into the twentieth century, the piers along the Hudson River were developed for freight and passenger ships. It was also in the twentieth century that the area was occupied by successive waves of immigrants. While blocks east of Tenth Avenue developed primarily for residential use, blocks west of Tenth Avenue were primarily industrial.

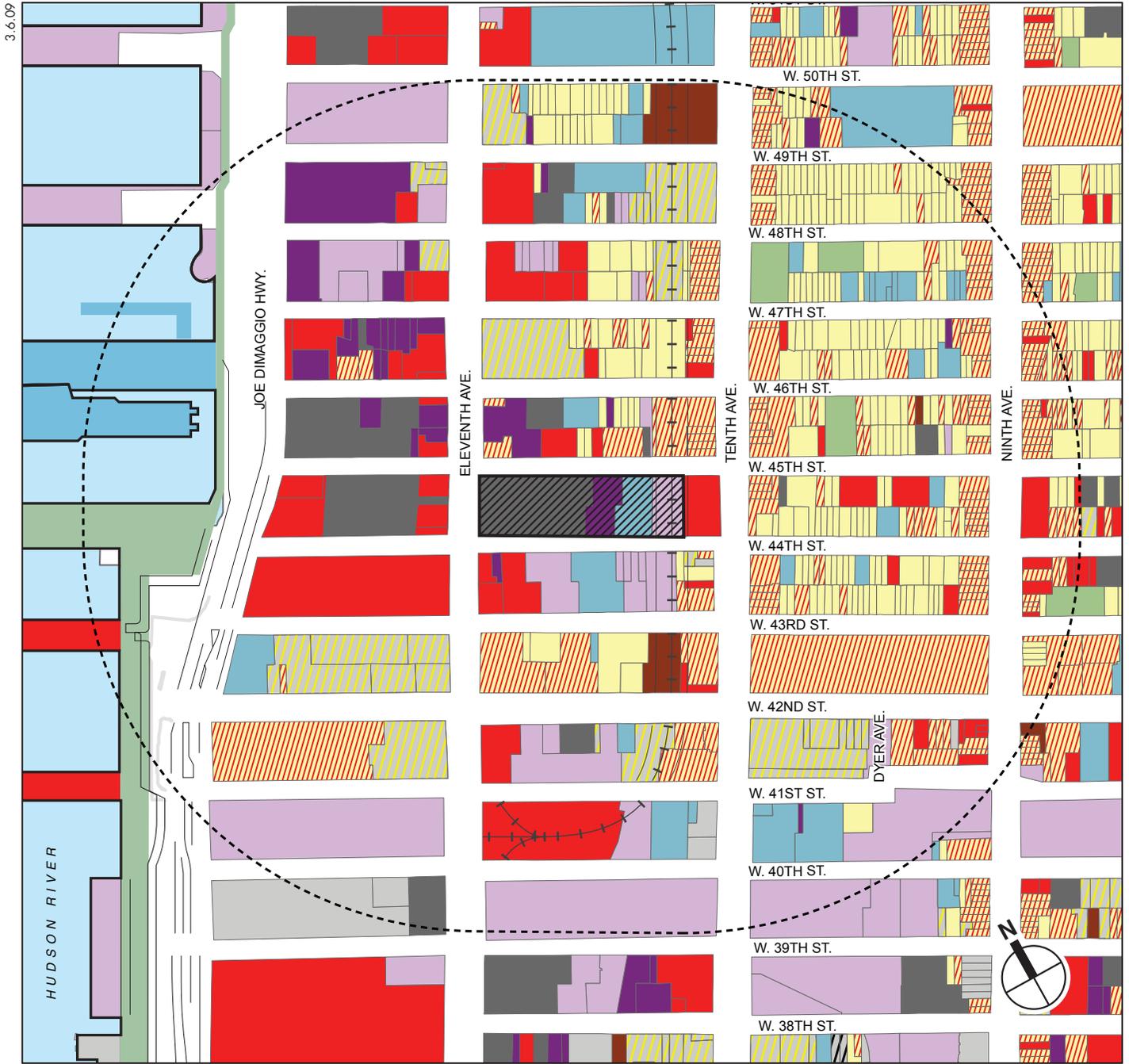
Like other areas of Manhattan, the character of the neighborhood changed following World War II as industrial and shipping uses declined. However, the area continued to serve as a terminal for passenger ships. As housing in the area declined, urban renewal was employed as a strategy for its redevelopment. To that end, the City established the Clinton Urban Renewal Area in 1969 encompassing the portion of the neighborhood bounded by West 56th Street, Tenth Avenue, West 50th Street, and Eleventh Avenue. A few years later, the City adopted the Special Clinton District to regulate development in the neighborhood.

Since the 1970s, a number of developments have occurred. These include both public and private residential and commercial development projects, reoccupation and refurbishment of tenement and brownstone buildings, and the reconstruction of Route 9A.

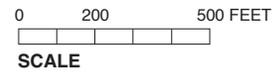
### **LAND USE**

#### *PROJECT SITE*

The Project Site is generally bounded by West 44th Street to the south, Eleventh Avenue to the west, West 45th Street to the north, and Tenth Avenue to the east. Current land uses on the project site include a 300-space public parking lot with access from Eleventh Avenue and West 45th Street, a City-owned parking lot currently used by NYPD, Elias Howe School (P.S. 51), a vacant warehouse (527 West 44th Street), and a horse stable (Shamrock Stables at 522 West 45th Street). All of these parcels are owned by the City of New York and leased to their current operators. The eastern portion of the Project Site has a rail cut with tracks used by Amtrak and owned by the Penn Central Railroad, which would be incorporated into the design of the Proposed Project. A gas station is located on a separate property (Block 1073, Lot 28) along Tenth Avenue immediately east of the rail cut. The gas station parcel is not part of the Project Site (see **Figure 2-1**).



- Project Site*
- Study Area Boundary (1/4-Mile Perimeter)*
- Residential*
- Residential With Commercial Below*
- Commercial and Office Buildings*
- Hotel*
- Public Facilities and Institutions*
- Transportation and Utility*
- Industrial and Manufacturing*
- Parking Facilities*
- Open Space and Outdoor Recreation*
- Vacant Land*
- Vacant Building*
- Under Construction*



**Land Use**  
Figure 2-1

*STUDY AREA*

The ¼-mile land use study area is roughly bounded by West 50th Street to the north, Ninth Avenue to the east, West 39th Street to the south, and the Hudson River to the west (see **Figure 2-1**).

The middle portion of the study area north of West 41st Street between Tenth and Eleventh Avenues is extremely varied in terms of land use, and includes residential, commercial, institutional, transportation and utilities, industrial, and parking uses. The Project Site is typical of the varied nature of this portion of the study area as it contains parking lots, a school, a vacant warehouse, a stable, and a rail cut. A Hess gas station is located on the eastern portion of the Project Site block, but is not part of the Project Site. There are a number of taxi-related businesses directly across West 44th Street from the Project Site, as well as a truck rental company, and the Chelsea Garden Center on the southeast corner of West 44th Street and Eleventh Avenue. In addition, there is a small conversion under construction at 502 West 44th Street, across from the Project Site, where two floors of the existing building will be converted to residential uses, and one floor will be converted to a dance studio.

To the south, the block between West 42nd and West 43rd Streets and Tenth and Eleventh Avenues is predominantly residential with some ground-floor retail, a commercial building, and a hotel. Further south, a large Consolidated Edison facility is located mid-block between Tenth and Eleventh Avenues and West 41st and West 42nd Streets. On the same block, a large residential building with ground floor retail is located along Tenth Avenue with a commercial use along Eleventh Avenue.

The blocks north of the Project Site between Tenth and Eleventh Avenues also contain a variety of uses. The block directly north of the Project Site bounded by West 45th and West 46th Streets and Tenth and Eleventh Avenues contains a mix of residential, commercial, industrial, parking, and institutional uses. There are also two hotels in the study area between Tenth and Eleventh Avenues: the Travel Inn at 515 West 42nd Street, and the Skyline Hotel at 501 West 49th Street.

North of West 47th Street, between Tenth and Eleventh Avenues, a number of development projects are currently under construction, including a residential building on the midblock between West 47th and West 48th Streets, a residential building between West 48th and West 49th Streets, and a Consolidated Edison substation on Eleventh Avenue between West 49th and West 50th Streets. In addition, an office building is currently being renovated on Eleventh Avenue between 46th and 47th Streets.

Community facilities in this section of the study area include: The New York City Police Department's (NYPD) Manhattan South Task Force at 524 West 42nd Street, the New York City Fire Department (FDNY) Rescue Company at 530 West 43rd Street; a branch of the New York Public Library on West 44th Street (directly across from the Project Site to the south); a Salvation Army donation center at 536 West 46th Street; offices of the American Red Cross at 514 West 49th Street; the Clinton Family Inn at 517 West 49th Street; and the St. Kiril and Metodi Bulgarian Church at 552 West 50th Street.

The portion of the study area north of West 41st Street and east of Tenth Avenue is largely residential, with ground floor retail predominantly along the avenues and West 42nd Street. Several community facilities are scattered in this portion of the study area as well, including St. John's Church at 425 West 44th Street; the Seventh Day Adventist Church at 410 West 45th Street; the Hartley House at 413 West 46th Street; St. Clement's Episcopal Church at 423 West 46th Street; the Fountain House at 425 West 47th Street; the Clinton Residence at 448 West 48th

## **West 44th Street and Eleventh Avenue Rezoning**

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Street; the Calvary Christian Church at 409 West 47th Street; and the High School of Graphic Communication Arts at 439 West 49th Street. This area also contains four public open spaces: the McCaffrey Playground on West 43rd Street between Eighth and Ninth Avenues; Matthews Palmer Playground, extending from West 45th and West 46th Streets midblock between Ninth and Tenth Avenues; Hells Kitchen Park on Tenth Avenue between West 47th and West 48th Streets; the Clinton Community Garden on West 48th Street between Ninth and Tenth Avenues; and the Gutenberg Playground, which is publicly-accessible, but located on the campus of the High School of Graphic Communication Arts on West 49th Street between Ninth and Tenth Avenues. As noted below in section D, “The Future Without the Proposed Actions,” a mixed-use building with hotel, residential, and retail uses was recently completed between West 41st and West 42nd Streets and Dyer and Tenth Avenues. A small hotel, the 414 Hotel, is located at 414 West 46th Street.

The western portion of the study area is generally dominated by commercial, parking, and utility uses, though there are several large residential buildings under construction north of West 41st Street between Eleventh and Twelfth Avenues. There is a large residential building nearing completion at 600 West 42nd Street between Eleventh and Twelfth Avenues; this new building is adjacent to a large residential building with a ground floor bowling alley directly to the west. The Atelier Building was completed between West 42nd and West 43rd Streets and Eleventh and Twelfth Avenues. This building is adjacent to the Chinese consulate located along Twelfth Avenue between West 42nd and West 43rd Streets. A UPS facility occupies the entire block bounded by West 43rd and West 44th Streets and Eleventh and Twelfth Avenues. UPS truck parking is across West 44th Street from this facility. In addition to the UPS parking, the block bounded by West 44th Street, West 45th Street, and Eleventh and Twelfth Avenues also contains a storage facility on Twelfth Avenue and other commercial uses on Eleventh Avenue. To the north, the blocks are largely industrial and commercial. A large Verizon facility is located in the middle of the block bounded by West 47th and West 48th Streets and Eleventh and Twelfth Avenues. A Consolidated Edison facility takes up the entire block bounded by West 49th and West 50th Streets and Eleventh and Twelfth Avenues. There is also a number of car dealerships along Eleventh Avenue, beginning at West 47th Street and extending north beyond the study area boundary.

The western boundary of the study area consists of the Hudson River waterfront, including a portion of Hudson River Park and piers between West 42nd and West 49th Streets. Most notably, the Intrepid Sea, Air, and Space Museum is docked at Pier 86, between West 44th and West 45th Streets. This museum returned to Pier 86 in late 2008 and reopened after two years of repairs.

The southern portion of the study area, between West 39th and West 41st Streets and Ninth and Twelfth Avenues, is dominated by transportation-related uses, including the entrance and exit to the Lincoln Tunnel, bus ramps from the Lincoln Tunnel to the Port Authority Bus Terminal (which is just outside the study area to the east), and a large Metropolitan Transportation Authority (MTA) bus depot between West 40th and West 41st Streets and Eleventh and Twelfth Avenues. There is also a Mercedes Benz dealership on Eleventh Avenue between West 40th and West 41st Streets. There are a number of community facilities in between these large transportation-related uses south of West 41st Street, including the Croatian Center at 507 West 40th Street; the adjoining Sts. Cyril & Methodius Church and St. Raphael’s Church at 502 West 41st Street; the Covenant House at 460 West 41st Street; and a Hunter College classroom building at 450 West 41st Street.

## ZONING

### *PROJECT SITE*

The Project Site is in an M1-5 manufacturing district (see **Figure 2-2**). M1-5 districts permit manufacturing uses located within completely enclosed buildings that conform to strict performance standards for noise, vibration, smoke, and odors, which limits their impact on adjacent residential areas. Representative industries found within the district include printing, production of apparel or textiles, electrical supplies, automotive parts, paper products, machinery, and transportation uses. The M1-5 district allows for low- to moderate-density commercial development up to a floor area ratio (FAR) of 5.0. New residential uses and residential conversions are not permitted. Parking is not required in M1-5 districts.

As shown in **Figure 2-2**, the Project Site is located within the Special Clinton District, which is a special purpose district established by the New York City Planning Commission (CPC) to promote and protect the unique characteristics of this community. However, as shown in **Figure 2-3** and pursuant to Zoning Resolution (ZR) Section 96-80(c), the Project Site is located within an Excluded Area of the Special Clinton District, where the special district regulations governing development do not apply. The Project Site was excluded from the district (at the time of establishment) because it was to be developed as part of the previously proposed Education Construction Fund project; however, this project was never undertaken. The Special Clinton District is described in more detail below, as much of the study area is located within this district.

### *STUDY AREA*

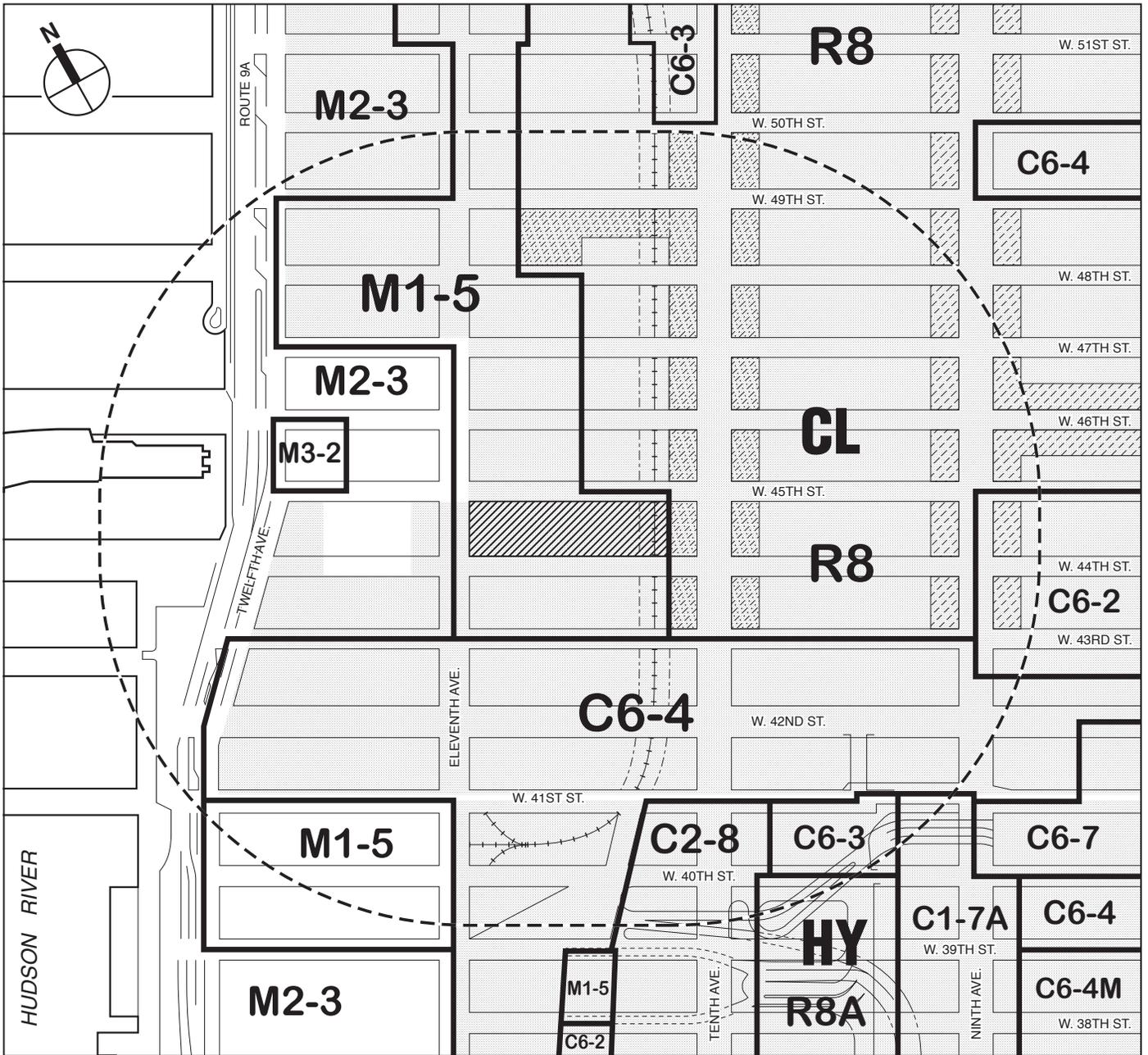
Additional zoning districts located within the ¼-mile study area include an R8 residential district; M2-3 and M3-2 manufacturing districts; C6-2, C6-4, C2-8, and C6-3 commercial districts; and C1-5 and C2-5 commercial overlays.

The R8 and C6-2 zoning districts near the project site are within the Preservation Area of the Special Clinton District. The Special Clinton District regulations limit the height of buildings in these R8 and C6-2 districts to 66 feet and the bulk to 4.2 FAR.

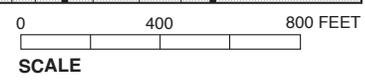
M2 manufacturing districts are generally mapped along the waterfront in the city's older industrial areas. They are typically located between light and heavy industrial areas, and are slightly less restrictive than M1 districts (unless they border on residential areas). M2-3 districts are mapped only in Manhattan, and are exempt from parking requirements. M2-3 districts permit medium-density manufacturing uses at medium performance. Neither residential uses nor community facilities are permitted in M2 manufacturing districts. New manufacturing and limited commercial uses can be developed to a maximum FAR of 2.0. Within the study area, there is an M2-3 district mapped directly west of the Project Site.

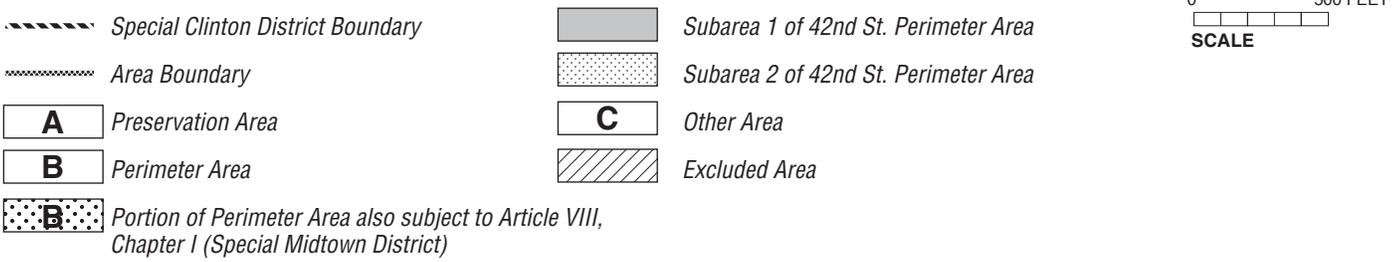
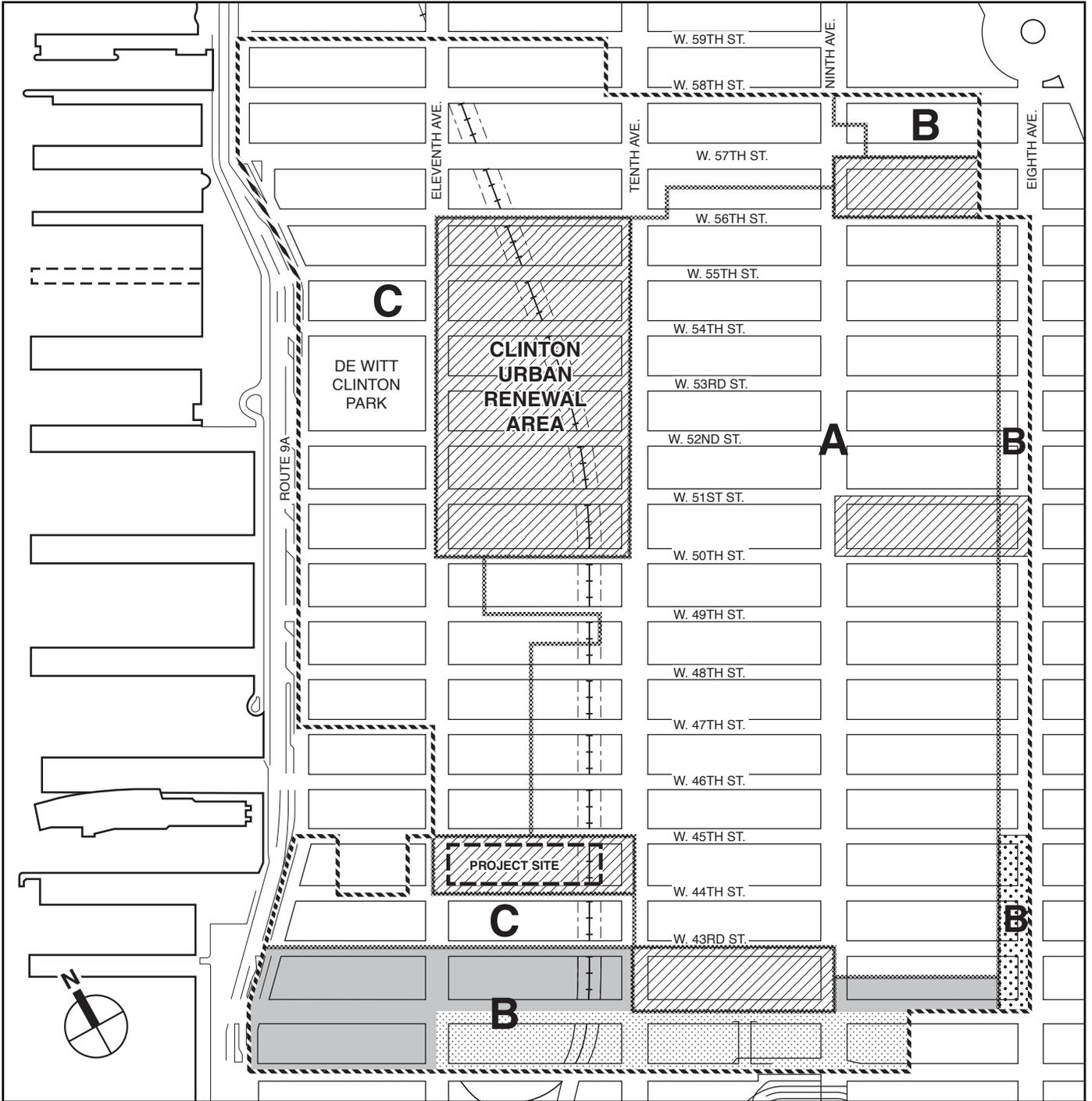
M3 manufacturing districts are zoned for heavy industrial uses that generate noise, traffic, or pollutants. Like M2 districts, M3 districts are generally located near the waterfront. M3-2 districts are found only in Manhattan, and are exempt from parking requirements. The maximum allowable FAR is 2.0. Within the study area, there is a small M3-2 district mapped between West 45th and West 46th Streets from Twelfth Avenue east to the midblock.

C6 districts permit a wide range of high-bulk commercial uses. C6-3 zoning districts permit commercial development up to 6.0 FAR (7.2 with a plaza bonus), community facilities to a 10.0 FAR (12.0 with a plaza bonus), and residential development up to 7.52 FAR. A small C6-3



-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Zoning District Boundary
-  C1-5 Overlay
-  C2-5 Overlay
-  **CL** Clinton Special Purpose District
-  **HY** Hudson Yards Special Purpose District





## **West 44th Street and Eleventh Avenue Rezoning**

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district is located long the southeastern boundary of the study area. C6-4 commercial districts have a maximum commercial FAR of 10.0, with an FAR bonus of up to 20 percent for the provision of a plaza. The residential FAR in C6-4 districts is also 10.0, with an FAR bonus of up to 20 percent for the provision of a plaza or 12.0 FAR with Inclusionary Housing. Much of the southern portion of the study area, south of West 43rd Street, is zoned C6-4.

C2-8 commercial zoning districts permit commercial development to 2.0 FAR and residential and community facility development to 10.0 FAR. The latter two FARs can be increased to 12.0 with an urban plaza or inclusionary housing bonus. The northern portion of a C2-8 district is located at the intersection of West 40th Street and Tenth Avenue.

C1-5 and C2-5 districts are mapped as commercial overlays in residential districts and are mapped along streets that serve the local retail needs of the surrounding residential neighborhood. Typical retail uses in these overlay districts include grocery stores, restaurants, beauty parlors, and other businesses that cater to the immediately surrounding neighborhood. Commercial uses are permitted to a maximum 2.0 FAR. The residential FAR within the overlay district is governed by the underlying district. Within mixed residential/commercial buildings, commercial uses are limited to the first two floors and must be below the residential uses. Within the study area, C1-5 overlay districts are found along both sides of Ninth Avenue beginning on the north side of West 43rd Street. C2-5 overlay districts are found on both sides of Tenth Avenue beginning at West 43rd Street. Along the south side of West 49th Street, the C2-5 overlay district extends west to within 125 feet of Eleventh Avenue. A small portion of the midblock of West 48th Street between Tenth and Eleventh Avenues also has a C2-5 overlay.

The study area is largely located within the Special Clinton District, as mentioned above. The Special Clinton District is roughly bounded by West 57th and West 56th Streets to the north, Eighth Avenue to the east, West 41st Street to the south, and Twelfth Avenue to the west. The Special Clinton District was created to promote the following goals:

- To preserve and strengthen the residential character of the area;
- To allow for new construction and rehabilitation consistent with the existing architecture and demographic character of the area;
- To preserve the small-scale character and variety of retail services, and to ensure the conformity of future commercial structures with the existing uses;
- To recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District and the Special Clinton District;
- To provide an appropriate transition between the mixed-use structures along Eighth Avenue and the low-scale residential buildings on the narrow cross streets;
- To promote public amenities and street landscaping;
- To restrict the demolition of existing buildings that are suitable for rehabilitation and continued residential use; and
- To promote the most desirable use of land to protect and strengthen the City's tax revenues.

Within the Special Clinton District are three subdistricts as well as areas with multiple special district jurisdictions. The largest subdistrict is the Preservation Area, which comprises most of the blocks between West 56th Street, Eighth Avenue, West 43rd Street, and Eleventh Avenue. Strict development guidelines apply to sites located within the Preservation Area to protect the low- and mid-rise residential character of these blocks. The second sub district is the Perimeter Area, which bounds the Preservation Area west of Eighth Avenue and south of West 43rd Street,

serving as a transition zone between the lower density Preservation Area and the higher density developments of Midtown. The third is “Other Areas,” which are generally located between Eleventh and Twelfth Avenues. Other Areas are generally subject to the underlying zoning, and have fewer development controls than the Preservation and Perimeter Areas. However, there are certain bulk and screening requirements that apply to these sites.

As shown in **Figure 2-2**, a small portion of the study area—the area west of Eleventh Avenue between West 45th and West 47th Streets and the midblock west of Eleventh Avenue between West 44th and West 45th Streets—is not within the boundaries of the Special Clinton District. Pursuant to ZR Section 96-80(d), several blocks that are within the Special Clinton District are exempt from the regulations that govern development in this district, except as provided in Section 96-80. The Excluded Areas, among other areas, include the Clinton Urban Renewal Area bounded by West 50th Street and West 56th Street and Tenth and Eleventh Avenues. In addition, the block bounded by West 42nd Street, Ninth Avenue, West 43rd Street, and Tenth Avenue is also an Excluded Area.

The portion of the study area south of West 41st Street and east of Eleventh Avenue is located within the Special Hudson Yards District. This district was established to foster a mix of land uses and densities, provide publicly accessible open space, offer opportunities for office development, and reinforce existing residential neighborhoods while encouraging the development of new housing in the area bounded roughly by Eleventh Avenue to the west, Eighth Avenue to the east, West 41st Street to the north, and West 30th Street to the south. Some of the more specific goals include facilitating and guiding the development of an environmentally beneficial, transit-oriented business and residence district; controlling the impact of buildings on the access of light and air in the area; providing an open space network; preserving the pedestrian orientation of ground floor uses; preserving the low- and medium-scale residential character of Hell’s Kitchen; providing a transition between the Hudson Yards District and the Clinton community to the north, the Garment Center to the east, and West Chelsea to the south; promoting the use of the Javits Convention Center to the west; providing flexibility of architectural design to ensure access of light and air to the street; and promoting the most desirable use of land and building development.

In 2005, zoning map and text amendments to the ZR and related land use actions were approved to permit the development of Hudson Yards (spanning from West 28th Street to the south, Seventh and Eighth Avenues to the east, West 43rd Street to the north, and the Hudson River to the west) as a mixed-use community with new commercial and residential space, and a substantial amount of new open space. The approved Hudson Yards rezoning also included plans for the construction and operation of an extension of the No. 7 Subway line to serve the area. The proposed route extends west across West 41st Street with a potential station at Tenth Avenue and West 41st Street. This station would be within the study area of the Proposed Actions, several blocks south of the Project Site. The alignment continues west and turns south on Eleventh Avenue with a station at Eleventh Avenue and West 34th Street.

## **PUBLIC POLICY**

### *NEW HOUSING MARKETPLACE PLAN*

In 2004, Mayor Bloomberg announced the New Housing Marketplace Plan, to create and preserve 165,000 units of affordable housing in the City by 2013. This plan was another milestone in New York City’s history of approaching the issue of affordable housing. As part of

## **West 44th Street and Eleventh Avenue Rezoning**

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this extended plan, HPD was charged with the responsibility of pioneering new tools and incentives to create affordable housing throughout the five boroughs. Key goals of the plan include the preservation of 73,000 units of affordable housing for 220,000 New Yorkers, with a special emphasis on preserving units where subsidies are set to expire in the near future; create 92,000 units of affordable housing for 280,000 New Yorkers; and acquire the space needed to build these new units by pursuing innovative strategies that maximize land throughout the City.

### *CLINTON URBAN RENEWAL PLAN*

The Clinton Urban Renewal Area (URA) is located north of the project site. The City established the Clinton Urban Renewal Area in 1969 encompassing area bounded by West 56th Street, Tenth Avenue, West 50th Street, and Eleventh Avenue. The main objections of the Clinton Urban Renewal Area Plan include:

- Redevelopment of the area in a comprehensive manner, removing blight and maintaining appropriate land use;
- Removing or rehabilitating substandard and unsanitary structures;
- Removing impediments to land assembling and orderly development;
- Providing new housing of high quality and/or rehabilitating housing of upgraded quality;
- Providing appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking; and
- Providing a stable environmental within the area which will not be a blighting influence on surrounding neighborhoods.

Several sites have been or are proposed to be developed in accordance with the Clinton URA Plan.

### *PLAN NYC*

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York*. It includes policies to address three key challenges the City faces over the next 20 years: (1) population growth; (2) aging infrastructure; and (3) global climate change. Elements of the plan are organized into six categories—land, water, transportation, energy, air quality, and climate change—with corresponding goals and objectives for each. The core elements of PlaNYC are summarized below.

- **Land:** The City projects that population will increase by approximately 1,000,000 residents by 2030, but the City's land mass will remain fixed. PlaNYC 2030 strives to create more housing while, at the same time, increasing access to units for low- and moderate-income residents. It also aims to reclaim underdeveloped industrial land, including increasing land area by decking over railroad infrastructure, and to improve quality of life through improved access to open space. Its affordability initiatives include expanding inclusionary housing programs, developing new financing strategies, preserving the existing supply of affordable housing, and encouraging home ownership.
- **Water:** New York City was founded for its superior access to water, but the industrial history of the City has resulted in contamination of waterbodies as well as restricted recreational access. New York maintains a high quality of drinking water, but the delivery infrastructure has aged. PlaNYC strives to improve water quality by opening 90 percent of the City's waterways to public access, preserving natural areas, and reducing water

pollution. The plan also intends to create critical backup systems to ensure the long-term reliability of the City's potable water systems.

- **Transportation:** To support the long-term growth of the City while reducing congestion, PlaNYC calls for aggressive investment in transportation infrastructure and improved access to transit. The plan calls for alternative funding sources to provide grants for state-of-good-repair projects and to alleviate the funding gaps for critical transit expansion projects.
- **Energy:** Energy prices and carbon emissions continue to increase as a result of an aging infrastructure, market conditions, and growth. PlaNYC will implement a two-pronged strategy to meet energy challenges. First, to increase supply, the City will promote clean energy plants; the revamping of older, inefficient plants; and creation of a market for renewable energy sources. Second, to reduce demand, the City will target large consumers to accelerate efficiency upgrades.
- **Air Quality:** The City fails to meet certain State and Federal air quality standards. PlaNYC seeks to reduce automobile travel, improve the efficiency of power plants and buildings, and implement natural strategies such as planting one million trees. Cumulatively, these policies aim to improve the City's air quality.
- **Climate Change:** PlaNYC's strategies to improve the efficiency of the City's energy supply and demand, reduce congestion, improve transit access, and reduce emissions will together reduce greenhouse gases. In developing and implementing these strategies, the plan aims to reduce greenhouse gas emissions by 30 percent. The plan also recognizes the eminent effects of climate change and includes provisions to protect the City's natural and built structures from catastrophic weather events.

## D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

### LAND USE

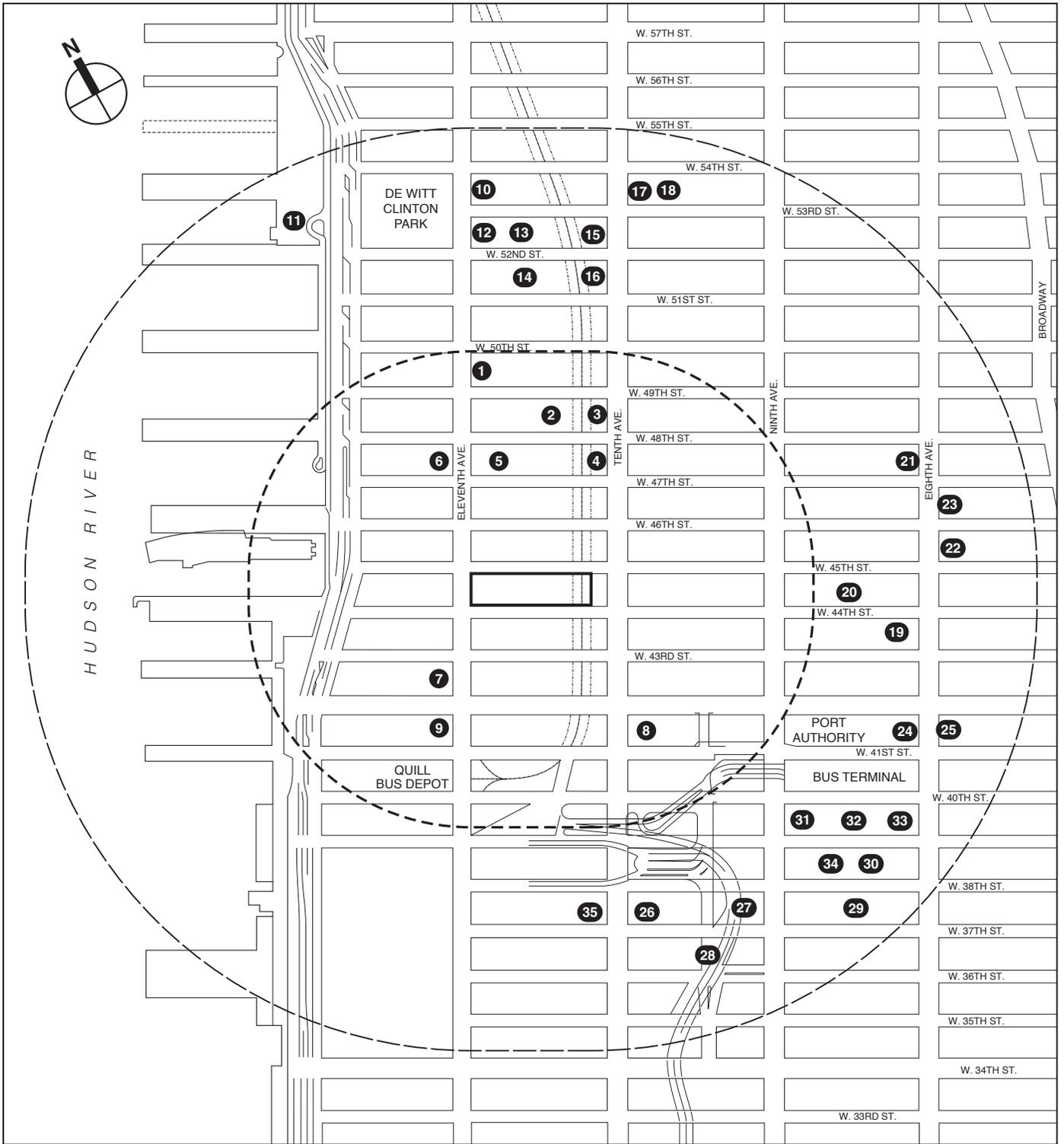
#### *PROJECT SITE*

Absent the Proposed Actions in 2013, it is assumed that no changes in land use would occur to the Project Site and existing conditions would remain.

#### *STUDY AREA*

As shown in **Table 2-1** and **Figure 2-4**, there are a number of developments expected to be completed within the ¼-mile study area by the project's 2013 build year in the Future Without the Proposed Actions. In addition, development projects expected to be completed within the ½-mile study area are also listed in Table 2-1, as they are relevant to the No Build sections of other analysis areas.

Within the ¼-mile study area, two utility projects are under construction: the 42,655-square-foot (sf) Consolidated Edison substation at 700 Eleventh Avenue, and a below-grade City water tunnel shaft with at-grade access at 705 Tenth Avenue. There are also a number of residential projects under construction or planned for the study area that would add approximately 3,380 residential units. The largest residential project, Riverplace II, will have 1,349 units at Eleventh Avenue between West 41st and West 42nd Streets. A 1,000-unit residential building with 37,950 sf of retail will be developed at West 43rd Street between Eleventh and Twelfth Avenues.



-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Study Area Boundary (1/2-Mile Perimeter)
-  No Build Project

### Planned Development in the Study Area

Figure 2-4

**West 44th Street and Eleventh Avenue Rezoning**

**Table 2-1**

**Projects in the Study Area Expected to be Completed by 2013**

Ref. No	Address/Name	Development Proposal	Build Year
<b>¼-mile Study Area</b>			
1	700 Eleventh Avenue	Consolidated Edison substation, 42,655 sf	2009
2	Portion of block between West 47th and West 48th Streets and Tenth and Eleventh Avenues	148 residential units, 88 parking spaces	2009
3	705 Tenth Avenue/City Water Tunnel No. 3 Shaft Site 25B	Below-grade structure with at-grade access	2010
4	505 West 48th Street and 506 West 49th Street/Centro 505	109 residential units	2009
5	548 West 48th Street	90 hotel rooms	2012
6	653 Eleventh Avenue/Ink 48	222 hotel rooms	2008
7	West 43rd Street between Eleventh and Twelfth Avenues	1,000 residential units, 37,950 sf retail	2010
8	Tenth Avenue between West 41st and West 42nd Streets	774 residential units, 250 hotel rooms, 12,500 sf retail, 50,000 sf fitness center, 70,000 sf theater	2010
9	Eleventh Avenue between West 41st and West 42nd Streets/ Silver Towers	1,359 residential units	2012
<b>1/2-mile Study Area</b>			
10	770 Eleventh Avenue (Two Trees)	900 residential units (180 affordable units); 8,800 gsf retail; 20,000 gsf health club; 350,000 gsf auto sales and repair; 36,000 gsf NYPD Mounted Patrol facility; 225 parking spaces	2011
11	Pier 92/94	Expansion of existing trade show facility	2011
12	533-541 West 52nd Street	100 residential units (affordable)	2011
13	530-548 West 53rd Street	100 residential units (affordable)	2011
14	501-505 West 51st Street Phase I	12 residential units (affordable), 1,315 sf retail	2008
15	510 West 52nd Street, between Tenth and Eleventh Avenues (Archstone Clinton - Clinton Green)	627 residential units, 23,000 sf retail, 60,000 sf theater, 83 parking spaces, 13,500 sf open space	2008
16	501-505 West 51st Street Phase II	10 residential units (affordable)	2009
17	460 West 54th Street (aka 800 Tenth Ave) Former SONY/BMG Studio	96 residential units	2011
18	405-425 West 53rd Street/The Dillon	85 residential units, 37 parking spaces	2009
19	306 West 44 St, 691-699 Eighth Avenue/Tishman Hotel	621 hotel rooms, 9,640 sf retail	2010
20	345 West 44th Street hotel conversion/addition (Sam Chang)	60 hotel rooms	2008
21	785 Eighth Avenue/ The Esplanade	120 residential units	2010
22	740 Eighth Avenue	860,500 sf office, 21,479 sf retail, 412 parking spaces	2010
23	750-754 Eighth Avenue/The Platinum	187 residential units	2010
24	Port Authority Bus Terminal Office tower, west side of Eighth Avenue between West 42nd and 41st Streets	1,300,000 sf office	2012
25	11 Times Square, West 42nd Street and Eighth Avenue	938,950 sf office, 49,420 sf retail	2011
26	Hudson Yards Site 23, east side of Tenth Avenue between West 37th and West 38th Street, (Rockrose)	388 residential units, 20,900 sf retail	2009
27	Hudson Yards Site 24, Hudson Mews I (North), Dyer Avenue btwn West 37th and West 38th Streets (Demott Co.)	448 residential units, 7,460 sf community facilities, 170 parking spaces	2011
28	Hudson Yards Site 28, Hudson Mews II (South), Dyer Avenue btwn West 36th and West 37th Streets (Demott Co.)	361 residential units, 16,100 sf retail	2011

**Table 2-1 (cont'd)**  
**Projects in the Study Area Expected to be Completed by 2013**

Ref. No	Address/Name	Development Proposal	Build Year
<b>Half-mile Study Area (continued)</b>			
29	310-328 West 38th St., midblock btwn West 37th and West 38th Streets btwn Eighth and Ninth Avenues (Glenwood Mgmt.)	569 residential units, 10,600 sf retail	2010
30	585 Eighth Avenue (Sam Chang )	169 hotel rooms (82,906 sf)	2009
31	340-342 West 40th Street/ Fairfield Inn and Four Points Hotel	500 hotel rooms	2008
32	334 West 40th Street/Staybridge Suites Times Square (Mehta Family)	310 hotel rooms	2009
33	Hudson Yards Potential Sites 68 and 70, midblock bounded by West 39th Street, West 40th Street, Eighth Avenue & Ninth Avenue (Sam Chang)	1,061 hotel rooms	2008
34	Hudson Yards Site 37, midblock on West 38th & West 39th Streets btwn Eighth and Ninth Avenues (Block 762, lot 6)	381,990 sf office, 8,520 sf retail	2010
35	Hudson Yards Site 11 - West side of Tenth Avenue between West 37th and West 38th Streets (Rockrose)	855 residential units, 65,320 sf retail	2010
<b>Notes:</b> See also Figure 2-4. <b>Sources:</b> New York City Department of City Planning, Department of Buildings' Building Information System (BIS), AKRF site visits			

As a result of the Hudson Yards Rezoning, development is ongoing in the southern portion of the study area, to create a mixed-use community with new commercial and residential space, and a substantial amount of new open space.

There are three hotel projects in the ¼-mile study area: 90 hotel rooms are anticipated for 548 West 48th Street; Ink 48 with 222 hotel rooms, is under construction at 653 Eleventh Avenue; and a mixed-use project with 250 hotel rooms is expected at Tenth Avenue between West 41st and West 42nd Streets.

### ZONING

The New York City Department of City Planning (DCP) has been working with the local community to develop a rezoning proposal for Eleventh Avenue between West 43rd and West 55th Streets. At this time, the specifics of the rezoning are being developed, and the proposal has not entered into environmental review.

### PUBLIC POLICY

The City of New York will continue to implement the goals of PlaNYC by 2013. However, at this time, there are no other known public policy initiatives for the study area.

## E. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

### LAND USE

The Proposed Actions would change the existing manufacturing zoning designation on the Project Site to a zoning designation that would permit residential and commercial uses. The existing parking lots and stables would be displaced and redeveloped with residential and commercial uses. The westernmost residential building would contain retail uses. P.S. 51 would be expanded and relocated within the Project Site. The existing school building on the Project Site would be converted to residential use<sup>1</sup>. A deck would be built over the existing rail cut on the eastern portion of the Project Site, and a residential building would be constructed. The proposed development program would include up to 1,350 residential units, 17,500 gsf of retail, and a new P.S. 51 school consisting of 630 seats for kindergarten to eighth grade levels. A total of up to 204 off-street accessory parking spaces would be provided.

While the Proposed Actions would dramatically alter the land use on the Project Site by permitting the redevelopment of the site with high-density residential and retail uses, these new uses would be compatible with and complementary to surrounding land uses. The Proposed Actions would complement the ongoing residential redevelopment of Manhattan's west side and activate an underutilized site with much needed affordable housing and a new, expanded school. As noted above, there are a number of large residential buildings currently under construction within the study area; including Silver Towers at West 42nd Street and Eleventh Avenue (1,349 units under construction) and 1,000 units under construction at West 43rd Street between Eleventh and Twelfth Avenues. There are existing residential and commercial uses surrounding the Project Site, and the redevelopment of the site would be consistent with these uses and trends. Although P.S. 51 would be relocated and expanded as part of the Proposed Project, this would not result in new use on the Project Site. The expanded school would support the growing residential community in Clinton.

The new land uses on the Project Site introduced as part of the Proposed Actions are very similar to existing development in the Clinton neighborhood of Manhattan. Furthermore, it is consistent with recent trends on the West Side, as indicated by the many mixed-use residential and commercial developments currently under construction. In addition, many of the developments currently under construction are being developed in accordance with the regulations of the C6-2 and C6-4 zoning districts.

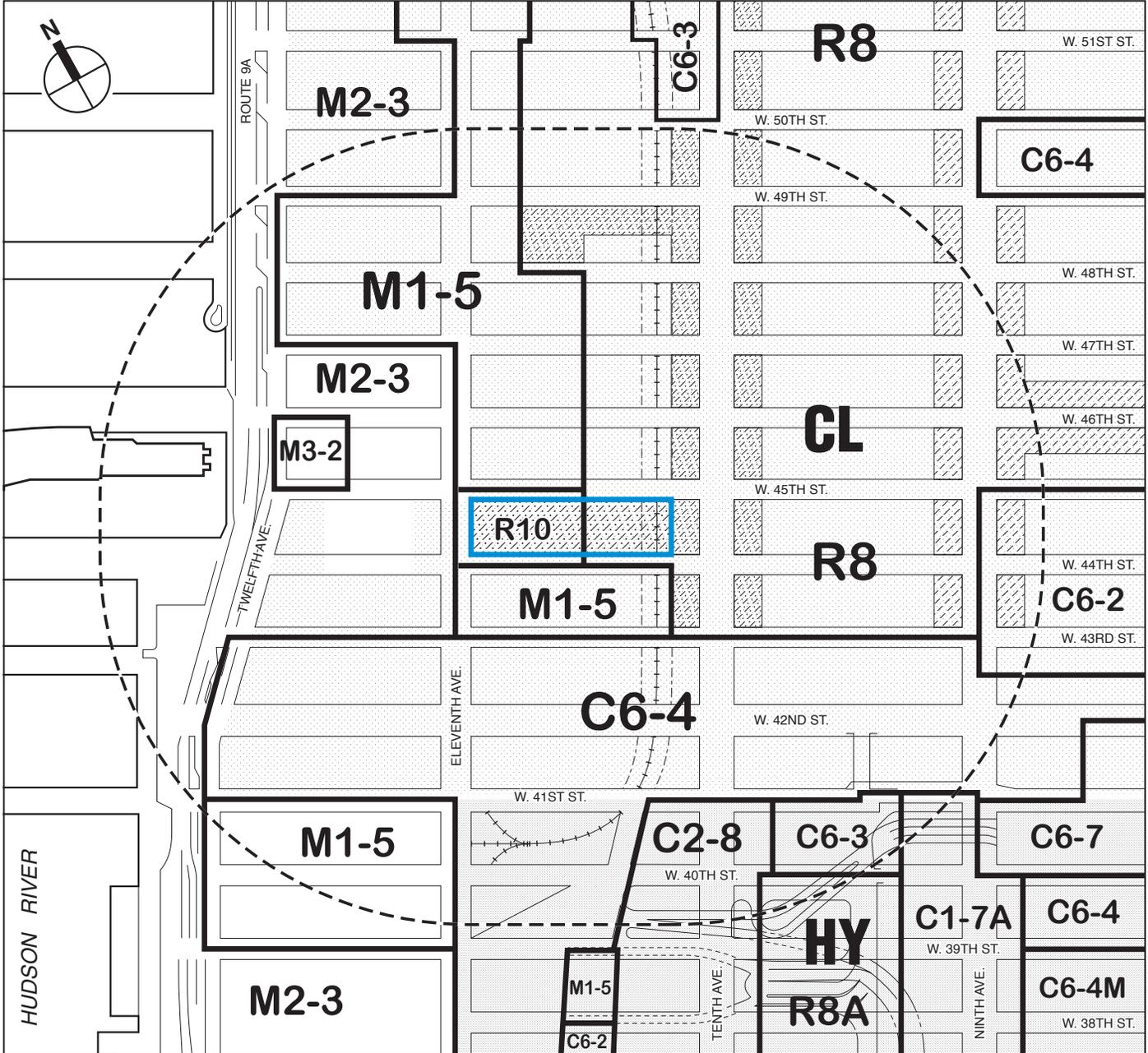
### ZONING

As described in Chapter 1, "Project Description," implementation of the Proposed Project requires approval by the City Planning Commission in accordance with the Uniform Land Use Review Procedure (ULURP). The ULURP actions include disposition of City-owned property; rezoning of the Project Site from M1-5 to R8 and R10 with a C2-5 commercial overlay (see **Figure 2-5**); establishment of a General Large Scale Development and related special permits; zoning text amendments, and a special permit to construct over a railroad right-of-way.

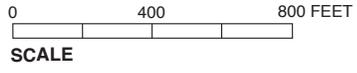
The Project Site is located within an Excluded Area of the Special Clinton District. The Excluded Areas were identified as locations that could be developed with new housing and other uses that balance the need for growth in Clinton. Therefore, the Excluded Areas are exempted from the

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<sup>1</sup> The existing school would function as a school until the new, expanded school is operational.



-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Zoning District Boundary
-  C1-5 Overlay
-  C2-5 Overlay
-  **CL** Clinton Special Purpose District
-  **HY** Hudson Yards Special Purpose District



controls of the Special Clinton District, except as provided in ZR Section 96-80. The Proposed Actions are consistent with the provisions of ZR Section 96-80, and therefore, development of the Proposed Project would not adversely impact the goals and controls of the Special Clinton District.

The Proposed Actions would permit density increases over existing conditions. The 6.0 FAR of the R8 district proposed for the midblock portion of the Project Site represents a substantial increase in density from the existing 1.0 FAR permitted in the existing M1-5 district. However, R8 districts border the Project Site to the north and the east. Therefore, the proposed rezoning to R8 would be consistent with the surrounding area.

The Proposed Actions also include mapping a R10 district on the Eleventh Avenue portion of the Project Site, and would permit up to 12.0 FAR with the Inclusionary Housing Bonus within an excluded area of the Special Clinton District. The proposed R8 and R10 districts would permit the development of between 600 and 700 affordable dwelling units. Although the Project Site is within an excluded area of the Special Clinton District, the Proposed Project would meet many of the goals of the District, including strengthening the residential character of the area, providing public amenities, preservation of an existing building suitable for residential use, and promoting desirable land use to strengthen the City's tax base. The Proposed Project would also be similar to a recent 24-story affordable residential development on an Excluded Area site (bounded by West 50th and West 51st Streets and Tenth and Eleventh Avenues). Therefore, the R10 district would be compatible with the surrounding area.

The Proposed Actions include zoning text amendments: 1) to designate the R10 portion of the Project Site as an Inclusionary Housing area; and 2) to exempt the Inclusionary Housing area of the project site from contextual zoning requirements for height and setback. The designation of an Inclusionary Housing area would be specific to the Project Site and would not alter the intent of the Zoning Resolution for designating such areas elsewhere in the City. The second text amendment would facilitate a site plan and building envelope that provides for up to 700, but no less than 600, affordable housing units. This text amendment would be specific to the Inclusionary Housing area on the Project Site and would not allow for subsequent projects on other sites to be exempt from these requirements without discretionary actions by the CPC.

As outlined in detail within Chapter 1 "Project Description," the Proposed Actions would establish a General Large Scale Development (ZR Section 74-74) and grant a General Large Scale Development special permit to allow 1) less than the minimum required rear yard equivalent on parts of the through lot portion of the Project Site, 2) buildings to exceed the maximum street wall height, have less than the required initial setback distance, penetrate the sky exposure plane and have no rear yard setback, 3) a reduction in the required minimum distance between buildings, and 4) a portion of the open space required in the R8 portion of the Project Site to be located in the R10 portion of the Project Site. These actions would allow for a site plan that includes up to 1,350 dwelling units, including 600 to 700 affordable units, as well as an expanded P.S. 51. The special permits would be specific to certain design components of buildings proposed on the Project Site and would not alter the intent of the Zoning Resolution as it applies to other sites in the City.

The Proposed Project includes the development of a residential building over the existing Amtrak rail cut. HPD and the project sponsor are seeking approval by the CPC for a special permit to construct portions of the Proposed Project above an active railroad right-of way pursuant to ZR Section 74-681 (Development Within or over a Railroad or Transit Right-of-way or Yard), of the New York City Zoning Resolution. The special permit would allow for the construction of two residential buildings above the rail cut, thereby facilitating the development of affordable housing on the Project Site.

## **West 44th Street and Eleventh Avenue Rezoning**

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The Proposed Actions would be consistent with ongoing zoning trends in the area, in which several parcels have been rezoned from manufacturing to residential or commercial zoning districts to allow for new residential, commercial and mixed-use developments. The Proposed Actions would also be consistent with neighborhood trends of residential development at increased densities (up to 12.0 FAR). The recent developments include several projects near West 42nd Street, described above. To the south of West 42nd Street, additional development is under construction or planned as a result of the previously approved Hudson Yards comprehensive rezoning, which was created to allow for the expansion of the Midtown central business district and to enable redevelopment of the Far West Side.

### **PUBLIC POLICY**

The Proposed Actions would not entail any changes to public policy on the Project Site or in the study area, and would be consistent with the public policies that currently affect the Project Site and surrounding area.

### *NEW HOUSING MARKETPLACE PLAN*

The Proposed Project would create between 600 and 700 new affordable housing units on the Project Site. The proposed rezoning of the Project Site from a manufacturing district to a residential district to facilitate the development of affordable housing is consistent with the objectives of the plan to target certain underutilized areas for redevelopment. In addition, the plan encourages bringing private and public resources together to finance the construction of affordable housing, along with the use of the Inclusionary Housing bonus. Therefore, the Proposed Project would support the goals of this plan.

### *CLINTON URBAN RENEWAL AREA*

The Project Site is located outside the Clinton URA, but the proposed development would be consistent with the URA objectives, including providing high quality housing (including affordable housing), retail, community facility uses, and maximizing land use.

### *PLANYC*

Development that would occur as a result of the Proposed Actions would be consistent with the goals of PlaNYC 2030, which is a comprehensive strategy to ensure the long-term viability of the City. As described above, PlaNYC includes policies to address three key challenges the City faces over the next 20 years: 1) population growth; 2) aging infrastructure; and 3) global climate change. This section summarizes the Proposed Actions' consistency with PlaNYC elements, particularly those related to land use and zoning.

### *Housing*

The Proposed Actions would be consistent with the goals of PlaNYC with regard to housing. The Proposed Actions would result in the creation of 1,350 residential units, including between 600 and 700 affordable residential units. Specifically, the Proposed Actions would be consistent with the following housing initiatives:

*Initiative 1: Pursue transit-oriented development and land use zoning changes to direct growth toward areas with transit infrastructure.*

The Proposed Actions would permit higher-density, mixed-use transit-oriented development. Local bus service (M11, M42, and M50) provides neighborhood connections to nearby subways

(A, C, E, 1, 2, and 3 lines), extending the reach of mass transit. Therefore, the Proposed Actions would result in residential development that is accessible by the existing transit infrastructure.

*Initiative 6: Develop underused areas to knit neighborhoods together*

The Proposed Actions would result in the redevelopment of the Project Site with residential uses that would bridge residential neighborhoods currently separated by underused land and buildings on which residential uses are not permitted under the current zoning. As described above in section D, “Future without the Proposed Actions,” several recent projects have transformed the area surrounding West 42nd Street into an increasingly residential neighborhood. In general, the area west of Tenth Avenue has been previously underutilized, in comparison to the active Times Square area, or residential areas to the north of the study area. In general, the Proposed Actions would permit land uses that would be consistent with and support development in the surrounding areas.

*Initiative 8: Deck over rail yards, rail lines, and highways*

This initiative strives to increase the land area of the city available for housing by decking over transportation infrastructure. The Proposed Actions would result in a deck of the rail cut on the Project Site, allowing for construction of two residential buildings. The Proposed Actions would utilize air rights above a rail cut, thereby maximizing residential floor area in Manhattan, where buildable sites for new construction are limited. The Proposed Actions would make efficient use of this area to provide needed affordable housing. Therefore, the Proposed Actions are consistent with this initiative.

*Initiative 10: Expand inclusionary zoning*

Proposed zoning text and zoning map amendments would include the rezoning area in the City’s Inclusionary Housing program, which permits an increase in the floor area of residential developments in exchange for the permanent provision of below-market-rate housing for low-, moderate-, and middle-income households. This would provide opportunities and incentives for the construction of affordable housing for residents, consistent with the PlaNYC goal for increasing housing affordability.

*Open Space*

PlaNYC includes three open space goals: (1) to make existing sites available to more New Yorkers by opening schoolyards as public playgrounds or completing underdeveloped destination parks; (2) to expand usable hours at existing sites by installing new lighting or providing more multi-purpose fields; and (3) to re-imagine the public realm by creating or enhancing a public plaza in every community. The Proposed Actions would be consistent with the following open space initiative:

*Initiative 7: Green the cityscape*

Development that would occur as a result of the Proposed Actions would comply with the recently adopted street tree planting zoning text amendment, which requires street tree planting requirements in all zoning districts. The tree planting requirement establishes regulations that would require planting of street trees in all zoning districts for new developments, major enlargements, and certain conversions. This would result in a substantial number of street trees on West 44th Street, West 45th Street, and Eleventh Avenue, where currently there are many areas lacking street trees and plantings. The Proposed Project would also include two courtyards with landscaping for use by buildings residents. Therefore, the Proposed Actions would be consistent with this initiative. \*