

A. INTRODUCTION

This chapter examines the potential effects of the proposed 53 West 53rd Street project (the proposed project) on land use and development trends, its compatibility with surrounding land uses, and its consistency with zoning and relevant public policies.

The project site is located in Midtown Manhattan on the block bounded by West 53rd and 54th Streets and Fifth and Sixth Avenues. The project site consists of a combined zoning lot comprising the development site (Lots 5, 6, 7, 8, 66, 69, 165, and a portion of Lot 58 on Block 1269) the American Folk Art Museum (Lot 9), the Museum of Modern Art (MoMA) (Lots 11, 12, 13, 20, 58), a residential high-rise building (Lot 7501), and St. Thomas Church (Lot 30). The development site is vacant. The proposed project would develop these seven vacant lots with a mixed-use building including museum, restaurant, hotel, and residential components. To construct the proposed building, the applicant is seeking a special permit to allow the transfer of development rights from the University Club at 1 West 54th Street to the development site and an additional special permit to modify certain bulk and other zoning requirements in connection with the use of excess development rights from St. Thomas Church.

This chapter provides an assessment of the existing and future conditions with and without the proposed project within the ¼-mile land use study area surrounding the combined zoning lot. As described below, this analysis concludes that the proposed project would be consistent with the mixture of land uses found in the surrounding area. The proposed project would also be consistent with and supportive of established public policies. As such, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

This chapter describes existing land use conditions, zoning regulations, and relevant public policies that guide growth and development in the area surrounding the project site. The analysis considers a study area within a ¼ mile of the project site (see **Figure 2-1**). The study area is generally bounded by Central Park South to the north, Park Avenue to the east, West 48th Street to the south, and Broadway to the west.

As described in greater detail in Chapter 1, “Project Description,” this analysis assumes that, absent the proposed project, either of two as-of-right projects will be built on the development site by 2013. This chapter also accounts for other developments expected to occur in the surrounding area that would be completed by the 2013 analysis year.



- Development Site Boundary
- Project Site/Combined Zoning Lot
- Transfer Site
- Landmark Site, subject to Special Permit
- Study Area Boundary (1/4-Mile Perimeter)
- Residential
- Residential with Commercial Below
- Hotels
- Commercial and Office Buildings

- Industrial and Manufacturing
- Transportation and Utility
- Public Facilities and Institutions
- Open Space and Outdoor Recreation
- Parking Facilities
- Vacant Land
- Vacant Building
- Under Construction



C. EXISTING CONDITIONS

LAND USE

DEVELOPMENT SITE

The development site currently consists of seven paved and vacant lots located toward the western end of the project block. The lots are surrounded by chain-link fencing along the street frontages. The development site is undeveloped but is used at times for MoMA exhibits or for handling visitors waiting in line to enter the museum.

PROJECT SITE AND TRANSFER SITE

In addition to the development site, the project site contains MoMA, the American Folk Art Museum, a residential high-rise building (Museum Tower), and St. Thomas Church. Along the West 53rd Street Side, the American Folk Art Museum is located 45 West 53rd Street, directly east of development site on the West 53rd Street side. Continuing east along the West 53rd Street side, the MoMA complex includes office and administrative space, education facilities, a design and book store, movie theaters, restaurants, storage and service space, and the galleries. Along the West 54th Street side, MoMA has two building wings on either side of the outdoor Abby Aldrich sculpture garden. The sculpture garden is separated from the street by a wall.

Museum Tower is located at 15 West 53rd Street. The Tower's first six floors include museum space that is part of MoMA; residential uses are located above these floors. St. Thomas Church and its rectory occupy the southeast corner of the block, fronting on Fifth Avenue and West 53rd Street.

The nine-story University Club is on the corner of West 54th Street and Fifth Avenue. The private Club was founded in 1865 for "the promotion of literature and art" and functions today as a social club with restaurant, athletic, and other facilities.

STUDY AREA

The ¼-mile study area extends generally from Central Park South to the north, Park Avenue to the east, West 48th Street to the south, and Broadway to the west. Overall, commercial office and retail uses dominate the land use study area, particularly along the avenues. High-rise buildings are found throughout the study area, typically along both sides of each avenue. Many of these buildings take the form of tower on a base development. While many of the high-rise buildings feature commercial office uses with ground-floor retail, hotel uses are also found throughout the study area. Residential uses are largely limited to the north and west portions of the study area, particularly around the project site and along Sixth Avenue north of West 54th Street. For the most part, open space in the study area consists of publicly accessible indoor and outdoor urban plazas associated with the commercial buildings. The indoor public spaces feature seating, decorative plantings, and food concession stands. Outdoor plazas feature seating and plantings or are limited to walk-through passages that connect streets.

The two other buildings on the project block are a 40-story office tower that fronts on Sixth Avenue, and a 27-story commercial office building on the corner of Fifth Avenue and West 54th Street.

There are residential uses among the commercial and retail uses along the streets north of the project site. Facing the project site on West 54th Street are the Warwick Hotel, a 33-story

portion of the 1350 Sixth Avenue building, residential buildings, and several row houses containing commercial uses. The remaining portion of the 1350 Sixth Avenue building extends into the midblock area of Sixth Avenue. The Rockefeller Apartments are the largest residential buildings on this block. The block face along West 53rd Street across from the project site contains two office buildings—the 38-story CBS Building and the 29-story Deutsche Bank Building—and the site of the former Donnell Library, which is planned for redevelopment (see below). The Deutsche Bank Building includes the MoMA Design Store at street level as well as an urban plaza. The 46-story Hilton Hotel occupies much of the block on the west side of Sixth Avenue between West 53rd and 54th Streets, opposite the project block.

High-rise commercial buildings line both sides of Park Avenue in the eastern portion of the study area. Notable commercial uses in this area include the 38-story Park Avenue Tower between East 55th and East 56th Streets, the 24-story Lever House on the west side of Park Avenue between East 53rd and East 54th and a 39-story full block building on the east side at 399 Park Avenue, the 40-story Park Avenue Plaza at 57 East 52nd Street, and the Seagram Building at 375 Park Avenue. Ground-floor retail uses are found in many of the commercial buildings along Park Avenue. Representative retail uses include luxury auto dealerships, drug stores, large clothing stores, book stores, and other uses requiring large floor plates. The Park Avenue Malls divide north bound from south bound traffic on Park Avenue. The Malls consist of raised planters with trees and decorative plantings, which are maintained by the New York City Department of Parks and Recreation.

Madison and Fifth Avenues contain a concentration of commercial, institutional, and hotel uses. In terms of retail uses, there are designer men's and women's clothing, jewelry, hand bag, shoe, and watch stores found along both sides of Madison and Fifth Avenues throughout the study area. The concentration of these high-end, luxury and designer retail uses is not found in other parts of the study area. Saks Fifth Avenue's and Bergdorf Goodman's flagship stores are notable examples. Saks Fifth Avenue is on Fifth Avenue between East 50th and 51st Streets, while Bergdorf Goodman occupies buildings on the east and west sides of Fifth Avenue between 57th and 58th Streets. Finally, the 50-story General Motors building occupies the entire block between Madison and Fifth Avenues and East 58th and East 59th Streets. This building is set back from the street by an urban plaza and the entrance to a subsurface Apple computer store. The building's lobby formerly served as a showroom for GM automobiles. Currently, the F.A.O. Schwartz toy store occupies a portion of the lobby.

Hotel uses, located along both Fifth and Madison Avenues as well as the side streets, include the New York Palace Hotel on the east side of Madison Avenue between East 50th and East 51st Streets, the Omni Berkshire Place Hotel at the intersection of 52nd Street and Madison Avenue, the Shorham Hotel at 33 West 55th Street, the St. Regis Hotel on the corner of East 55th Street and Madison Avenue, the Hotel Elysee, and the Peninsula Hotel. The Plaza Hotel building is across Fifth Avenue from the General Motors Building and west of the largest single open space in the study area, Grand Army Plaza.

St. Patrick's Cathedral is the most prominent institutional use along Fifth Avenue. The Cathedral and its associated buildings occupy the entire block between Madison and Fifth Avenues from East 50th to East 51st Streets. The complex includes the cathedral, the rectory, and the cardinal's residence. The Cathedral serves as the Roman Catholic cathedral church for the Archdiocese of New York. Additional institutional uses along Fifth Avenue include the Fifth Avenue Presbyterian Church at 708 Fifth Avenue and the Argentinean Consulate at 12 West 56th Street.

South and southwest of the project site, Rockefeller Center includes 19 commercial buildings and covers 22 acres between Fifth and Seventh Avenues from West 48th Street to West 51st Street. The first set of buildings was completed in 1939 and consisted of office buildings set around a sunken plaza. During the 1960s and 1970s, a set of four towers was built along Sixth Avenue. Today, Rockefeller Center includes commercial offices, as well as national retail establishments and the studio set for the National Broadcast Company. Radio City Music Hall occupies the eastern portion of Sixth Avenue between West 50th and West 51st Streets. Radio City Music Hall, which has over 5,000 seats, is the largest theater in the United States. The Hall opened in 1932 and the interior was declared a landmark in 1979. Today, the Hall is home to the Rockettes and continues to feature performances by national and international groups.

In addition to Rockefeller Center, Sixth Avenue includes a number of prominent high-rise office buildings typically set back from the avenue behind urban plazas. Notable examples include a 39-story office building between West 51st and West 52nd Streets, the former offices of Credit Lyonnais offices between West 52nd and 53rd Streets, and the 50-story Burlington House office building between West 54th and 55th Streets. The 50-story Solow Building between Fifth and Sixth Avenues on West 57th Street is also set back with plazas along the street.

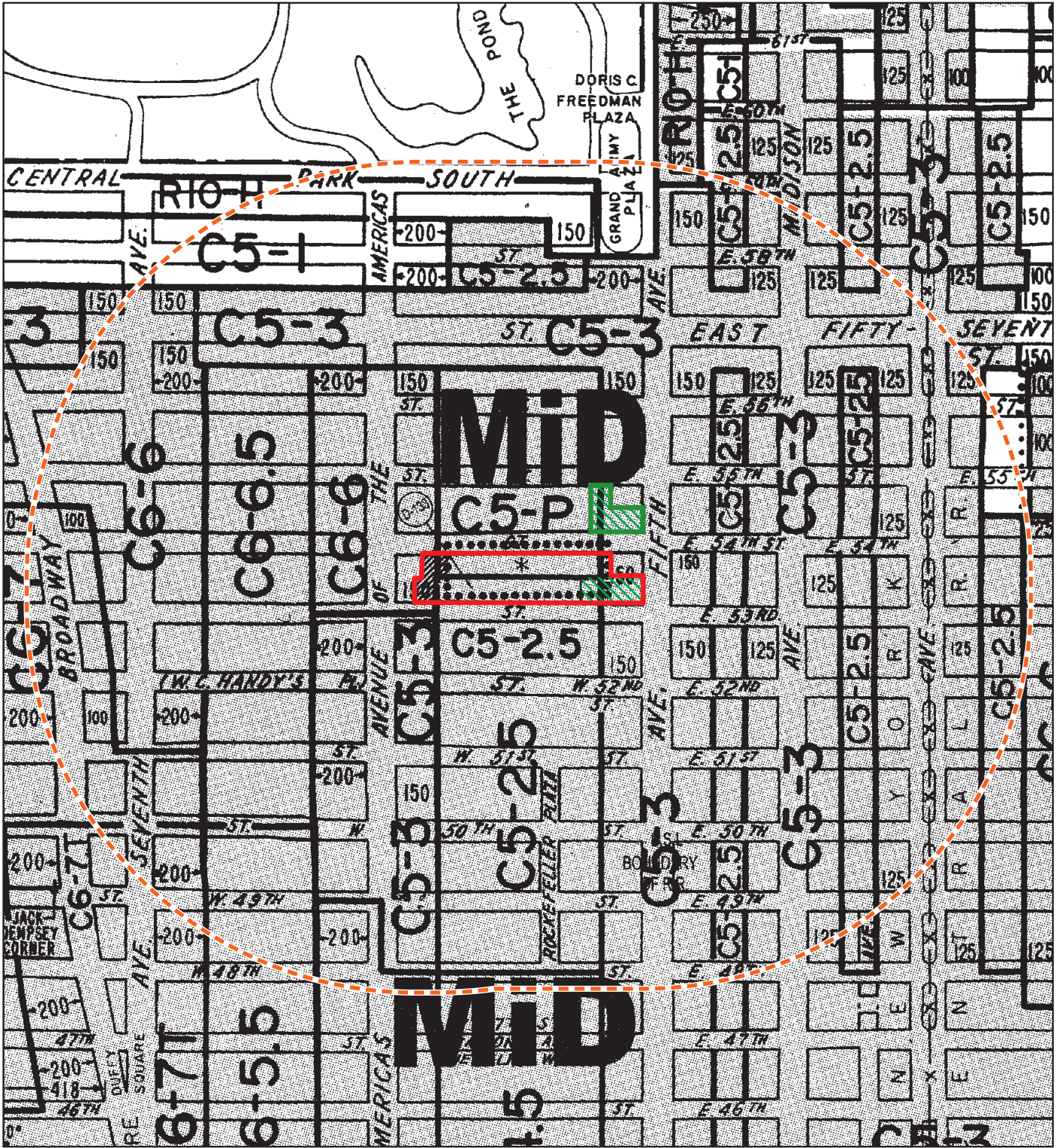
Retail uses are found along both sides of Sixth Avenue, typically on the ground floor of commercial buildings. On the side streets, retail uses are found in the ground floor of mixed-use residential buildings. While the concentration of retail uses is similar to what is found throughout the study area, the make up differs markedly. Instead of the luxury uses found along Madison and Fifth Avenues, typical retail uses along Sixth Avenue include delis, restaurants, bars, banks, and pharmacies.






Seventh Avenue is lined with a mixture of commercial, retail, residential, and hotel uses. Carnegie Hall, located on the corner of West 57th Street and Seventh Avenue, is the most notable land use along Seventh Avenue. The Hall, which opened in 1891, is considered one of America's greatest concert halls. The 30-story Park Central Hotel occupies the western side of Seventh Avenue between West 55th Street and West 56th Street. The Wellington Hotel is located on the northwest corner of Seventh Avenue and West 55th Street, directly across from the Park Central. The London Hotel is one block south on West 54th Street. Finally, the 49-story Sheraton New York occupies much of the block between West 52nd and West 53rd Street. Even though residential uses are limited within the overall study area, they are more prominent within the area north of West 54th Street and west of Sixth Avenue. The residential buildings feature ground-floor retail uses along Sixth and Seventh Avenues. Residential uses are very limited in the area east of Sixth Avenue and south West 53rd Street.

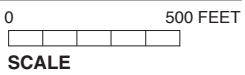
ZONING AND PUBLIC POLICY

DEVELOPMENT SITE

The development site is located within the C5-2.5, C5-P, and C6-6 commercial zoning districts as well as the Special Midtown District (see **Figure 2-2** and **Table 2-1**). The portion of the development site fronting on West 53rd Street is split between C5-2.5 and C6-6 zoning districts. The eastern portion of Lot 7 and all of Lot 8 are zoned as C5-2.5 commercial districts. The western portion of Lot 7 and Lots 5 and 6 are zoned C6-6. The lots that front West 54th Street are either C6-6 or C5-P districts. The western portion of Lot 69 is mapped as a C6-6 district, while the eastern portion is a C5-P district. Lots 66 and 165, as well as the portion of Lot 58 on the development site, are also situated within the C5-P commercial district.



-  Development Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Project Site/Combined Zoning Lot
-  Transfer Site
-  Landmark Site, subject to Special Permit



**Table 2-1
Development Site Zoning**

Zoning District	Maximum FAR ¹	Uses/Zone Type
C5-P	8.0 commercial , residential, community facility	Central commercial district; Preservation Subdistrict of the Special Midtown District
C5-2.5	12.0 commercial and community facility ² 10.0 residential ³	Central commercial district; Special Midtown District
C6-6	15.0 commercial and community facility ² 10.0 residential ³	High bulk commercial district for uses requiring central location.
<p>Notes:</p> <p>¹ Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet. The maximum FAR does not include any permitted Floor Area Bonus.</p> <p>² 1.0 FAR bonus with the inclusion of a public plaza.</p> <p>³ Maximum residential FAR may be increased to 12 FAR through provision of tenant recreation space.</p> <p>Source: <i>New York City Zoning Resolution.</i></p>		

The C5-2.5 commercial zoning district is mapped only within the Special Midtown District. C5-2.5 districts are typically developed with department stores, large office buildings, and mixed use buildings with residential space above office or commercial floors. Residential, community facility, and commercial uses are permitted. Certain high-performance manufacturing uses are also permitted. Commercial and community facility uses can be developed to a maximum floor area ratio (FAR) of 12.0 (14.4 with all available floor area bonuses) and residential uses can be developed to a maximum of 12.0 FAR through the provision of tenant recreation space.

C6 commercial districts permit a wide range of high-bulk commercial uses requiring a central location. The C6-6 commercial districts are mapped primarily within the city’s major business districts. The C6-6 designation allows a maximum commercial floor area ratio (FAR) of 15.0, a residential FAR of 10.0, and community facility FAR of 15.0. A public plaza bonus can increase the commercial FAR by 1.0 FAR and other incentives can be used to increase the maximum FAR to 18.0. The maximum residential FAR can be increased to 12.0 through the provision of tenant recreation space.

Lot 66 and a small portion of the eastern side of Lot 69, located in the northern portion of the site fronting on West 54th Street, are zoned C5-P within the southernmost portion of the Special Midtown District’s Preservation Subdistrict. The intention of the Preservation Subdistrict is to permit development that conforms to the existing scale and character of the area. To that end, any development or enlargement located in the underlying C5-P district is limited to a maximum FAR of 8.0. R10 district regulations apply to any portion of a development or enlargement containing residential uses. Mandatory streetwall requirements and other envelope requirements apply. Within the Preservation Subdistrict, mandatory street walls are required as follows: The street wall of any residential or non-residential development or enlargement on a zoning lot shall be built to the street line along the full length of the front lot line to a minimum height of 72 feet above the curb level or the full height of 72 feet above the curb level or the full height of the building, whichever is less. Above a height of 85 feet, the street wall shall be set back at least 15 feet from the street line and shall be subject to the sky exposure plane regulations of ZR Section 33-432 (n other Commercial Districts) applicable in C5 Districts. The provisions of ZR Sections 33-44 (Alternate Front Setbacks) and 33-45 (Tower Regulations) are not applicable in the

Preservation Subdistrict. In certain instances, the New York City Planning Commission (CPC) may grant special authorization for minor modifications of the mandatory street wall provisions.

The Special Midtown District was created in 1982. The district is irregularly shaped and generally extends from 31st Street to 61st Street and from Third Avenue to Eighth Avenue. Overall, the Special Midtown District was created with the intention of strengthening the Midtown business core by stabilizing growth in especially dense areas, encouraging development in appropriate areas with available sites and good transportation characteristics, and preserving the area's pedestrian orientation and historic character. Among the goals mentioned in Section 81-00, "General Purpose," of the Zoning Resolution, three goals relate more specifically to the development site's location. As described in ZR Section 81-00 (e), 81-00 (f), and 81-00 (m), the Special District regulations are intended to:

- Preserve the historic and architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- Continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages; and
- Preserve the midblock area north of The Museum of Modern Art for its special contribution to the historic continuity, function, and ambience of Midtown.

PROJECT SITE AND TRANSFER SITE

The project site is mapped with C5-P, C5-2.5, and C5-3 commercial zoning districts. The zoning lot is located entirely within the Special Midtown District. The C5-P, C5-2.5, and Special Midtown District are described above. The C5-3 commercial districts permit commercial development to a maximum of 15.0 FAR, which can be increased by 1.0 by utilizing a public plaza bonus and by 3.0 FAR through utilization of all available district incentives. Community facilities can be developed to a maximum of 15.0 FAR. Residential uses are permitted to a maximum of 10.0 FAR, which can be increased to 12.0 FAR through the provision of tenant recreation space. In addition to being mapped on the project site, the C5-3 district is mapped throughout the study area, but primarily along both sides of 57th Street and along Park, Madison, and Fifth Avenues.

Historically, as the development of the MoMA complex has progressed, one of the principal planning and design strategies has been to minimize the amount of bulk developed in the C5-P zoning district and move development to the higher density C6-6 (15 FAR) and C5-2.5 (12 FAR) districts. The placement of the MoMA Garden along West 54th Street dramatically reduces the amount of development in the C5-P district. In addition, as part of its 2000 expansion, MoMA removed the bulky Dorset Hotel—which had 197 feet of frontage along West 54th Street built to its full 19-story height—and replaced it with the six-story frontage of the existing museum building along West 54th Street.

STUDY AREA

The ¼-mile land use study area is mapped primarily with commercial zoning districts, including C5-P, C5-1, C5-2.5, C5-3, C6-6.5, C6-6, C6-7, and C6-7T (See **Table 2-2**). The R10-H district is the only residential district mapped within the study area. There are no manufacturing districts mapped within the study area. Finally, the Special Midtown District, which is described above, is mapped throughout much of the study area. The C5-P, C5-2.5, C5-3 and C6-6 commercial districts and the Special Midtown District are described above.

**Table 2-2
Study Area Zoning**

Zoning District	Maximum FAR ¹	Description
Residential Districts		
R10H	10.0 residential ^{2,3}	High density residential district that permits transient commercial hotels by special permit.
Commercial Districts		
C5-P	8.0 commercial, residential, community facility	Central commercial district, intended for offices and high-end retail establishments; Special Midtown District
C5-1	4.0 commercial ² 10.0 residential ³ 10.0 community facility ²	Central commercial district, intended for offices and high-end retail establishments
C5-2.5	12.0 commercial ² 10.0 residential ³ 12.0 community facility ²	Central commercial district, intended for offices and high-end retail establishments
C5-3	15.0 commercial ² 10.0 residential ³ 15.0 community facility ²	Central commercial district, intended for commercial office, hotel, and high-end retail establishments; residential uses also permitted
C6-6.5	12.0 commercial 10.0 residential ³ 12.0 community facility ²	High-density office district, wide range of high-bulk commercial uses requiring a central location; Special Midtown District
C6-6	15.0 commercial ² 10.0 residential ³ 15.0 community facility ²	High-density office district, wide range of high-bulk commercial uses requiring a central location
C6-7	15.0 commercial ² 10.0 residential ³ 15.0 community facility ²	High-density office district, wide range of high-bulk commercial uses requiring a central location
C6-7T	14.0 commercial ⁴ 10.0 residential ³ 14.0 community facility ²	High-density office district, wide range of high-bulk commercial uses requiring a central location; Special Midtown District
Notes:		
¹ Floor area ratio (FAR) is a measure of density permitted on a zoning lot relative to the base lot area. For example, a 10,000 square foot lot with an FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet. ² Up to 1.0 FAR increase for plaza bonus. ³ Maximum residential FAR may be increased to 12 FAR through provision of tenant recreation space. ⁴ Up to 16.8 FAR with transfer of development rights		
Source: New York City Zoning Resolution.		

C5 districts are intended as central commercial districts with offices and high-end retail establishments that serve the entire metropolitan region and for streets where continuous retail street frontage is desired. Representative uses include luxury department stores, large office buildings, and mixed buildings with residential space above office or commercial uses. C5-1 commercial districts permit commercial development to a maximum of 15.0 FAR. The maximum commercial FAR can be increased by 1.0 FAR by utilizing a public plaza bonus and

by 3.0 FAR through utilization of all available district incentives. Community facilities can be developed to a maximum of 15.0 FAR as well. Residential uses are permitted to a maximum of 10.0 FAR, which can be increased to 12.0 FAR through the provision of tenant recreation space. Within the study area, the C5-1 district is mapped along both sides of 58th Street from within 200 feet of the Avenue of the Americas.

C6 commercial districts permit a wide range of high-bulk commercial uses requiring a central location. Most C6 districts are mapped in Manhattan and Downtown Brooklyn. Representative uses include corporate headquarters, large hotels, entertainment facilities, retail stores, and high-rise mixed residential buildings. C6-7 districts permit development of commercial and community facilities uses to 15.0 FAR, which can be increased by 1.0 FAR by utilizing a public plaza bonus and by 3.0 FAR through utilization of all available district incentives. Residential uses can be developed to 10.0 FAR, which can be increased to 12.0 FAR through the provision of tenant recreation space.

The C6-7T and C6-6.5 districts are only mapped only within the Special Midtown District. The C6-7T district is only mapped with the Special Midtown District Theater Subdistrict. Residential development is permitted to 10.0 FAR and community facility development is permitted to 14.0 FAR. Commercial development is permitted to 14.0 FAR and can be increased to 16.8 FAR with all available bonuses. Within the C6-6.5 commercial district, commercial development is permitted to 12.0 FAR, which can be increased to 13.0 FAR with a public plaza bonus. Residential development is permitted to 10.0 FAR and community facility development is permitted to 12.0 FAR.

R10 residential districts permit the highest residential density in the city. R10H is a residential district mapped along Central Park South and a block front along the east side of Fifth Avenue allows transient commercial hotels by special permit. Residential development is permitted to 10.0 FAR.

SECTIONS 74-79 AND 74-711

Sections 74-79 and 74-711 of the Zoning Resolution enable owners of landmark buildings to realize the economic benefits of the development rights on their properties and assist in preserving landmark buildings over the long-term. Both 74-79 and 74-711 require that CPC consider neighborhood context and scale in approving a proposed project. Section 74-792 provides: “The Commission shall give due consideration to the relationship between the landmark building and any new buildings developed on the adjacent lot regarding materials, design, scale and location of bulk. The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.” Section 74-711 requires that CPC make the following finding in connection with granting the special permit: “such bulk modifications shall have minimal adverse effects on the structures or open space in the vicinity in terms of scale, location and access to light and air.”

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

As described in greater detail in Chapter 1, “Project Description,” in the future without the proposed project the development site will be developed with one of two scenarios—the Previously Approved Project or the Expanded Development Scenario. In addition, as described below, other projects are expected to be completed in the study area.

LAND USE

DEVELOPMENT SITE

Previously Approved Project

The Previously Approved Project will be 285-feet tall with museum, commercial, and retail uses. The building will be constructed on Lots 5, 6, 7, 8, 66 and 69. An infill building will be constructed on Lot 165. The building will contain a total of approximately 250,000 gross square feet (gsf) divided between 180,000 gsf of commercial office space, 68,097 gsf of museum space, and 10,000 gsf of ground-floor retail space. The smaller infill building will connect the additional gallery space within the new building to the existing MoMA space.

Development of the Previously Approved Project on the development site will transform this site from a vacant and underutilized parcel to a site containing museum, commercial office, and ground-floor retail space, consistent with the land uses in the surrounding area.

Expanded Development Scenario

The Expanded Development Scenario will be constructed on the seven vacant lots that comprise the development site. This building will be approximately 1,089 feet tall and will contain museum, hotel, and residential uses. The building will contain a total of approximately 508,013 gsf divided between 314,236 gsf of residential space, 125,679 gsf of hotel use, and 68,097 gsf of museum space. The building will contain up to approximately 105 hotel rooms and up to 300 residential units.

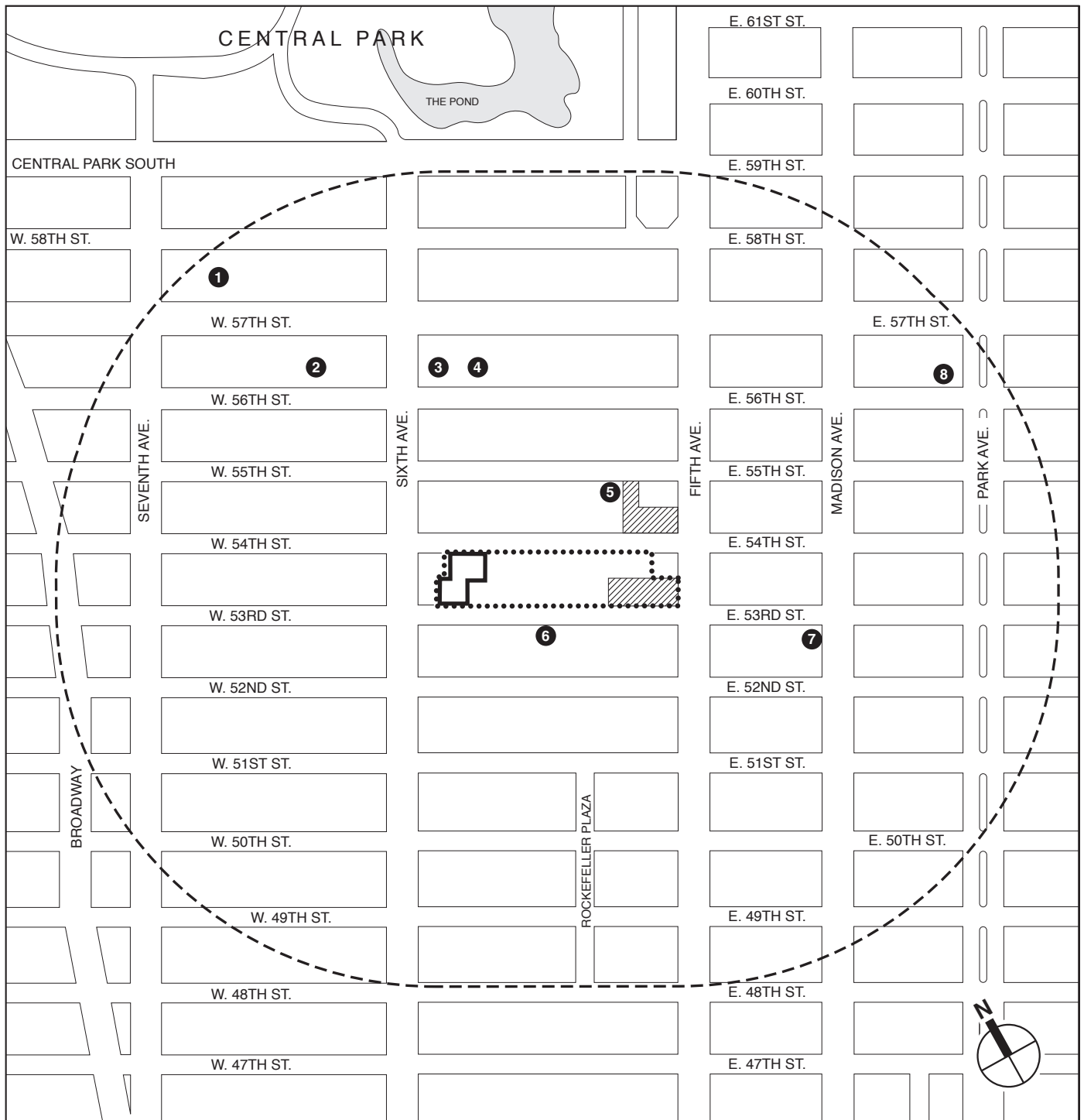
Development of the Expanded Development Scenario on the development site will transform this site from a vacant and underutilized parcel to a site containing museum, hotel, and residential uses, consistent with the land uses in the surrounding area.






PROJECT SITE AND TRANSFER SITE

In the future without the proposed project, the project site and transfer site would not substantially differ from existing conditions. As such, the MoMA complex (with minor changes to link it to either the Previously Approved Project or the Expanded Development Scenario), the Museum Tower, St. Thomas Church, and the University Club will remain at their current locations, functioning as they do today.

STUDY AREA

In the future without the proposed project, eight new projects are expected to be completed by 2013 within the ¼-mile study area (see **Table 2-3** and **Figure 2-3**). The development that will occur will include hotel, commercial, retail, and residential uses. These projects are similar to the land uses currently found within the study area and are not expected to dramatically alter land use.



-  Development Site Boundary
-  Project Site
-  Study Area Boundary (1/4-Mile Perimeter)
-  Landmark Site, subject to Special Permit
-  Development Project

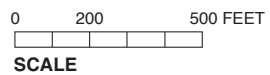


Table 2-3
No Build Development Projects

Map No. ¹	Address	Program Description	Build Year
1	147-161 West 57th Street	50-story mixed-use building with hotel rooms and luxury residential units	2010
2	102-108 West 57th Street	28-story building with 128,484 sq. ft., with 55 hotel rooms	2009
3	52 West 57th Street	24-story residential building	2010
4	33 West 56th Street	16-story, 47-unit residential building	2009
5	12 West 55th Street	22-story, 54-unit residential building	2010
6	24 West 53rd Street	150-room hotel, restaurant, and 28,000 sq. ft. Donnell Library	2011
7	510 Madison Avenue	30-story building with restaurant, retail, and office uses	2008
8	434 Park Avenue	Mixed-use residential building with hotel, residential, and retail	2010
Note: See Figure 2-3 for development project locations			
Sources: AKRF, Inc., New York City Department of City Planning			

One block north of the project site, a 22-story building with 54 dwelling units is under construction at 12 West 55th Street. A 30-story office building is under construction on the corner of Madison Avenue and East 53rd Street. To the north of the project site, a 16-story building with 47 dwelling units and office space on the ground floor will be built at 33 West 56th Street. A 28-story hotel is under construction at 102 West 57th Street. A 50-story mixed-use building with hotel rooms and luxury residential units will occupy a through block lot at 147-161 West 57th Street. A mixed-use building with retail, hotel, and residential uses will be located at 434 Park Avenue. Across West 53rd Street from MoMA, the site of the Donnell Library is planned for redevelopment as a 150-room luxury hotel and restaurant; it will connect to the “21 Club” site along West 54th Street and will also include approximately 28,000 square feet of replacement space for the library. Finally, a 24-story residential building will be located at 52 West 57th Street.

ZONING AND PUBLIC POLICY

DEVELOPMENT, PROJECT, AND TRANSFER SITES

In the future without the proposed project, there are no changes to zoning or public policy expected on the development site, the project site, or the transfer site in the future with either the Previously Approved Project or the Expanded Development Scenario. The Previously Approved Project can be constructed on the development site as-of-right. Thus, no additional actions are necessary to construct this building, which will be in conformance with zoning regulations applicable to the project site. The Expanded Development Scenario will utilize additional floor area provided by the American Folk Art Museum and St. Thomas Church. This is permitted by existing zoning and can be achieved as-of-right. As such, the Expanded Development Scenario will not require any additional discretionary city zoning actions to be constructed.

STUDY AREA

There are no known changes to zoning or public policy expected in the ¼-mile study area in the future without the proposed project. As such, the existing zoning would remain in place in the future without the proposed project.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

DEVELOPMENT SITE

The proposed project would redevelop seven vacant lots used by MoMA into a mixed-use building with museum, hotel, and residential uses. The applicant will enter into a Restrictive Declaration which limits the number of units on the development site to no more than 300 residential units and 167 hotel rooms (other elements of the Restrictive Declaration are described in Chapter 1, “Project Description”). Compared with the Previously Approved Project, the proposed project would result in a different mix of uses on the development site; specifically, the proposed project would contain hotel and residential uses whereas the Previously Approved Project would contain commercial office and retail uses. Compared with the Expanded Development Scenario, the proposed project would result in the same mix of uses (hotel and residential) but would contain 62 more hotel rooms. Like the Previously Approved Project and the Expanded Development Scenario, the proposed project would include additional museum space that would be used to house MoMA’s expanding art collection.

PROJECT SITE AND TRANSFER SITE

The proposed project would not result in any changes to the land uses on the project and transfer sites, and these sites would continue to contain a mixture of museum, institutional, and residential uses. The proposed project’s mix of uses—museum, hotel (including a restaurant), and residential—would be compatible with the uses on the project and transfer sites.

STUDY AREA

The proposed project’s uses would be consistent with the uses found on the project block and within the immediately surrounding area. The project block contains a concentration of museum uses, including MoMA and the American Folk Art Museum. Furthermore, the proposed building’s residential component would be compatible with existing residential development in the area, including Museum Tower, which is located just east of the development site, and the residential uses along West 54th Street across from the project site (the Rockefeller Apartments and rowhouses). Finally, there is a pronounced concentration of hotel uses surrounding the project site (these include the Hilton and the Sheraton, as described above), and the hotel component of the proposed project would be consistent with this prevalent land use. Therefore, the proposed project would not result in any significant adverse impact to land use within the ¼-mile study area.

ZONING AND PUBLIC POLICY

DEVELOPMENT AND PROJECT SITE

The applicant is seeking special permits pursuant to Sections 74-79 and 81-212 that would allow for the transfer of 136,000 square feet of unused development rights from the University Club for use on the development site. The proposed project would also involve the use of 275,000 square feet from St. Thomas Church, available to the development site through a zoning lot merger (this zoning lot merger has not yet occurred). In connection with the use of this floor area, a Section 74-711 and 81-277 special permit would be sought to allow certain zoning

modifications, including the distribution of floor area without regard to zoning district boundaries and the modification of height and setback requirements in the Special Midtown District, pedestrian circulation space requirements, and rear yard equivalent requirements.

The special permit pursuant to ZR Section 74-711 and 81-277 would permit the distribution of floor area on the development site without regard to zoning district boundaries. Because the C5-3, C5-2.5, and C6-6 zoning districts are all R10 equivalent districts, which have the same allowable floor area ratio for residential uses, most of the available St. Thomas Church development rights may be utilized on the development site on an as-of-right basis. However, a portion of the development rights available from the C5-3 portion of the St. Thomas Church site may only be used for commercial or community facility uses. The proposed special permit would allow this floor area (52,429 square feet) to be used for residential purposes. In addition, the proposed special permit would enable the transfer of approximately 68,240 square feet of floor area from the C5-P portion of the zoning lot to those portions of the zoning lot located in the higher density C5-2.5 zoning districts, such that the C5-P portion of the zoning lot would remain underbuilt. This transfer across district boundary lines would result in more of the floor area being located away from the lower density C5-P district and from St. Thomas Church and the University Club. This additional floor area would be developed within the higher density C5-2.5 (12 FAR) zoning district on West 53rd Street and the C6-6 (15 FAR) Sixth Avenue zoning district, which comprise the greatest portion of the footprint of the proposed building. By underbuilding in the low-density C5-P district, the proposed project would respect the development site's location as a transitional zone between the predominantly residential area of townhouses and mid-rise apartment buildings along West 54th Street to the north and the high-rise commercial office district to the south, east, and west.

The proposed actions would continue the long-term strategy for development on the block by underbuilding in the C5-P district. As described in more detail in Chapter 1, "Project Description," previous approvals for the block encouraged development on the West 53rd Street frontage of the block. Specifically, Museum Tower was sited along West 54th Street. In addition, as part of its expansion in 2000, MoMA transferred floor area from the C5-P zoning district for use in the C5-2.5 district, and also retired approximately 86,000 square feet of floor area, thereby significantly underbuilding in the C5-P zoning district. The 2000 expansion also resulted in the demolition of the Dorset Hotel, which was overbuilt within the C5-P district and built to 19 stories without setbacks. The hotel was replaced with a new building that complied with the C5-P height requirements. The placement of the MoMA Sculpture Garden along West 54th Street also reduces the amount of building volume located in the C5-P district and on West 54th Street.

Modifying height and setback requirements would allow the proposed building to extend its volume slightly beyond the limits of the zoning envelope. This modification would provide useable circulation and program areas around the elevator and stair shafts in the upper stories where the building narrows and would therefore result in a more usable and efficient floor plate.

The proposed special permit would also allow the modification of the pedestrian circulation space requirements, which would accommodate the unique constraints of this site and design of this building. This modification is intended to create an active and engaging street frontage along both streets.

The special permit would also allow the modification of the rear yard equivalent requirements. As proposed, the building would encroach into a portion of the required rear yard equivalent

facing West 54th Street. The special permit would enable the building to rise in a tapering spire above an 85-foot streetwall.

The project's proposed uses are permitted in the C5-2.5, C5-P, and C6-6 commercial districts.

Overall, the proposed project's use would comply with existing zoning, and the transfer of development rights would fund the maintenance of two landmark buildings. The project would provide an active and engaging addition to the street frontage, and the design strategy would shift floor area from the lower-density C5-P portion of the development site to the higher density C5-2.5 portion of the site. As such, the proposed building would not have any impacts on zoning or public policy.

The proposed project would be compatible with the applicable goals of the Special Midtown District (see above). Specifically, the proposed project would be compatible with the area's historic and architectural character. As discussed in Chapter 7, "Historic Resources," in order for the project sponsor to meet the requirements of the special permits, the New York City Landmarks Preservation Commission (LPC), must issue a report to CPC supporting the project's application. LPC must find that the proposed bulk and use modifications would relate harmoniously to St. Thomas Church and the University Club, and that the proposed transfer of air rights would not adversely affect these designated New York City Landmarks. LPC issued favorable reports on October 22, 2008 and November 28, 2008. Furthermore, the building would not affect the midblock area north of MoMA and would concentrate development along West 53rd Street instead of West 54th Street.

STUDY AREA

The zoning special permits would apply only to the development and project site and would not affect zoning within the surrounding ¼-mile study area. The proposed project would be consistent with zoning in the surrounding area, and would not have a significant adverse impact on zoning or public policy. *