



## M1-6D Text Amendment - **Approved!**

### Update September 21, 2011:

On September 21, 2011, the City Council adopted the M1-6D Text Amendment.  [View the adopted zoning text.](#) The zoning text changes are now in effect.

### Overview

The Department of City Planning proposes a text amendment to create a new *zoning district*: M1-6D. The proposed new district is intended to facilitate the creation of vibrant mixed-use areas by preserving existing concentrations of Class B and C office and light industrial space, while allowing *contextual*, infill residential *development*, with ground floor retail, on underbuilt sites. The proposed text would also create opportunities for affordable housing development through the Inclusionary Housing Program. The new district is proposed to be mapped for the first time with a private rezoning application for an area south of Penn Station on the midblock portions of two blocks bounded by West 28th Street, Eight Avenue, West 30th Street, and Seventh Avenue in Community District 5, Borough of Manhattan.

 [View the adopted zoning text.](#)



 [View the presentation.](#)

### Background

Over the last decades, many of the manufacturing districts south of Midtown have transitioned from *manufacturing districts* to important centers of Class B and C commercial office space that house diverse sectors of New York City's economy. Increasingly, these districts are home to emerging media, professional services, non-profit, health care, arts, design, and other business that are attracted by affordable rents and the central location. Nonetheless, these areas have received little new investment, lack a variety of retail services, and are often characterized by surface parking lots, despite the fact that they have some of the best transit access in New York City and are surrounded by neighborhoods that have continued to experience development and growth.



Surface parking lots on West 29th Street between 7th and 8th avenues.



Out-of-character hotel development on West 28th Street between 6th and 7th avenues.

Moreover, the few developments built under the existing zoning regulations are often out of character with the rich, pre-war loft architecture of these areas. A number of hotels, for example, have recently been built 15 or 20 feet from the *street line* and rise without *setbacks* or articulation to a height taller than their pre-war neighbors. Overall, the

Department recognizes the significant value of the affordable office market that has been created and the importance of the array of businesses that locate in these areas to the City's economic diversity, but believes the existing manufacturing zoning has, in places, stymied new investment and development, such as new housing, that could complement existing [uses](#), enhance the business environment by enlivening streets and bringing in new retail services, and generally create a more robust mixed-use, "24/7" community that would help stitch these districts back into the evolving fabric of Manhattan.

Against this backdrop, the Department was approached by a private applicant seeking to develop [residential uses](#) on property located in an M1-5 zoning district between West 28th Street and West 29th Street and between Seventh and Eighth avenues, just north of the Fashion Institute of Technology and south of Penn Station. In consideration of the above trends, the Department began to look at ways to accommodate such uses while taking into account the important contributions of the area's existing affordable office market and its unique, built character. An in-depth study of the two midblocks between West 28th Street and West 30th Street (see zoning map below) helped create the outlines of the new M1-6D zoning district and, many of the specific use and [bulk](#) regulations were designed with this particular area in mind.



Zoning map showing area proposed to be rezoned.

### **M1-6D Use Regulations**

The M1-6D zoning district would create a unique set of use regulations that would:

- Provide protections for existing concentrations of commercial and light [manufacturing uses](#);
- Allow infill residential development that reflects the existing built character;
- Allow a broader range of [community facility uses](#);
- Require ground floor retail uses and transparency to enliven the street;
- Require a [special permit](#) (or [certification](#)) for hotels with more than 100 rooms to ensure that hotel development does not preclude development of residential uses and affordable housing.

#### *Protections for concentrations of existing commercial or manufacturing uses*

- zoning lots that contain buildings with at least 50,000 square feet of [floor area](#) some or all of which consists of non-residential uses, the amount of non-residential floor area in the [building](#) at the time of referral of this text would need to be maintained on the [zoning lot](#). This requirement could be met by keeping the existing building

in place or constructing a new building with one-for-one replacement of commercial or manufacturing floor area.

#### *Residential uses*

- For zoning lots that contain buildings with less than 50,000 square feet of floor area, residential uses would be allowed *as-of-right*. This would help facilitate the redevelopment of surface parking lots and other underdeveloped sites with new residential uses.
- For zoning lots that contain at least 50,000 square feet of floor area, some or all of which consists of non-residential uses, residential uses would be allowed only upon certification by the City Planning Commission.

#### *Community facility uses*

- Currently, in M1 zoning districts, a very limited set of community facility uses are allowed. These uses include houses of worship, open uses such as cemeteries, and a category of health facilities. The proposed zoning district would allow the full range of community facility uses, such as universities, schools, museums, and non-commercial art galleries.
- Community facility uses with sleeping accommodations (ie. dorms) would be allowed as of right on zoning lots containing less than 50,000 square feet of floor area, however, like residential uses, a certification would be required for such use on zoning lots with at least 50,000 square feet of floor area, some or all of which consists of non-residential uses.

#### *Hotels*

- Hotels with more than 100 rooms would only be permitted through a special permit unless the residential goal for the particular M1-6D district has been met. The residential goal for this proposed M1-6D area would be 865 units, which is based on the projected residential development sited in the EAS for the proposed rezoning action. Once the residential development goal has been achieved hotels would be permitted as-of-right if the Chairperson of the City Planning Commission has certified that the residential development goal has been met. This requirement is intended to ensure that hotel development does not conflict with the goal of a vibrant mixed-use district with a meaningful residential presence. Hotels with less than 100 rooms would be allowed as of right.

#### *Retail uses and transparency*

- For zoning lots with 50 feet of frontage or more, retail uses are required along 50% of such frontage and are required to have a minimum depth of 30 feet.
- For all permitted ground floor uses, except ground floor apartments where allowed, 50% of the surface area of the streetwall located between two feet and 12 feet would be required to be glazed with transparent material.

#### ***M1-6D Bulk Regulations***

The proposed M1-6D zoning district would create bulk regulations that would: 1) allow the appropriate amount of density given the location of the proposed rezoning area, and the size of existing buildings; 2) provide incentives for affordable housing in the context of a high-density, mixed-use area; and 3) ensure that new development or enlargements complement the existing built context and architectural expression of the larger pre-war loft buildings located in the proposed rezoning area.

#### *FAR and Affordable Housing*

- The proposed M1-6D district would allow a maximum *floor area ratio* (FAR) for residential, community facility, commercial and light manufacturing uses of 10.0, however for M1-6D districts mapped within an Inclusionary Housing designated area, the maximum base FAR for a zoning lot containing residences would be 9.0, bonusable to 12.0 through the *Inclusionary Housing program*. Many of the buildings within the proposed rezoning area have densities greater than 10.0 FAR and are located near excellent public transportation.
- Under the Inclusionary Housing program, developments are eligible for a maximum floor area bonus of 33% in exchange for setting aside 20% of the building's floor area for affordable housing.
- The proposed M1-6D district would modify the Inclusionary Housing bonus formula in order to encourage a range of non-residential uses in addition to affordable housing. In R10 and equivalent districts within

- Inclusionary Housing designated areas, the base FAR allowed for a zoning lot containing any *residences*, such as in a mixed-use building, is 9.0. This reduces the as-of-right 10.0 FAR allowed for commercial and community facility uses in the M1-6D district. Additionally, the current formula requires that 20% of the floor area of a building (excluding the ground floor) be reserved for affordable housing, regardless of whether the building contains non-residential uses above the ground floor. These factors make it less likely that buildings of a true mixed-use nature would be developed, contrary to this district's goals.

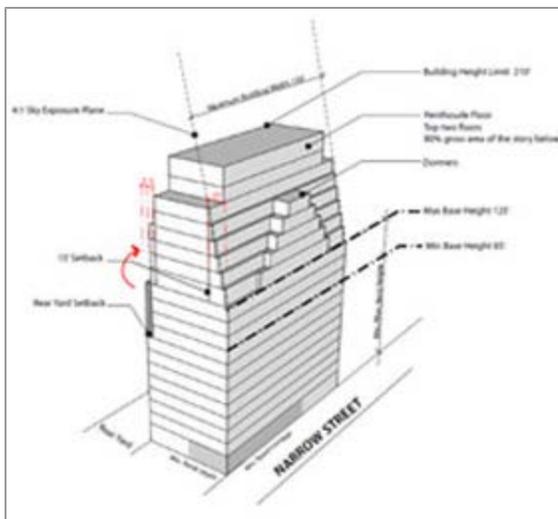
Therefore, in order to help encourage the mixing of residential and non-residential uses, the base FAR would be set at 9.0 plus 0.25 FAR for each 1.0 FAR of non-residential floor area in the building, up to a maximum base FAR of 10.0. For example, a building with 0 FAR of non-residential uses would be allowed a maximum base FAR of 9.0; a building with 1.0 FAR of non-residential uses would be allowed a maximum base FAR of 9.25; a building with 2.0 FAR of non-residential uses would be allowed a maximum base FAR of 9.5; a building with 3.0 FAR of non-residential uses would be allowed a maximum base FAR of 9.75; and a building with 4.0 FAR of non-residential uses would be allowed a maximum base FAR of 10.0.

This amendment would still require that 20% of the residential floor area be reserved for affordable housing in order to achieve the Inclusionary Housing bonus.

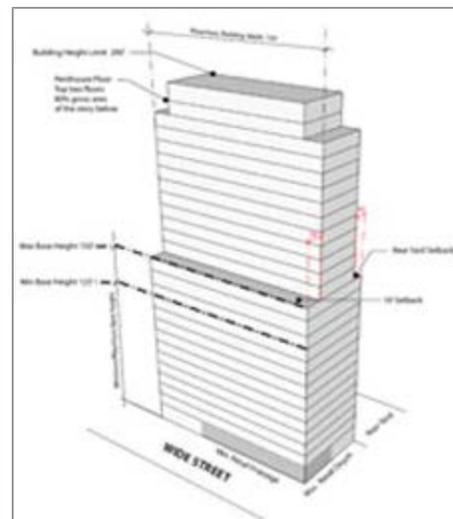
[View the M1-6D Affordable Housing chart.](#)

### Building Form

- The [chart](#) highlights the most significant bulk controls for developments in the proposed M1-6D district. These controls are intended to produce development that respects and complements existing buildings in the proposed rezoning area.



[View a larger image.](#)



[View a larger image.](#)

### Public Review

The M1-6D proposal began formal public review on April 25, 2011, with the Department of City Planning's referral of the application N 110285 ZRY.

<b>Milestones</b>	<b>Target Dates</b>
Department of City Planning referral	April 25, 2011
Community Board 5 Approval	June 10, 2011
Manhattan Borough President Approval with Conditions	July 13, 2011
City Planning Commission Hearing	July 27, 2011

City Planning Commission Approval (with modifications*) ( <a href="#">Read the CPC Reports.</a> )	August 24, 2011
City Council Approval	September 21, 2011

**\*CPC Modifications:**

The modifications intend to make the proposed regulations stronger and more effective in achieving the district's goals, and respond to the recommendations made by Community Board 5 and the Borough President. These modifications to the application include reducing the threshold for preserving non-residential floor area to zoning lots with 40,000 square foot buildings from zoning lots with 50,000 square foot buildings and the retention of the public plaza floor area bonus along the west side of Seventh Avenue between West 28th Street and West 30th Street.

For more information about this proposal please contact the Manhattan Office of the Department of City Planning at (212) 720-3480.

## Related Notes

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-  Items accompanied by this symbol require the [free Adobe Acrobat Reader](#).
- Brief explanations of terms in *green italics* can be viewed by [visiting glossary page](#). Words and phrases followed by an asterisk (\*) are defined terms in the Zoning Resolution, primarily in Section 12-10. Consult the Zoning Resolution for the official and legally binding definitions of these words and phrases.