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CITY PLANNING CREATES NEW ZONING DISTRICT TO BOLSTER BUSINESS DISTRICTS WITH OLDER OFFICE AND LOFT BUILDING STOCK

*Penn South Area Targeted for First Use of Innovative Zoning
Concurrent Applications Start Public Review*

April 25, 2011 – City Planning Commissioner Amanda M. Burden today launched public review for a new zoning designation designed to strengthen high density business districts rich in affordable Class B and C office space by encouraging new investment that will foster more vibrant mixed-use communities. The new zoning designation, M1-6D, would enhance the business environment by permitting new residential development in targeted locations while protecting existing office space and building stock. This initiative to foster a more mixed-use 24/7 neighborhood will support new retail services, and strengthen such commercial uses as new media, architectural firms, creative arts, professional services, and other emerging businesses. The first use of the new zoning district will undergo concurrent public review with a private rezoning application for a mid-block area just south of Penn Station.

Commissioner Burden said, "The proposed zoning would provide a new tool to enliven business districts that have older office and loft buildings which are home to concentrations of affordable office space, otherwise known as Class B and C office space, by enabling these districts to evolve as vibrant places to both live and work, thereby furthering Mayor Bloomberg's commitment to job creation and retention. Adding a measure of residential development to these business districts can foster a more lively working environment while preserving and protecting existing office space and distinctive building stock. This carefully crafted zoning district balances important employment and housing goals in districts with existing Class B and C office buildings, while ensuring that new development will be consistent with the built character of the area."

New M1-6D Zoning

The Department of City Planning (DCP) developed the new M1-6D zoning designation in order to strengthen the Class B and C office use in the loft-style building stock in typical high density manufacturing (M) districts near Midtown, by promoting new investment and activity and discouraging residential conversions and demolition. The proposed M1-6D regulations would:

- Permit development at 10 FAR for commercial, manufacturing and a wider range of community facility uses, enabling businesses to locate and expand. The proposed density is consistent with the existing built character found in high density M districts, and is appropriate for areas near Midtown with such rich transit infrastructure.
- Allow residential infill on lots developed with less than 50,000 square feet of floor area in order to encourage a critical mass of residential use on under-utilized sites to attract other new investment and add round-the-clock vitality.
- Promote affordable housing on these infill sites through the Inclusionary Housing Program, which provides bonus floor area in exchange for the creation or preservation of affordable housing. New residential buildings will be limited to 9 FAR unless they provide 20 percent of their residential floor area as affordable housing, which would enable them to increase the permitted FAR to 12.
- Preserve the concentration of commercial uses by prohibiting the conversion to residential of commercial or manufacturing buildings with more than 50,000 square feet of floor area.
- Discourage demolition of commercially occupied loft buildings and the employment base in them. If a building with more than 50,000 square feet of commercial or manufacturing floor area were to be demolished, any new building on the site would need to replace the demolished commercial/manufacturing floor area in its entirety in the new development.
- Allow hotels with over 100 rooms only through special permit, to ensure that these mixed use areas obtain a meaningful residential presence.

- On zoning lots with at least 50 feet of frontage, require that a minimum of 50 percent of the ground floor be dedicated to retail to enliven the street.
- Mandate a building form that reinforces the existing streetwall context found in these high density M districts where M1-6D is proposed to be mapped. The regulations would ensure that buildings must be built to the street line, have a strong street wall presence, and that building heights will be limited. Specifically the district would require a street wall height of between 85 and 125 feet and cap the overall building height at 210 feet on narrow streets; and require street wall heights between 125 and 150 feet on wide streets with a maximum building height of 290 feet.

Proposed Rezoning Area

Many of the manufacturing districts in Midtown, and particularly the M1-5 district south of Penn Station, no longer reflect the evolving land uses within their boundaries and the changing character of the surrounding areas.

In the M1-5 district south of Penn Station, for instance, there are a range of uses, including a limited amount of residential, some light industrial, and Class B and C office space that supports a variety of businesses. However, more than half the buildings in the area have more floor area than is permitted under the current M1-5 FAR limit of 5.0. The limitations on FAR and use, including a prohibition on residential use, have discouraged investment in new development, leaving the area with a number of surface parking lots and other underutilized sites. The blocks have a strong urban fabric that is undermined by the current zoning, which has no height limits and does not require consistent street walls. As a result, the few recent projects that have been built in the district are out of character with buildings in the surrounding area.

A subsidiary of Edison Properties, LLC (249 W. 28th Street Properties, LLC) is proposing to rezone two mid-blocks bounded by West 28th Street, Eighth Avenue, West 30th Street, and Seventh Avenue from the existing M1-5 to M1-6D. Edison proposes to redevelop a large surface parking lot and parking structure into a development with 407 residential units and with approximately 20 percent of the residential floor area as affordable using the Inclusionary Housing Program incentives. Given the number of surface parking lots, the proximity to transit and the residential neighborhood of Chelsea to the south, the applicant sees the addition of residential uses as an enhancement of the mixed-use character of this area.

The area proposed to be rezoned is part of the area formerly known as the Fur District that was located roughly from West 27th to 30th Streets, Sixth to Eighth Avenues. Like the Garment Center to the north, the Fur District was characterized by loft buildings with a “stepped-back” pattern on the upper floors. As the number of fur-related businesses declined in the past 20 years, the rezoning area has evolved into a Class B and C office district. The applicant views the infill residential development on underbuilt lots as a way to promote 24/7 street activity, increase services that will be used by both residents and workers, and help link this area to the residential Chelsea neighborhood to the west and south.

The Edison application will be reviewed concurrently with the M1-6D zoning text change. Manhattan Community Board 5 now has 60 days to review the proposals, after which they will go to the Borough President, the City Planning Commission and the City Council as part of the City’s Uniform Land Use Review Procedure (ULURP). For specifics of the [zoning proposal](#) or more details on the [ULURP time line](#), please visit the DCP website.

Department of City Planning

The Department of City Planning (DCP) promotes strategic growth, transit-oriented development, and sustainable communities in the City, in part by initiating comprehensive, consensus-based planning and zoning changes for individual neighborhoods and business districts, as well as establishing policies and zoning regulations applicable citywide. It supports the City Planning Commission and each year reviews more than 500 land use applications for actions such as zoning changes and disposition of City property. The Department assists both government agencies and the public by providing policy analysis and technical assistance relating to housing, transportation, community facilities, demography, waterfront and public space.