



## CITY PLANNING COMMISSION

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May 9, 2012/ Calendar No. 3

C 120145 ZMM

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**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections Nos. 5d & 8c:

1. establishing within an existing R10A District a C1-5 District bounded by West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, a line midway between West 76<sup>th</sup> Street and West 77<sup>th</sup> Street, and Columbus Avenue;
2. establishing a Special Enhanced Commercial District- 2 (EC-2) bounded by:
  - a. Cathedral Parkway, Amsterdam Avenue, West 109<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 105<sup>th</sup> Street, Amsterdam Avenue, West 103<sup>rd</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - b. West 102<sup>nd</sup> Street, Amsterdam Avenue, West 101<sup>st</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - c. West 100<sup>th</sup> Street, Amsterdam Avenue, West 87<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 73<sup>rd</sup> Street, Amsterdam Avenue, West 75<sup>th</sup> Street, and a line 100 feet westerly of Amsterdam Avenue; and
  - d. West 87<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 81<sup>st</sup> Street, Columbus Avenue, West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 72<sup>nd</sup> Street, Columbus Avenue, a line midway between West 72<sup>nd</sup> Street and West 73<sup>rd</sup> Street, and a line 100 feet westerly of Columbus Avenue; and
3. establishing a Special Enhanced Commercial District- 3 (EC-3) bounded by Cathedral Parkway, a line 100 feet easterly of Broadway, West 78<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 75<sup>th</sup> Street, Amsterdam Avenue, West 74<sup>th</sup> Street, Broadway, West 72<sup>nd</sup> Street, a line 100 feet westerly of Broadway, West 105<sup>th</sup> Street, West End Avenue, West 107<sup>th</sup> Street, and a line 100 feet westerly of Broadway.

as shown in a diagram (for illustrative purposes only) dated January 3, 2012, Borough of Manhattan, Community District 7.

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An application for an amendment to the Zoning Resolution, C 120145 ZMM, was filed by the Department of City Planning on December 30, 2011 to establish the Special District “EC-2” along 77 blocks of Amsterdam and Columbus avenues, and “EC-3” along 73 blocks of Broadway, and to map a C1-5 commercial overlay on a portion of Columbus Avenue between 76<sup>th</sup> and 77<sup>th</sup> streets currently zoned R10A, in Manhattan Community District 7.

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## **RELATED ACTION**

In addition to the amendment of the Zoning Resolution, which is the subject of this report (C 120145 ZMM), implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

**N 120144 ZRM**      Zoning text change to establish the Special Upper West Side Enhanced Commercial District – 2 on 77 blocks along Amsterdam and Columbus avenues, and the Special Upper West Side Enhanced Commercial District – 3 on 73 blocks along Broadway.

## **.BACKGROUND**

The Department is proposing a zoning amendment to create frontage limitations and transparency regulations that respond to unique conditions on the Upper West Side.

The Upper West Side Neighborhood Retail Streets Proposal is the result of over three years of public outreach and input, and research into the unique retail conditions of the Upper West Side. In response to concerns from the Upper West Side community and elected officials that the community's local retail landscape was threatened by an over proliferation of large frontages that threatened the existing built character, the Department crafted a zoning proposal that responds to the community's concerns by maintaining the general multi-store character of Amsterdam and Columbus avenues, while promoting a varied and active retail environment on Broadway which is typified by larger and 2<sup>nd</sup> story retail establishments. The proposal includes the mapping of two Special Enhanced Commercial Districts that are specifically tailored to the unique retail conditions of the Upper West Side. Over the long term, this proposal would ensure that storefronts are generally consistent with the existing built environment, while allowing ample flexibility for change over time.

The Upper West Side's commercial streets offer diverse retail services to one of the most dense and vibrant residential neighborhoods in the city. However, the land use and population characteristics of the Upper West Side make this area's healthy retail balance delicate and susceptible to change. Unlike other residentially dense neighborhoods in the City, the Upper West Side retail presence is primarily limited to three commercial corridors – Broadway, Amsterdam and Columbus – that serve a large residential population. Several avenues and most of the side streets on the Upper West Side provide no commercial square footage. The buildings along Amsterdam and Columbus avenues within the project area are predominantly mixed-use, with multiple local retail and services occupying ground floor commercial spaces, narrow residential lobbies on the ground floor providing access to residential units above along the avenues, and wider residential lobbies along the side streets. Buildings have storefronts measuring 23' in width, on average, on the ground floor, within a range generally between 8' to 40'. Residential lobbies have frontages between 8' and 15'.

Along Amsterdam and Columbus avenues commercial and community facility establishments with frontages exceeding 40' represent only 7% of all establishments. This results in multiple storefronts along a single block which accommodate a range of uses including clothing stores, hardware stores, laundromats, restaurants, and pharmacies. The multiple storefronts provide a vibrant and dynamic pedestrian experience by allowing for a diversity of uses, and contribute to the neighborhood character that defines the Upper West Side. Furthermore, most establishments along both corridors have windows allowing pedestrians and shoppers to see in and out. While there are no existing requirements for transparency along the affected block fronts of Amsterdam Avenue, Columbus Avenue falls largely within a Historic District and store frontage transparency is subject to Landmarks Preservation Commission approval.

The Upper West Side neighborhood is also served by retail establishments along Broadway, where the built environment and zoning more easily facilitate large commercial spaces.

In recent years, the neighborhood has attracted attention from retailers seeking larger frontages, especially with respect to banks on Broadway. As a result, the neighborhood has undergone a period of space assemblage and alteration. Recognizing the preferences of some retailers, and usually with the hope of attracting one single commercial tenant, some property owners have

assembled multiple small adjacent storefronts into a single large one. The resulting space stands in contrast to the characteristic built environment of the commercial corridor, disrupts the streetscape fabric from a pedestrian standpoint, and leads to less commercial diversity as multiple small stores are replaced by one use.

Most of the banks in the affected area have occupied newly-built commercial space, or have been carved out of multiple small storefronts. This practice disrupts the streetscape fabric and reduces the dynamism and diversity of retail along the block. There are currently 24 national or regional banks on Broadway between 72<sup>nd</sup> and 110<sup>th</sup> streets (on the west side) and 74<sup>th</sup> and 110<sup>th</sup> streets (on the east side) – nearly one per block. The banks have average ground floor frontages of 50', or approximately one-quarter of a standard block length. Along Columbus Avenue within the proposal area, there are 5 banks with average ground floor frontages of 55'. Banks are still growing in the neighborhood and consuming significant portions of ground floor frontage. Many close their offices on the weekends and on weekday late afternoons, deadening street vitality and reducing foot traffic, and potentially jeopardizing these successful retail corridors. The large bank frontages also effectively narrow the variety of retail services in this very dense neighborhood.

Blocks defined by a multi-store character, where average ground floor frontages are less than 25' and where very few establishments have more than 40' of ground floor frontage, lose their diversity and vitality when several storefronts are assembled. The assembling of multiple storefronts along Amsterdam and Columbus avenues would produce a result that is out of character and detrimental to the neighborhood's ability to offer a variety of goods and services, and an active and engaging pedestrian experience.

To respond to these concerns, the Department of City Planning (DCP) proposes a zoning text amendment and a zoning map amendment to establish two Special Enhanced Commercial Districts in Manhattan Community District 7. The Special Districts would apply to 77 block fronts along Amsterdam and Columbus avenues, and 73 block fronts along Broadway. The Department of City Planning also proposes mapping a C1-5 commercial overlay on the west side of Columbus Avenue to recognize existing commercial uses.

After a detailed analysis of the streetscape and consultation with local stakeholders, DCP crafted the proposed actions specifically for this area. The goals of the Upper West Side Neighborhood Retail Streets proposal are to:

- encourage diverse retail and service opportunities;
- preserve and enhance the multi-store character of Amsterdam and Columbus avenues;
- promote a vibrant and active retail environment on Broadway;
- promote an active streetscape and attractive environment for pedestrians; and
- allow existing businesses flexibility to operate and expand considerably.

The special provisions of the districts include:

- Ground floor frontage restrictions for new and expanding banks and residential lobbies along Broadway, Amsterdam and Columbus avenues.
- Ground floor frontage restrictions for new and expanding commercial uses along Amsterdam and Columbus avenues.
- Minimum number of stores per block requirement on Amsterdam and Columbus avenues.
- Transparency/glazing requirements for new developments along Broadway, Amsterdam and Columbus avenues.

Each of the major components to this text amendment seeks to address a specific issue identified in the project area and will strengthen the built character of this dynamic commercial neighborhood by ensuring that storefronts are generally consistent with the existing built environment while allowing ample flexibility for change over time.

#### **Zoning Text Amendment (N 120144 ZRM)**

The proposed zoning text amendment would create the Special Upper West Side Enhanced Commercial Districts – 2 and 3 in the Zoning Resolution and would provide regulations pertaining to ground floor street frontages and transparency. The proposed area to which the Special Upper West Side Enhanced Commercial District - 2 text would apply encompasses 77 block fronts on Amsterdam and Columbus avenues in Manhattan Community District 7. The proposed area to which the Special Upper West Side Enhanced Commercial District - 3 text would apply encompasses 73 block fronts on Broadway in Manhattan Community District 7.

The proposed Special District regulations would be applicable to lots with a frontage on the following portions of Broadway, Amsterdam and Columbus Avenues:

- Special Enhanced Commercial District – 2 includes transparency requirements, and ground floor frontage maximums for general commercial establishments, banks, and residential lobbies. This district encompasses Amsterdam Avenue bounded by 75th Street and 110th Street on the west side, excluding the blocks between 100th – 101st and 102nd-103rd streets, and bounded by 73rd and 87th streets, and 105th and 109th streets on the east side of the avenue; and
- Columbus Avenue bounded by 72nd and 87th streets.
- Special Enhanced Commercial District – 3 includes transparency requirements and ground floor frontage maximums for banks and residential lobbies. This district encompasses Broadway bounded by 72nd Street and 110th Street on the west side, and 74th Street and 110th Street on the east side.

The proposed Special Districts would promote a vibrant mix of uses in the Upper West Side in new buildings and enlargements by limiting the frontage of most new and expanding retail and commercial establishments along Amsterdam and Columbus avenues, and limiting the frontage of new and expanding banks and residential lobbies along Broadway, Amsterdam and Columbus Avenues. It would apply ground floor transparency requirements for new buildings to enhance the pedestrian environment. The zoning is tailored to reinforce the current neighborhood character of multiple storefronts per block while allowing ample flexibility for change over time. By allowing storefronts of up to 40' for general

commercial and community facility uses, 93% of existing establishments would comply with the proposal. Most would be able to expand their existing spaces, and many would be able to double their frontages under the proposal.

### *Bank Frontage Limitations*

Along applicable portions of Broadway, Amsterdam and Columbus avenues, new and expanding banks and loan offices would be limited to 25' of ground floor frontage. The regulations would not impose any restriction on a bank's size or ability to expand to the 2<sup>nd</sup> story, below street level, or around other ground floor uses beyond a depth of 30' from the street wall. Under the proposal, banks would continue to be able to grow and expand by adopting different configurations that could include bi-level stores. In short, the proposal does not seek to limit a bank's ability to locate or expand within the project areas; rather, it seeks to limit their ground floor street presence in order to allow for a greater number of stores that provide a diversity of commercial needs and improve the pedestrian experience. Existing bank spaces with ground floor frontages exceeding 25' on Broadway, Amsterdam and Columbus avenues would not be affected.

### *Commercial Frontage Regulations*

Along Amsterdam and Columbus avenues, a minimum of two non-residential establishments would be required for every 50' of street frontage for all zoning lots with a lot width of 50' or more, as measured along the street line of Amsterdam or Columbus avenues for new developments.

All new and expanding establishments (other than banks or loan offices for which the 25' ground floor frontage requirement would apply) would not be allowed to exceed 40' in width along Amsterdam and Columbus avenues, except for grocery stores, schools and houses of worship.

Each ground floor establishment that meets the two establishments-per-50'-frontage requirement along Amsterdam and Columbus avenues would be required to have a depth equal to at least 30', as measured from the street wall along the designated commercial

street. Other establishments that fit within the frontage after the two-per-50'-frontage requirement is met would have no minimum depth requirement.

Overall store size would not be restricted, and stores could layout with any configuration so long as they did not exceed the street frontage restrictions. For example, stores could expand downstairs into the basement, as some do today, or wrap behind other establishments fronting the avenue. Under the proposal, stores would continue to grow and expand by adapting to different configurations that may include bi-level stores. New buildings could provide 2<sup>nd</sup> story commercial spaces with residential units on higher floors, as other new buildings in the proposal area have done. There is no proposed frontage limitation for frontages on the side streets – the limitations apply only to frontages along the avenue. Existing commercial spaces with frontage exceeding 40' on Amsterdam and Columbus avenues would not be affected.

#### *Residential Lobbies*

Along Broadway, new or expanding ground floor lobbies for upper floor uses would not be allowed to exceed 25' in width at street level. Along Amsterdam and Columbus avenues, all new or expanding ground floor lobbies would not be allowed to exceed 15' in width at street level.

#### *Transparency*

Along Broadway, Amsterdam and Columbus avenues, transparency would be required to be provided across 50% of the facade of new developments between a height of 2' and 12' as measured above the sidewalk level. This would apply to all uses (including lobbies) fronting Broadway, and Amsterdam and Columbus avenues. Transparency could cover any portion of the establishment frontage; however, the lowest point of any transparency that is provided to satisfy the requirement would not be allowed to be higher than 2'6" above the sidewalk, to ensure that windows don't begin above eye-level. No portion of a ground floor could have a blank wall with a width exceeding 10'.

#### *Certification to Modify Maximum Frontages of Landmarked Buildings and in Historic Districts*



A Certification to modify the proposed maximum establishment frontages would be available for buildings designated as a landmark, or located entirely within a Historic District. The Certification would be granted upon meeting the following condition: That the applicable designation report by the Landmarks Preservation Commission presents a conflict with the proposed frontage limitations. In order for an application to be certified, the applicant would need to provide the City Planning Chairperson with a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission stating that the proposed modification is consistent with the characteristic of the building's historic character.

*Authorization to Modify Maximum Frontages for New and Expanding Establishments*

An Authorization to modify the proposed maximum establishment frontages would be available for applicants seeking ground floor frontages in excess of 40' for general commercial uses, and in excess of 25' for banks and residential lobbies (15' for residential lobbies along Amsterdam and Columbus avenues). The Authorization would be granted upon meeting one of two findings: 1) that the proposed use cannot be reasonably configured within the permitted frontage; or 2) a high ground floor vacancy rate, resulting from adverse market conditions, exists within a reasonable distance of the proposed use.

**Zoning Map Amendment (C 120145 ZMM):**

The proposed Special Upper West Side Enhanced Commercial Districts text amendment would be shown on the zoning map by mapping a Special District denoted "EC-2" and "EC-3" (Enhanced Commercial).

The Special Enhanced Commercial District – 2 ("EC-2") includes Amsterdam Avenue bounded by 75th Street and 110th Street on the west side, excluding the blocks between 100th – 101st and 102nd-103rd streets, and bounded by 73rd and 87th streets, and 105th and 109th streets on the east side of the avenue; and Columbus Avenue bounded by 72nd and 87th streets. The Special Enhanced Commercial District -3 ("EC-3) includes Broadway bounded by 72nd Street and 110th Street on the west side, and 74th Street and 110th Street on the east side.

The Department of City Planning is proposing mapping a C1-5 commercial overlay along 100' of the west side of Columbus Avenue from 77th and 76th streets. This portion of the block is

currently zoned R10A with no overlay. There are currently 2 pre-existing non-conforming commercial establishments on this portion of the block – one restaurant and one clothing retailer. The uses are consistent with the ground floor uses along the rest of the block, and in the general area. The purpose of the proposed overlay is to bring the uses into conformance and to ensure the retail continuity of the commercial corridor. The proposed overlay will also permit the application of the proposed EC-2 special provisions to this half-block.

In addition, the Special Fourth Avenue Enhanced Commercial District (“EC”), adopted on 11/29/2011, would be amended to be shown on the zoning map denoted “EC-1”. No underlying regulations would be affected.

## **ENVIRONMENTAL REVIEW**

This application (C 120145 ZMM), in conjunction with the related application (N 120144 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 12DCP079M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on January 3, 2012. A revised Environmental Assessment Statement was prepared to reflect the modifications discussed herein, and a revised Negative Declaration issued with respect thereto on May 7, 2012.

## **UNIFORM LAND USE REVIEW**

This application (C 120145 ZMM) was certified as complete by the Department of City Planning on January 3, 2012, and was duly referred to Community Board 7 and the Borough President of Manhattan, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b),

along with the related zoning text amendment (N 120144 ZRM), which was referred for information and comment in accordance with the procedure for non-ULURP actions.

### **Community Board Review**

Community Board 7 held a public hearing on this application (C 120145 ZMM) on March 6, 2012, and on that day, by a vote of 37 in favor, with 0 opposed and 2 abstentions, adopted a resolution recommending approval of the application, subject to the following conditions:

1. **Authorizations:**

- The first proposed ground for authorization would permit the very type of use which it is desirous to prevent, i.e., large stores which will claim that their proposed “use” cannot be accommodated within the maximum width provided.
- The second proposed ground, economic hardship, is acceptable in principle, but the terms “high ground floor vacancy” and “reasonable distance” should be defined, e.g., a 15% vacancy over a half mile in either direction on the affected avenue.
- In the case of an application by an existing business seeking to expand into a contiguous space where such expansion would result in a storefront that exceeds the permissible maximum, the City Planning Commission shall act on such application within 90 days of submission or the application shall be deemed granted.

2. **Interface between landmarks regulations and the Landmarks Preservation Committee:**

- City Planning Chair Certification to waive frontage maximums upon receipt of a Certificate of Appropriateness from LPC should not allow for the override of zoning regulations.
- LPC should be allowed to certify, after notice and a hearing, that the landmark character of a building would be destroyed by adherence to underlying zoning. The City Planning Commission should have the right to issue an appropriate authorization.

- The interface between Landmarks Regulations and the Zoning Resolution represents an unwarranted burden on both the developer and the Community Board and which fosters confusion rather than clarity. This proposed amendment presents an ideal vehicle for prescribing a new procedure for applicants where both Landmark Regulations and Zoning action are involved. A single application, to be acted on by different agencies within the same time period should be mandated for all but exceptional cases. This would enable the Community Board to consider the Landmarks and Zoning issues of a proposed project at the same time.

### 3. **Community Board review and comment**

- The text of the Amendment or some other official document should clarify that authorizations are subject to a review and comment period by the Community Board.

### **Borough President Review**

This application (C 120145 ZMM) was considered by the Manhattan Borough President, who issued a recommendation approving the application on April 4, 2012, subject to the following conditions:

1. **Increase residential lobby restriction on Amsterdam and Columbus to 25'**. While it is unlikely that a property owner would use space for residential lobbies that could otherwise be used for valuable commercial uses, some developers may prefer larger lobbies to create a unique street frontage or accommodate building personnel. The restriction to 15' may restrict these uses and therefore, the proposed lobby limitation on Amsterdam and Columbus should extend to Broadway's proposed limitation of 25'.

2. **Clarify definition of “establishment”**. A clear and unambiguous definition of establishment is fundamental to the interpretation of these regulations and the success of the proposal. As the text continues to be evaluated, the City should work to define the term establishment specific to these zoning districts, which will allow all parties to have a clear understanding of whether or not individual establishments can combine.

**3. Reduce minimum depth of commercial establishments from 30' to 15'.** Thirty foot deep stores may hamper smaller business, which are crucial to the vitality of the neighborhood such as florists, newsstands, locksmiths and shoe repair stores. While many of these uses also occupy larger spaces, they can thrive in smaller spaces and often benefit from lower rent. Additionally, the depth requirement also applies to uses like ATM kiosks, which could be inappropriately sized at 30' deep.

Encouraging flexibility for smaller store sizes is appropriate and aligned with the overall goals of the text amendment. As such, a minimum depth minimum of 15' should be adopted to better accommodate smaller retail spaces and still prevent the creation of oddly shaped stores.

**4. Simplify transparency requirement to allow for flexibility.** The proposed transparency requirements aim to prevent blank frontages by creating an active and engaging pedestrian experience. The text, as currently written, requires 50% transparency on the store front as measured between 2' and 12' off the sidewalk, but such transparency must be located between 2'6" and 12'. These minimum transparency requirements, using two different lower limiting planes, (2' and 2'6") are unnecessarily complex and may lead to store owners to not provide transparency below 2'6". The resulting streetscape may result in overly uniform street windows, which is contrary to the intent of the text or the existing character. To provide clarity, the text should be modified to require 50% transparency, but allow the transparency to be provided anywhere including below the 2' lower limiting plane.

**5. Allow LPC to modify zoning requirements without DCP Chair Certification.** As the commission is limited to simply ratifying the work of another agency, the certification appears to be an unnecessary step. A simpler and equally effective process would require the LPC to review modifications as part of issuing its permits. As part of the certificate of appropriateness process, the LPC will issue a letter to the DOB certifying that the modifications are required to preserve or enhance the historic character of the building. This amendment allows for historic buildings to be altered without placing additional burdens on applicants in terms of time, materials or application fees.

**6. Authorization to waive frontage limitations should include land-use based criteria** in addition to need for additional frontage or neighborhood vacancy. Many community members have expressed a desire for greater flexibility in the expansion of existing businesses. The first finding as currently written is based on the operation of a business and therefore is about the user, not the use. Zoning typically does not focus on individual users. As such, it is unclear how the authorization would be enforced if the user of the space changes.

Instead, the authorization should be constructed to focus on more typical land use considerations or overall vitality of the corridor. Modified findings should allow stores to expand, provided the proposals meet specific, typical land use considerations related to the corridor vitality or individual site conditions. If it is necessary to have a finding based on an individual user's operation, language should be included to ensure that the modification is user specific, and the space should revert to a typical configuration once the user vacates.

**7. Authorization should include mandatory Community Board referral.**

#### **City Planning Commission Public Hearing**

On March 28, 2012, (Calendar No. 5), the City Planning Commission scheduled April 11, 2012 for a public hearing on this application (C 120145 ZMM), in conjunction with the hearing on the related action (N 120144 ZRM). The hearing was duly held on April 11, 2012 (Calendar No. 12). There were 21 speakers in favor of the application and 14 speakers in opposition.

Generally, representatives from neighborhood block associations, a number of small businesses, and residents testified in favor of the proposal stating that by maintaining the diversity of stores on the blocks, the proposal preserves the vibrancy of the neighborhood and will protect the character, looks and feel of the community. Representatives from the Real Estate Board of New York (REBNY), The Council of New York Cooperatives & Condominiums, the New York Bankers Association, and the Columbus Avenue BID testified against the proposal.

The local Council Member from District 6 produced 76 letters signed by small business owners in the affected area in support of the proposal and highlighted the specific characteristics of the neighborhood which warrant the proposal and to which it responds. The Council Member supported the proposal's goals of maintaining a diversity of stores and shops, with a balance of big commercial and smaller independent stores, noting the Upper West Side should not be lined with big block retail shops.

The local Council Member from District 8 thanked City Planning for extending the proposal north into portions of her district, and testified to the proposal's goals to support small business and ensure that multiple store owners can set up shop on a block.

A representative from the local Council Member representing the 9th District spoke in support of the proposal and noted that those opposing the proposal have hypothetical concerns, while the proposal addresses real problems.

A representative from the Manhattan Borough President's office testified in strong support for the proposal and reiterated comments mentioned in the Borough President's resolution.

A representative from the office of the New York State Senator representing the 29<sup>th</sup> District testified in support of the proposal on the basis that it will help sustain and promote small businesses. He reiterated the comments mentioned in the CB7 recommendations related to LPC interface, authorization findings and mandatory community board referral. He also reiterated the Borough President's recommendation to reduce the minimum retail depth required from 30' to 15'.

A representative from the office of the New York State Assembly Member representing the 69<sup>th</sup> district also testified in support of regulating store frontage to preserve the aesthetic appeal of the neighborhood and to sustain the growth of small businesses. The representative testified that the regulations preserve and sustain growth and respect the multi-store character while preventing deadening frontages. The frontage regulations are essential for preserving character and ensuring diversity, while still allowing for expansion.

The Chairman of Manhattan Community Board 7 described the board's unanimous support, noting its concern regarding the loss of vibrancy in the area, which may continue if

left unchecked. He described the extensive research that went into crafting the proposal in order to ensure its responsiveness to unique issues on the Upper West Side, and recognized the regulations do not reflect a “one size fits all” proposal. He concluded that the proposal is carefully tailored and modest, with 93 percent of establishments already in compliance.

Representatives of Community Board 7 and residents produced 800 signatures from local residents and businesses in support of the proposal and testified in support of the balance and flexibility afforded with the proposal.

Representatives of small businesses spoke in support of the proposed limitations on street frontages on Amsterdam and Columbus avenues, stating that the area’s diversity of businesses is vital to the area’s success, while also noting nearby areas that allow for larger retail, such as along Broadway and in Park West Village.

Local residents testified in opposition to the proposal on the grounds that small stores tend to be high end and expensive and do not reflect the shopping preferences of most people, and on the grounds that additional space should be created for small businesses without imposing restrictions on the supply of space that already exists.

A commercial broker, as well as representatives from the Council of New York Cooperatives and Condominiums testified in opposition to the proposal on the basis that it might present a hardship for landlords and discourage tenants who might be seeking additional flexibility with their space. They testified that the market is self-regulating without the proposed regulations.

A representative from REBNY testified that there is no need for the proposal, since the three avenues are already active, diverse and successful. He suggested the following modifications might make the proposal more effective: The development of a faster and easier process for waiving frontage maximums; exempting landmarked buildings; allowing for wider lobbies and; allowing for additional opportunities for expansion. He expressed a strong concern that this proposal might set a precedent for similar regulations elsewhere in the city.



Representatives from the Columbus Avenue BID testified in opposition that the proposed regulations are unnecessary in light of Columbus Avenue's success. They pointed out that the avenue has strong retail, with a 0% vacancy rate in the proposed area and few development sites. They expressed concern that the proposal may have unintended consequences, argued that the proposal limits flexibility for property and store owners, that the waiver process is too long, that the proposal incentivizes the preservation of large spaces in the neighborhood today because they will become more valuable as they are made more scarce, and that DCP and the Community Board failed to accurately convey the points of the proposal in outreach efforts.

Representatives for the Belnord, a landmarked building on 86<sup>th</sup> Street with frontage on Broadway and Amsterdam Avenue, spoke in opposition to the proposal, testifying that landmarked buildings should be exempted. They noted that there are 10 landmarks in the proposed special districts, and that this is not enough to significantly alter the balance of large and small frontages. They argued that landmarks already face additional hurdles to development compared to other buildings, and that pursuing the waiver options under the proposal would be costly and time consuming.

A representative from the West Manhattan Chamber of Commerce testified in opposition to the proposal, concerned that the unintended consequences of the proposal could be greater than its purported benefits; further, that businesses need to be able to compete and grow and change.

There were no other speakers and the hearing was closed.

## **CONSIDERATION**

The Commission believes that this application for zoning map amendment (N 120145 ZMM) in conjunction with the related zoning text amendment (N 120144 ZRM), as modified, is appropriate.

The Commission believes that the zoning map amendment to map new Special Enhanced Commercial Districts along Broadway, and along Amsterdam and Columbus avenues, would facilitate frontages that are consistent with the existing character and would support the neighborhood's existing active and dynamic streetscape. Special Enhanced Commercial District – 2, proposed along Amsterdam and Columbus, and Special Enhanced Commercial District – 3, proposed along Broadway, would encourage diverse retail and service opportunities, promote an attractive environment for pedestrians, and preserve and enhance the multi-store character of Amsterdam and Columbus avenues. The Commission also believes that the zoning map amendment to map a C1-5 overlay over the portion of Columbus Avenue at 77th Street currently zoned R10A is appropriate, as the commercial uses along this block front are consistent with the ground floor uses along the rest of the block, and in the general area. The Commission notes that the proposal is intended to help ensure that the retail corridors on the Upper West Side continue to accommodate the needs of residents and visitors alike and provide a vibrant pedestrian experience by maintaining the multiple store character of Columbus and Amsterdam avenues and preventing the further proliferation of large bank frontages along all three commercial corridors.

By contrast with other areas of the City, the Upper West Side has a high residential density and a limited amount of commercial space, with frontages disproportionately occupied by banks. The need to maintain retail diversity is greater due to the presence of only three commercial corridors (Broadway, Amsterdam and Columbus avenues) that serve a large residential population. In other residentially dense neighborhoods in the City, the amount of commercial square footage per apartment is higher and there are greater opportunities for a diversity of retail that serves the area. The proposal therefore seeks to promote a diverse and vibrant retail environment by ensuring that block fronts along Amsterdam and Columbus avenues continue to offer multiple retail venues, and that block fronts along all three avenues are not dominated by banks. The proposal responds to neighborhood-specific issues and is uniquely suited to the Upper West Side's built environment and land uses.

The Commission heard concerns from real estate stakeholders that this proposal might set a precedent for similar frontage restrictions elsewhere in the city, and that it echoes regulations established, and then revoked, as part of the Special Yorkville District in the 1970s and 1980s.

The frontage limitations prescribed for the Upper West Side are modest and respond to conditions in the neighborhood that are unique. The Commission notes in this regard that the Department was approached by Community Board 7 and the local Council Member several years ago with a list of issues that the community believed threatened the local retail landscape. The Department studied the major commercial streets closely and, after a detailed analysis of the streetscape character and issues, worked with the community, local elected officials and other stakeholders to craft tailored solutions to address areas of specific local concern.

The Commission believes the proposal will support neighborhood character, respect the existing built environment along Amsterdam and Columbus avenues, and maintain a diversity of commercial spaces for a range of goods and services in a neighborhood with a relatively limited number of store frontage opportunities. Conditions along Amsterdam and Columbus avenues are unique and clearly defined. There is more residential density and limited square footage of retail per person in this neighborhood than elsewhere, which, combined with the retail success of the area, has contributed to the change in retail storefront sizes. The proposal is intended to help ensure that the retail corridors continue to accommodate the needs of residents and visitors alike while maintaining the multiple store character of these avenues. On Broadway, which is characterized by a wide range of store frontages and larger commercial uses, a general limitation on frontage would not be appropriate. Restrictions on bank frontages are appropriate on all three avenues in order to address the proliferation of banks with large frontages that deaden the street. The proposal does not restrict the types of uses which may locate or operate in the area or regulate overall store sizes. Rather, it helps ensure that ground floor commercial storefront opportunities are maintained for area shoppers and residents.

The Commission believes that the zoning is appropriately tailored to reinforce the current neighborhood character of multiple storefronts per block while allowing flexibility for change over time. By allowing storefronts of up to 40' for general commercial and community facility uses, 93% of existing establishments would comply with the proposal. Storefronts along Amsterdam and Columbus avenues typically range from 8' to 40' in width, with an average ground floor frontage of 23'. Most would be able to expand their existing frontages, and many would be able to double their frontages under the proposal.

In addition to being able to expand frontages, stores may continue to expand downstairs and around other uses, and upstairs where permitted by zoning. Establishments throughout Manhattan have adapted to operate in a tight urban environment. There are numerous examples of bi-level stores and other configurations that work within existing building footprints and frontages.

Real estate professionals and property owners expressed a variety of concerns that the proposed frontage limitations on Amsterdam and Columbus Avenues may hinder development projects currently underway, force the subdivision of vacant store sites, and place undue burdens on tenants seeking to expand existing uses.

One concern relates to the requirement that alterations or expansions of the type associated with increases of store frontages would generally be required to be fully completed in order to be vested with respect to the new regulations. To address the concern about projects currently underway to expand store frontages, the Commission is modifying the zoning text herein to include language that would grandfather frontages for alteration or expansion projects for which building permits have been issued, where the date of completion is within six months of the date of zoning text adoption.

One concern relates to the provisions of the Zoning Resolution governing discontinuance of non-conforming uses, which would preclude reoccupancy of a storefront with over 40' frontage if vacant for two years or more, forcing the owner to subdivide the frontage to re-tenant space in compliance with the proposed zoning. Staff heard similar concerns from representatives of landmarked buildings who feared that the City Planning Chair Certification to waive frontage maximums following receipt of a Certificate of Appropriateness from the Landmarks Preservation Commission would create additional hardship for the owners of these buildings.

In response to these concerns, the Commission is modifying the zoning text herein to allow for the grandfathering of existing frontages at the date of adoption, with no requirement to come into compliance after a two year vacancy. Frontages would be permitted to remain at their existing sizes in perpetuity, regardless of time spent vacant. They would not, however, be permitted to subdivide and then revert to their frontages at the date of adoption. In addition, grandfathered

spaces with large frontages could not be re-tenanted by a bank, unless a bank was the immediately preceding tenant.

The Commission is also modifying the zoning text herein to remove the proposed Chair Certification regarding landmarked buildings and buildings in historic districts, since use of the Certification is rendered unnecessary by the grandfathering of existing frontages against the discontinuance provisions of the Zoning Resolution, discussed above.

In order to address the concern that the text as originally proposed did not adequately address the expansion needs of existing business, the Commission is modifying the text herein to create a Chair Certification to allow a limited increase in frontages, allowing them up to 60'. The existing Authorization will remain in the zoning text for frontage expansions beyond 60', with the Chair Certification providing a simplified mechanism to allow a limited frontage expansion for an existing business. Banks would be subject to the Authorization only. This modification is responsive to concerns expressed by real estate, small business, and community interests who expressed desire for more flexibility and accommodation for small and successful existing businesses.

The Chair Certification would be a ministerial action requiring a demonstration that the following conditions exist: 1) the presence of a business in operation for at least a year at the date of application; 2) physical restrictions preventing on-site business expansion in a way that would avoid frontage in excess of 40'; 3) the presence of other uses with ongoing or expected occupancy within the building preventing expansion and; 4) calculations relating to the number of other establishments with frontages greater than 40' on, adjacent to, or across from the block on which the applicant operates, demonstrating that the multi-store character of these blocks remains intact. The Commission believes that the condition requiring the use's existence within the building for at least a year at the date of application will help ensure that the business's success has been demonstrated and that such expansion would allow the business to better meet its needs. The Department has advised that currently, establishments on approximately half of the blocks in the proposal area would be eligible for the Certification.

The Commission is pleased that Department staff is developing a checklist of items required for the Certification application in order to make the Certification process user-friendly for small

business owners. In addition, the Commission understands that the Department will promulgate CAPA rules governing the Certification process, including rules to address how applications would be queued.

In response to Community Board and Borough President comments that the Community Board should be allowed to review any Authorization or Certification pursuant to the proposed text, the Commission is also modifying the text herein so that any proposed Authorization or Certification will involve 30 day referral to the Community Board.

The Commission notes that the Borough President and community representatives sought a definition for “establishment” in order to better monitor and enforce frontage regulations. The Zoning Resolution does not define the term “establishment”; however, the Department of Buildings looks for the following items when enforcing regulations specific to individual establishments: a separate awning or signage, a separate entrance, and a cash register. This approach towards evaluating whether a separate establishment exists (separate signage, separate entrance, separate cash register) produces store frontages that read, for the purposes of the Upper West Side Neighborhood Retail Streets proposal, as separate establishments.

The Commission also received testimony concerning the proposed limitation on ground floor bank and financial institution frontages to 25’. The Commission believes the frontage limitations are appropriate and necessary for maintaining retail continuity and ensuring adequate ground floor commercial square footage for all uses within the affected area. There are ample opportunities for banks to reoccupy the many frontages in excess of 25’ currently occupied by other banks, and numerous other large frontages surrounding the affected blocks but outside of the project area. Citywide and within the affected area, the Commission has observed banks operating with 25’ of ground floor frontage housing ATMs and additional commercial space on the second floor for broader operations. Where they can demonstrate operational need for additional ground floor frontage, banks can apply for the Authorization to exceed the frontage maximums. The New York Banking Association submitted written comments that the proposal would conflict with State and Federal laws governing the banking industry, but the assertions that local zoning regulations designed to promote neighborhood character are preempted by

Federal law or that layouts of bank operations with 25' frontage would violate requirements governing ATM locations and security have no clear support in the statutes or case law.

In response to the Borough President's comment that the 15' frontage maximum for residential lobbies on Amsterdam and Columbus avenues would preclude the development of a doorman-staffed lobby along the avenues and would inhibit new development, the Commission is modifying the text to allow for lobby widths with frontages up to 25' along Amsterdam and Columbus avenues, as currently proposed along Broadway.

The Commission also heard from the Borough President that the 30' depth minimum should be reduced to 15' to allow for uses such as florists, locksmiths, and other uses that may not need additional depth. The depth minimum was defined at 30' to ensure the creation of viable commercial spaces, and based on measurements of existing stores and discussions with business owners. The Commission believes that the 30' depth requirement will ensure that an oversupply of spaces too shallow to be viable for most uses is not created as a result of the frontage limitations. The Department has advised the Commission that there is an existing supply of shallow spaces throughout the study area that is expected to meet the needs of uses that require less depth. Furthermore, additional shallow spaces may be created by establishments whose frontage is not counted towards the two-establishments-per-50'-frontage requirement.

The Commission also heard concerns that the 50% transparency requirement between 2' and 12' from the sidewalk will result in streetscape uniformity with every new storefront having windows laid out identically. The Commission notes, however, that the proposed text requires 50% transparency between 2' and 12' from the sidewalk for each building, not for each individual establishment. New buildings with multiple establishments would have to average 50% transparency across all contributing storefronts, leaving ample opportunity for different window designs and layouts. The Commission is also modifying the text herein to improve clarity on where transparency may be applied across a building's street wall.

The Commission is also making minor modifications to language in various locations of the proposed text to improve the clarity and specificity of the Upper West Side Enhanced Commercial District text provisions.

The Commission has carefully considered the recommendations and comments received during the public review of this application (C 120145 ZMM) and the application reviewed in conjunction (N 120144 ZRM), and believes that the proposal, as modified, is appropriate.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, that the City Planning Commission, pursuant to Section 197-c and 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and subsequently amended, is further amended is further amended by changing the Zoning Map, Sections Nos. 5d & 8c:

1. establishing within an existing R10A District a C1-5 District bounded by West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, a line midway between West 76<sup>th</sup> Street and West 77<sup>th</sup> Street, and Columbus Avenue;
2. establishing a Special Enhanced Commercial District- 2 (EC-2) bounded by:
  - a. Cathedral Parkway, Amsterdam Avenue, West 109<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 105<sup>th</sup> Street, Amsterdam Avenue, West 103<sup>rd</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - b. West 102<sup>nd</sup> Street, Amsterdam Avenue, West 101<sup>st</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - c. West 100<sup>th</sup> Street, Amsterdam Avenue, West 87<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 73<sup>rd</sup> Street, Amsterdam Avenue, West 75<sup>th</sup> Street, and a line 100 feet westerly of Amsterdam Avenue; and
  - d. West 87<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 81<sup>st</sup> Street, Columbus Avenue, West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 72<sup>nd</sup> Street, Columbus Avenue, a line midway between West 72<sup>nd</sup> Street and West 73<sup>rd</sup> Street, and a line 100 feet westerly of Columbus Avenue; and
3. establishing a Special Enhanced Commercial District- 3 (EC-3) bounded by Cathedral Parkway, a line 100 feet easterly of Broadway, West 78<sup>th</sup> Street, a line 100 feet westerly



of Amsterdam Avenue, West 75<sup>th</sup> Street, Amsterdam Avenue, West 74<sup>th</sup> Street, Broadway, West 72<sup>nd</sup> Street, a line 100 feet westerly of Broadway, West 105<sup>th</sup> Street, West End Avenue, West 107<sup>th</sup> Street, and a line 100 feet westerly of Broadway.

as shown in a diagram (for illustrative purposes only) dated January 3, 2012, in the Borough of Manhattan, Community District 7.

The above resolution (C 120145 ZMM), duly adopted by the City Planning Commission on May 9, 2012 (Calendar No. 3), is filed with the Office of the Speaker, City Council and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, FAICP, Chair,  
ANGELA M. BATTAGLIA, RAYANN BESSER, IRWIN G. CANTOR, P.E.,  
ALFRED C. CERULLO, III, BETTY Y. CHEN, MICHELLE DE LA UZ,  
MARIA M. DEL TORO, ANNA HAYES LEVIN,  
ORLANDO MARIN, SHIRLEY A. MCRAE, Commissioners.**

Application #: <b>C 120145 ZMM</b>	Project Name: <b>UWS Enhanced Commercial Districts</b>
CEQR Number: <b>12DCP079M</b>	Borough(s): <b>Manhattan</b>
	Community District Number(s): <b>7</b>

*Please use the above application number on all correspondence concerning application*

**SUBMISSION INSTRUCTIONS**

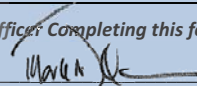
- Complete this form and return to the Department of City Planning by one of the following options:
  - E-mail (recommended):** Send email to [CalendarOffice@planning.nyc.gov](mailto:CalendarOffice@planning.nyc.gov) and include the following subject line: (CB or BP) Recommendation + (6-digit application number), e.g., "CB Recommendation #C10000ZSQ"
  - MAIL:** Calendar Information Office, City Planning Commission, Room 2E, 22 Reade Street, New York, NY 10007
  - FAX:** (212) 720-3356 and note "Attention of the Calendar Office"
- Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

*Docket Description:*

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections Nos. 5d & 8c:

- establishing within an existing R10A District a C1-5 District bounded by West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, a line midway between West 76<sup>th</sup> Street and West 77<sup>th</sup> Street, and Columbus Avenue;
- establishing a Special Enhanced Commercial District- 2 (EC-2) bounded by:
  - Cathedral Parkway, Amsterdam Avenue, West 109<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 105<sup>th</sup> Street, Amsterdam Avenue, West 103<sup>rd</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - West 102<sup>nd</sup> Street, Amsterdam Avenue, West 101<sup>st</sup> Street, and a line 100 feet westerly of Amsterdam Avenue;
  - West 100<sup>th</sup> Street, Amsterdam Avenue, West 87<sup>th</sup> Street, a line 100 feet easterly of Amsterdam Avenue, West 73<sup>rd</sup> Street, Amsterdam Avenue, West 75<sup>th</sup> Street, and a line 100 feet westerly of Amsterdam Avenue; and
  - West 87<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 81<sup>st</sup> Street, Columbus Avenue, West 77<sup>th</sup> Street, a line 100 feet easterly of Columbus Avenue, West 72<sup>nd</sup> Street, Columbus Avenue, a line midway between West 72<sup>nd</sup> Street and West 73<sup>rd</sup> Street, and a line 100 feet westerly of Columbus Avenue; and
- establishing a Special Enhanced Commercial District- 3 (EC-3) bounded by Cathedral Parkway, a line 100 feet easterly of Broadway, West 78<sup>th</sup> Street, a line 100 feet westerly of Amsterdam Avenue, West 75<sup>th</sup> Street, Amsterdam Avenue, West 74<sup>th</sup> Street, Broadway, West 72<sup>nd</sup> Street, a line 100 feet westerly of Broadway, West 105<sup>th</sup> Street, West End Avenue, West 107<sup>th</sup> Street, and a line 100 feet westerly of Broadway.

Borough of Manhattan, Community District 7, as shown in a diagram (for illustrative purposes only) dated January 3, 2012.

<b>Applicant(s):</b> Department of City Planning 22 Reade Street New York, NY 10007	<b>Applicant's Representative:</b> Eric Kober, Director Housing, Economics and Infrastructure Planning Department of City Planning 22 Reade Street, 4th Floor
<b>Recommendation submitted by:</b> Manhattan Community Board 7	
<b>Date of public hearing:</b> Wed, February 15, 2012	<b>Location:</b> CB7/M 250 West 87 <sup>th</sup> Street, NYC 10024
Was a quorum present? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<i>A public hearing requires a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.</i>
<b>Date of Vote:</b> March 6, 2012	<b>Location:</b> Jewish Home Lifecare 120 West 106 <sup>th</sup> Street, NYC 10025
<b>RECOMMENDATION:</b>	
<input type="checkbox"/> Approve	<input checked="" type="checkbox"/> Approve With Modifications/Conditions
<input type="checkbox"/> Disapprove	<input type="checkbox"/> Disapprove With Modifications/Conditions
<b>Please attach any further explanation of the recommendation on additional sheets, as necessary.</b>	
<b>Voting</b>	
# In Favor: <b>37</b>	# Against: <b>0</b> # Abstaining: <b>2</b> Total members appointed to the board: <b>48</b>
<b>Name of CB/BB officer completing this form</b> Mark Diller x 	<b>Title</b> Chair, Community Board 7/ M
	<b>Date</b> 3/07/12

COMMUNITY BOARD 7  Manhattan

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March 7, 2012

**VIA E-MAIL :**  
CalendarOffice@planning.nyc.gov

Hon. Amanda M. Burden  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

Hon. Scott M. Stringer  
Borough President, Borough of Manhattan  
One Centre Street, 19th Floor  
New York, NY 10007

**Re: Application No. C 120145 ZMM  
Establishing Enhanced Commercial Districts 2 and 3  
in Community District 7/Manhattan**

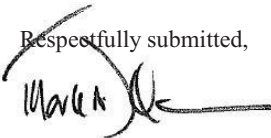
Hon. Chair Burden and Borough President Stringer:

On behalf of Community Board 7/Manhattan, I enclose our resolution concerning the proposed creation of Enhanced Commercial Districts 2 and 3 on Manhattan's Community District 7 serving the Upper West Side.

The final vote of CB7's full board in adopting the resolution in support of this initiative was 37 in favor, 0 opposed, 2 abstentions, and 2 ineligible to vote.

I would be remiss if I failed to acknowledge with sincere thanks the outstanding work of the staff of the Department of City Planning in every phase of the research, formulation and consideration of this important proposal. I look forward to working with you and your respective staffs as we move forward with this proposal.

Respectfully submitted,



Mark N. Diller  
Chair, Community Board 7/Manhattan

250 West 87<sup>th</sup> Street New York, NY 10024-2706  
Phone: (212) 362-4008 Fax: (212) 595-9317  
Web site: nyc.gov/mcb7 e-mail address: office@cb7.org

Copies:

Hon. Gale A. Brewer, New York City Council, 6th District  
Hon. Melissa Mark-Viverito, New York City Council, 8th District  
Hon. Inez Dickens, New York City Council, 9th District  
Hon. Linda B. Rosenthal, New York State Assembly, 67th District  
Hon. Daniel J. O'Donnell, New York State Assembly, 69<sup>th</sup> District  
Hon. Richard Gottfried, New York State Assembly, 75th District  
Hon. Thomas Duane, New York State Senate, 29th District  
Hon. Bill Perkins, New York State Senate, 30<sup>th</sup> District  
Hon. Adriano Espaillat, New York State Senate, 31st District  
Hon. Jerrold Nadler, U.S. House of Representatives, 8th District  
Hon. Charles Rangel, U.S. House of Representatives, 15th District

# COMMUNITY BOARD 7 Manhattan

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## RESOLUTION

**Date: March 6, 2012**

**Committees of Origin: Land Use and Business & Consumer Issues Committee**

**Re: Upper West Side Enhanced Commercial Districts.**

**Full Board Vote: 37 In favor 0 Against 2 Abstentions 2 Present**

Application by the Department of City Planning to rezone the street fronts along sections on:

- Broadway, bounded by 72<sup>nd</sup> and 110<sup>th</sup> Streets;
- Amsterdam Avenue bounded 75<sup>th</sup> and 110<sup>th</sup> Streets on the west side, excluding the blocks between 100<sup>th</sup>-101<sup>st</sup> Streets and 102<sup>nd</sup> -103<sup>rd</sup> Streets, and bounded by 73<sup>rd</sup> -87<sup>th</sup> Streets, and 105<sup>th</sup> -109<sup>th</sup> Streets on the east side of the avenue; and
- Columbus Avenue bounded by 72<sup>nd</sup> and 87<sup>th</sup> Streets.

The City Planning Commission has certified an amendment to Section 132 of the Zoning Resolution, with the purpose of preserving existing storefront widths on portions of Columbus and Amsterdam Avenues and Broadway.

In general, Community Board 7/Manhattan Manhattan views the proposed amendment favorably, but finds that there are several features that are unacceptable, and in some cases, could render nugatory the benefits intended by the amendment. This resolution sets forth the Community Board's objections.

After a public hearing and extensive discussion and debate,

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed amendment to the Zoning Resolution with respect to the creation of the Upper West Side Enhanced Commercial Districts, on condition that the text is amended to meet the following concerns:

1. **Authorizations:** The proposed text would permit CPC to override the storefront width restrictions upon a finding either a) that a proposed use cannot be accommodated within the maximum prescribed storefront width; or b) that a "high ground floor vacancy" exists within a "reasonable distance" of the proposed use due to economic conditions.

Community Board 7 finds that the first proposed ground for authorization would permit the very type of use which it is desirous to prevent, i.e., large stores which will claim that their proposed "use" cannot be accommodated within the maximum width provided. The second proposed ground, economic hardship, is acceptable in principle, but the terms "high ground floor vacancy" and "reasonable distance" should be defined, e.g., a 15% vacancy over a half mile in either direction on the affected avenue.

In the case of an application by an existing business seeking to expand into a contiguous space where such expansion would result in a storefront that exceeds the permissible maximum, the City Planning Commission shall act on such application within 90 days of submission or the application shall be deemed granted.

Finally, the text of the Amendment or some other official document should clarify that authorizations are subject to a review and comment period by the Community Board.

2. **Interface with landmarks regulations and the Landmarks Preservation**

**Commission:** The section of the proposed amendment treating the issue of landmarks and historic districts is susceptible of the (we believe erroneous) interpretation that the issuance by LPC of a Certificate of Appropriateness overrides the restrictions of the zoning resolution. The Community Board opposes any such rule. Landmarks, like all buildings, are subject to underlying zoning, absent a special permit or variance. There may be rare instances in which the landmark character of a building would be destroyed by adherence to underlying zoning. If the LPC were to so certify, after notice and a hearing, then the City Planning Commission should have the right to issue an appropriate authorization.

In the area of interface between Landmarks Regulations and the Zoning Resolution, there is a generic defect in the prescribed procedures which Community Board Seven has commented on repeatedly over the years, which represents an unwarranted burden on both the developer and the Community Board and which fosters confusion rather than clarity. At present, a developer is required to obtain a Certificate of Appropriateness from the LPC and then pursue a variance or special permit. This generally results in two separate hearings often a year apart. This proposed amendment presents an ideal vehicle for prescribing a new procedure for applicants where both Landmark Regulations and Zoning action are involved. A single application, to be acted on by different agencies within the same time period should be mandated for all but exceptional cases. This would enable the Community Board to consider the Landmarks and Zoning issues of a proposed project at the same time.

And BE IT FURTHER RESOLVED THAT Community Board 7 appreciates the efforts by the City Planning Commission in recognizing and addressing the issues covered by the proposed amendment. The Community Board expresses the hope that further attention will be paid to the following issues:

- a) **Proliferation of chain stores:** As a minimum, two outlets of a single nationwide or regional chain should not be permitted to operate within a designated radius of each other;
- b) **Enforcement:** The Department of Buildings with guidance from CPC should develop a protocol and allocated resources to enforce the provisions of this and all other zoning rules.
- c) **Grandfathering:** Community Board Seven is aware that the Zoning Resolution currently permits grandfathering of previously permitted uses in the event an amendment creates a non-compliant situation, and further that such grandfathering continues during the first two years of any vacancy subsequent to enactment of the amendment. Community Board Seven believes that the two year vacancy rules are unduly permissive and urges the City Planning Commission to study the issue with a view to modification.

*Vote of the Joint Committees: 11-2-0-0. Non-Committee Board Members: 3-0-3-0.*

**Borough President  
Recommendation**

**City Planning Commission  
22 Reade Street, New York, NY 10007  
Fax # (212) 720-3356**

**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

**Application #: C 120145 ZMM, N 120144 ZRM**

**Docket Description:**

**N 120144, C 120145 – IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Sections Nos. 5d & 8c:

1. establishing within an existing R10A District a C1-5 District bounded by West 77th Street, a line 100 feet easterly of Columbus Avenue, a line midway between West 76th Street and West 77th Street, and Columbus Avenue;
2. establishing a Special Enhanced Commercial District- 2 (EC-2) bounded by:
  - a. Cathedral Parkway, Amsterdam Avenue, West 109th Street, a line 100 feet easterly of Amsterdam Avenue, West 105th Street, Amsterdam Avenue, West 103rd Street, and a line 100 feet westerly of Amsterdam Avenue;
  - b. West 102nd Street, Amsterdam Avenue, West 101st Street, and a line 100 feet westerly of Amsterdam Avenue;
  - c. West 100th Street, Amsterdam Avenue, West 87th Street, a line 100 feet easterly of Amsterdam Avenue, West 73rd Street, Amsterdam Avenue, West 75th Street, and a line 100 feet westerly of Amsterdam Avenue; and
  - d. West 87th Street, a line 100 feet easterly of Columbus Avenue, West 81st Street, Columbus Avenue, West 77th Street, a line 100 feet easterly of Columbus Avenue, West 72nd Street, Columbus Avenue, a line midway between West 72nd Street and West 73rd Street, and a line 100 feet westerly of Columbus Avenue; and
3. establishing a Special Enhanced Commercial District- 3 (EC-3) bounded by Cathedral Parkway, a line 100 feet easterly of Broadway, West 78th Street, a line 100 feet westerly of Amsterdam Avenue, West 75th Street, Amsterdam Avenue, West 74th Street, Broadway, West 72nd Street, a line 100 feet westerly of Broadway, West 105th Street, West End Avenue, West 107th Street, and a line 100 feet westerly of Broadway.

Borough of Manhattan, Community District 7, as shown in a diagram (for illustrative purposes only) dated January 3, 2012.

COMMUNITY BOARD NO: 07

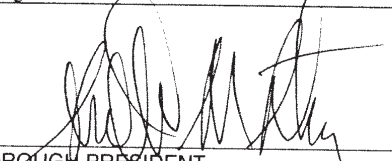
BOROUGH: Manhattan

**RECOMMENDATION**

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)

EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

  
\_\_\_\_\_  
BOROUGH PRESIDENT

4/4/12  
\_\_\_\_\_  
DATE





THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

**SCOTT STRINGER**  
BOROUGH PRESIDENT

April 04, 2012

**Recommendation on  
ULURP Application Nos. C 120145 ZMM & N 120144 ZRM  
The Upper West Side Enhanced Commercial Districts  
by the Department of City Planning**

**PROPOSED ACTIONS**

The Department of City Planning (“DCP”) seeks approval for a **Zoning Map Amendment (C 120145 ZMM)** to establish a Special Upper West Side Enhanced Commercial District 2 (“EC-2”); a Special Upper West Side Enhanced Commercial District 3 (“EC-3”), and to map a C1-5 commercial overlay along 100 feet of the west side of Columbus Avenue from 77<sup>th</sup> and 76<sup>th</sup> streets in Manhattan Community Board 7 (“CB7”).

In a related action, the DCP has filed a **Zoning Text Amendment (N 120144 ZRM)** to modify the New York City Zoning Resolution (“ZR”) in order to limit ground floor frontages of new developments and proposed expansions along Broadway, Amsterdam and Columbus avenues. The text amendment will modify sections 11-22 (Establishment of Districts), 12-10 (Definitions), 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes are Permitted), 132-00 (Special Fourth Avenue Enhanced Commercial District). Generally, these amendments will:

1. limit street frontages of most retail and commercial establishments along Columbus and Amsterdam avenues;
2. limit the frontage of banks and residential lobbies along Broadway, Amsterdam and Columbus avenues;
3. require a minimum number of retail and commercial stores per zoning lot; and
4. apply transparency requirements for ground floor uses.

**PROJECT DESCRIPTION**

The DCP seeks a zoning map amendment and a related zoning text amendment to establish a C1-5 overlay within an R10A district, and a special district, the “Special Enhanced Commercial District” with two sub districts – EC-2 and EC-3 sub districts. EC-2 encompasses Amsterdam and Columbus avenues, and EC-3 encompasses Broadway. The proposed actions would

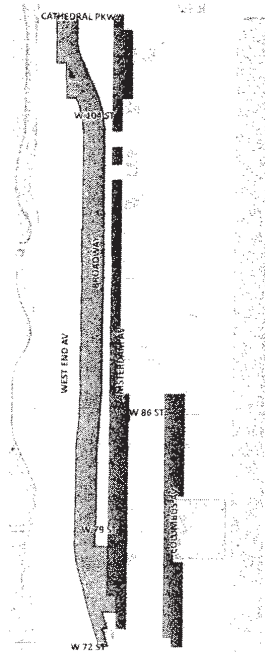
MUNICIPAL BUILDING • 1 CENTRE STREET, 19TH FLOOR • NEW YORK, NY 10007

PHONE (212) 669-8300 FAX (212) 669-4306

WWW.MANHATTANBP.ORG



generally regulate ground floor street frontage and transparency along these three commercial corridors with the goal of diversifying uses and façades of multiple store frontages (See Project Area Map).



The Upper West Side is a predominately residential neighborhood, with three main commercial corridors along Broadway, Amsterdam and Columbus avenues. Columbus and Amsterdam Avenues are characterized by small, ground floor commercial establishments. Broadway is defined by a strong retail character, with several typically larger retail establishments including high levels of transparency and diversity. Buildings on Columbus and Amsterdam range from 5 to 10 stories, with some reaching 15 or more stories. Broadway, however, has a greater number of buildings exceeding 10 stories. The neighborhood also includes several community facilities, such as houses of worship and schools.

The project area consists of mid- and high-density residential districts with commercial overlays and commercial districts. The special districts would augment regulations in multiple zoning districts. The districts range in maximum density from a FAR of 6.02 to 12.0. In addition, a C1-5 commercial overlay is proposed to be mapped to a length and depth of 100 feet at the southeastern corner of Columbus Avenue and 77<sup>th</sup> Street. The overlay area is currently zoned R10A and is subject to mandatory contextual regulations, with a maximum FAR of 12.0. The C1-5 district has a maximum density of 2.0 FAR for commercial uses.

#### **Project Area Map**

Source: DCP - Jan 2012:  
<http://www.nyc.gov/html/dcp/html/uws/presentation.shtml>

The primary goal of the text amendment and map change is to preserve the existing commercial character of the neighborhood, encourage a diverse retail environment and support an active streetscape for pedestrians. The DCP proposes to modify regulations for street frontages and layouts of retail establishments within the EC-2 and EC-3 districts. The proposal specifically aims to limit ground floor bank frontages, residential lobbies, commercial frontages and enact minimum transparency requirements. Buildings exclusively occupied by houses of worship and schools are exempt from the transparency and frontage restrictions. Grocery stores (Use Group 6A) are also exempt from the proposed amendment.

#### *Limitations to ground floor frontages*

The proposed text amendment limits the ground floor frontage of establishments in new developments and existing establishments that have been vacant for two years. On Amsterdam and Columbus avenues, a minimum of two non-residential establishments with a minimum depth of 30 feet are required for every 50 feet of frontage. The depth requirement is intended to prevent oddly shaped stores. On large zoning lots, after the two establishments per 50 feet requirement is met, a third store would not be required to have a depth of 30 feet. Additionally,

on Columbus and Amsterdam avenues, individual retail establishments cannot exceed 40 feet of frontage. On all three avenues, banking facilities are restricted to a maximum frontage of 25 feet. Furthermore, residential lobby frontages are restricted to 15 feet on Columbus and Amsterdam avenues and 25 feet on Broadway.

#### *Minimum transparency requirements*

Transparency requirements are proposed in order to support active ground floor uses and provide an engaging pedestrian experience. Transparency is required for commercial uses that front on Broadway, Amsterdam, and Columbus avenues (ground floor dwelling units, community facilities and zoning lots less than 20 feet in width are exempt). At least 50% of the surface area of a ground floor street wall must be transparent as measured between two feet and a maximum height of 12 feet (or the height of the ground floor ceiling). Transparency necessary to meet this requirement must be placed a minimum of 2.5 feet above the ground of the street wall. Additionally, the maximum allowable width for a nontransparent street wall is 10 feet.

#### *Authorization requirements*

The text amendment establishes an authorization process to accommodate commercial uses requiring modifications of the provisions in the text amendment. If the applicant demonstrates that the proposed use could not be reasonably configured within the permitted street wall width or has found adverse market conditions in the area, applicants can seek a waiver of the regulations by the City Planning Commission (“CPC”).

#### *Certification process*

Landmarked buildings or buildings located in historic districts requiring modifications in conflict with the provisions of the text amendment can receive a Certificate of Appropriateness from the Landmarks and Preservation Commission (“LPC”) stating that the proposed changes are consistent with the character of the building’s historic architecture. The applicant would then present the Certificate of Appropriateness to the CPC Chairperson, who certifies to the Department of Buildings (“DOB”) that the building can be modified.

### **COMMUNITY BOARD RECOMMENDATION**

At a Full Board meeting on March 6, 2012, Manhattan CB7 recommended **conditional approval** of the application by a vote of 37 in favor, 0 opposed and 2 abstentions. The Board specifically requested that:

1. the Certification to Modify Regulations for Landmark Buildings and Buildings in Historic Districts be changed to consist of a single application with concurrent review periods for the LPC and the CPC;
2. the Authorization section be amended to include stronger criteria for frontage restriction exemptions;
3. definitions be provided for the terms “high ground floor vacancy” and “reasonable distance”;

4. the Authorization requests should be taken up by CPC within 90 days of submission; and
5. the text should clarify that all authorizations would come before the community board.

#### **BOROUGH PRESIDENT'S COMMENTS**

The Upper West Side is one of Manhattan's densest residential neighborhoods and is characterized by unique architecture and strong retail corridors. These corridors provide the neighborhood with diverse retail, ranging from small specialty shops to large chain stores. While the area has benefited from a significantly low commercial vacancy rate and a variety of smaller scale retail, many residents have expressed concern regarding recent trend to assemble large commercial spaces. As a result of this trend, many storefronts remain unoccupied for significant period of time, while property owners wait for neighboring sites to become vacant. Further, once the resulting combined spaces come on-line, they often lack the diversity typically experienced by pedestrians on Broadway, Amsterdam and Columbus avenues.

While New York City's zoning has traditionally focused on questions regarding the use and bulk of buildings, the ground floor experience is one of the most important aspects of a neighborhood's character. The ground floor character is the most direct interaction residents and visitors have with surrounding buildings. Blank walls, inactive streetscapes, and defensive architecture can negatively impact pedestrian experiences, create dead zones and lead to an unsafe environment. Conversely, active streetscapes can discourage crime and contribute to a neighborhood's healthy economic growth and vitality.

Generally, the proposed special sub-districts protect many aspects of the Upper West Side's retail environment. The proposal has a high rate of compliance with the existing commercial façades and discourages the erosion of this character with inactive ground floor uses. Further, the transparency requirements will result in an active engagement between pedestrians and retail establishments. However, several aspects of the proposed rezoning can be strengthened to clarify the text's intent and some additional flexibility should be considered to allow for appropriate development.

#### *Limitations to ground floor residential lobby frontages*

The intention of the proposed residential lobby restrictions is to prevent inactive ground floor uses and to encourage commercial uses on the ground floor. However, residential developments are an essential part of a 24-hour community and their lobbies can be active uses, with pedestrian traffic from residents and visitors. Larger lobbies often accommodate doormen, security or other building personnel.

While it is also unlikely that a property owner would use space for residential lobbies that could otherwise be used for valuable commercial uses, some developers may prefer larger lobbies to create a unique street frontage or accommodate building personnel. The restriction to 15 feet may restrict these uses and therefore, the proposed lobby limitation on Amsterdam and Columbus should extend to Broadway's proposed limitation of 25 feet.

*Ground floor general commercial frontage restrictions*

While the current proposal limits the size of establishments, as presently written, the proposed text amendment does not define the term “establishment.” Without a clear definition, establishment may be subject to multiple interpretations. The DOB typically defines an establishment as having a separate entrance, separate cash registers and separate signs. Under this definition, it could be interpreted to mean that either multiple establishments may be combined into a single store or that multiple establishments must be separated in operation and/or physical layout. If left undefined, the ambiguity in the text could result in disparate treatment under the regulation, or even litigation.

A clear and unambiguous definition of establishment is fundamental to the interpretation of these regulations and the success of the proposal. As the text continues to be evaluated, the City should work to define the term establishment specific to these zoning districts, which will allow all parties to have a clear understanding of whether or not individual establishments can combine.

*Minimum depth*

The text regulates store sizes in two ways: maximum width and minimum depth. While the 40 foot street wall maximum is a reasonable width to ensure diverse façades, the minimum depth of 30 feet can create conflict with the proposal’s general intent. The minimum depth is intended to prevent oddly shaped stores; it also, however, has the consequence of creating a minimum store size. Thirty foot deep stores may hamper smaller business, which are crucial to the vitality of the neighborhood such as florists, newsstands, locksmiths and shoe repair stores. While many of these uses also occupy larger spaces, they can thrive in smaller spaces and often benefit from lower rent. Additionally, the depth requirement also applies to uses like ATM kiosks, which could be inappropriately sized at 30 feet deep.

Encouraging flexibility for smaller store sizes is appropriate and aligned with the overall goals of the text amendment. As such, a minimum depth minimum of 15 feet should be adopted to better accommodate smaller retail spaces and still prevent the creation of oddly shaped stores.

*Transparency requirements*

The proposed transparency requirements aim to prevent blank street walls by creating an active and engaging pedestrian experience. The text, as currently written, requires 50% transparency as measured between 2 feet and 12 feet of a store frontage, but such transparency must be located between 2.5 and 12 feet. These minimum transparency requirements, using two different lower limiting planes, (2 and 2.5 feet) is unnecessarily complex. Further, it may lead to store owners not providing transparency below the 2.5 foot plane, as it is the simplest way to meet the requirements. The resulting streetscape may result in overly uniform street windows, which is contrary to the intent of the text or the existing character. To provide clarity, the text should be modified to require 50% transparency, but allow the transparency to be provided anywhere including below the 2 foot lower limiting plane.

*Certification process*

The proposed text is designed to work in concert with requirements for landmarked buildings or buildings in a historic district. However, the text includes a certification process, which allows the CPC to waive aspects of the proposed zoning in situations that conflict with a certificate of appropriateness issued to a landmarked building or buildings within a historic district. As written, applicants seeking this waiver must first receive a certificate of appropriateness from the LPC then may apply for a certification from the CPC. In the certification process, the CPC's only finding is that a certificate of appropriateness has been issued.

As the commission is limited to simply ratifying the work of another agency, the certification appears to be an unnecessary step. A simpler and equally effective process would require the LPC to review modifications as part of issuing its permits. The LPC is best equipped to decide on issues regarding the façades of landmarked buildings, and therefore can determine if proposed changes are necessary to maintain the historic integrity of the building. As part of the certificate of appropriateness process, the LPC will issue a letter to the DOB certifying that the modifications are required to preserve or enhance the historic character of the building. This amendment allows for historic buildings to be altered without placing additional burdens on applicants in terms of time, materials or application fees.

*Authorization process*

Many community members have expressed a desire for greater flexibility in the expansion of existing businesses. As currently proposed, the text amendment introduces a mechanism to ensure that new construction and building enlargements can apply for an exemption to the proposed regulations if needed. To receive the waiver, applicants must meet one of two findings. The first finding is that a proposed use cannot be reasonably configured and additional frontage is required for the operation of the use. The second finding relates to proving a high vacancy rate for the area. The first finding is based on the operation of a business and therefore is about the user, not the use. Zoning typically does not focus on individual users. As such, it is unclear how the authorization would be enforced if the user of the space changes.

Instead, the authorization should be constructed to focus on more typical land use considerations or overall vitality of the corridor. There are several ways to achieve this goal, but suggested findings could include that exemptions are authorized if the CPC finds that:

- a. within a reasonable distance of the project site, the commercial corridor is predominately small retail establishments, and such a modification will not contribute to a loss of retail diversity or impair the health of the retail corridor as a whole;
- b. such a use cannot be reasonably configured based on the layout of the proposed building or zoning; or
- c. a high ground floor vacancy exists within a reasonable distance of the proposed use and such high vacancy is a consequence of adverse market conditions.

These findings allow stores to expand, provided the proposals meet specific, typical land use considerations related to the corridor vitality or individual site conditions. If it is necessary to have a finding based on an individual user's operation, language should be included to ensure

that the modification is user specific, and the space should revert to a typical configuration once the user vacates. In addition, as with any authorization, the process should include a mandatory community board referral to provide the board an opportunity to comment on authorization requests.

*C1-5 overlay*

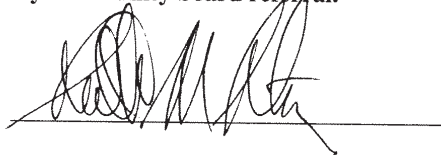
Finally, the proposed mapping of the C1-5 overlay on the southeast corner of Columbus Avenue and 77<sup>th</sup> Street will support uses that are consistent with the existing ground floor uses along the rest of the block and overall corridor. There are currently two retail establishments on this portion of the block and the overlay is appropriate.

**BOROUGH PRESIDENT'S RECOMMENDATION**

Overall, the proposed Enhanced Commercial Districts and amended zoning text support the goals of supporting a diverse streetscape. The pedestrian experience is enhanced by maintaining the façade of multiple store frontages and limiting most retail and commercial establishment frontages on the major Upper West Side commercial corridors.

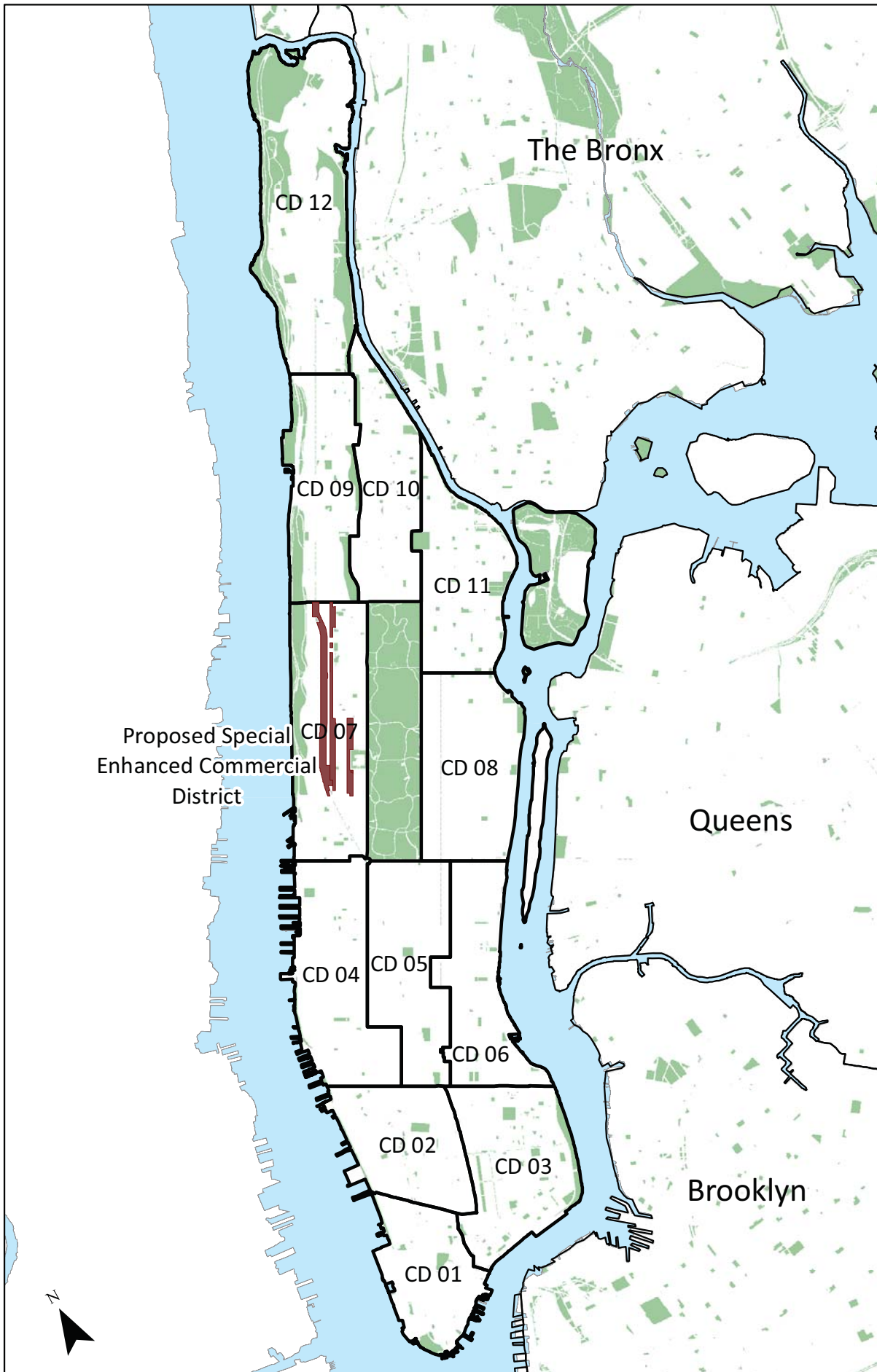
**Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application Nos. C 120145 ZMM, N 120144 ZRM provided that:**

- 1. The residential lobby frontage restriction on Amsterdam and Columbus be changed from 15 feet to 25 feet;**
- 2. The term establishment is further clarified to prevent unequal enforcement or litigation;**
- 3. The minimum depth of retail establishments should be changed from 30 feet to 15 feet to accommodate small scale retail;**
- 4. The transparency requirement is simplified to provide flexibility;**
- 5. The text regarding the certification process is amended to allow the LPC to modify the zoning requirements as part of its review process provided that such modifications are necessary to preserve or enhance the historic character of the building;**
- 6. The text regarding the authorization process includes clauses that provide land use criteria based on individual sites or the health of the overall corridor; and**
- 7. The authorization should include a mandatory community board referral.**



Scott M. Stringer  
Manhattan Borough President

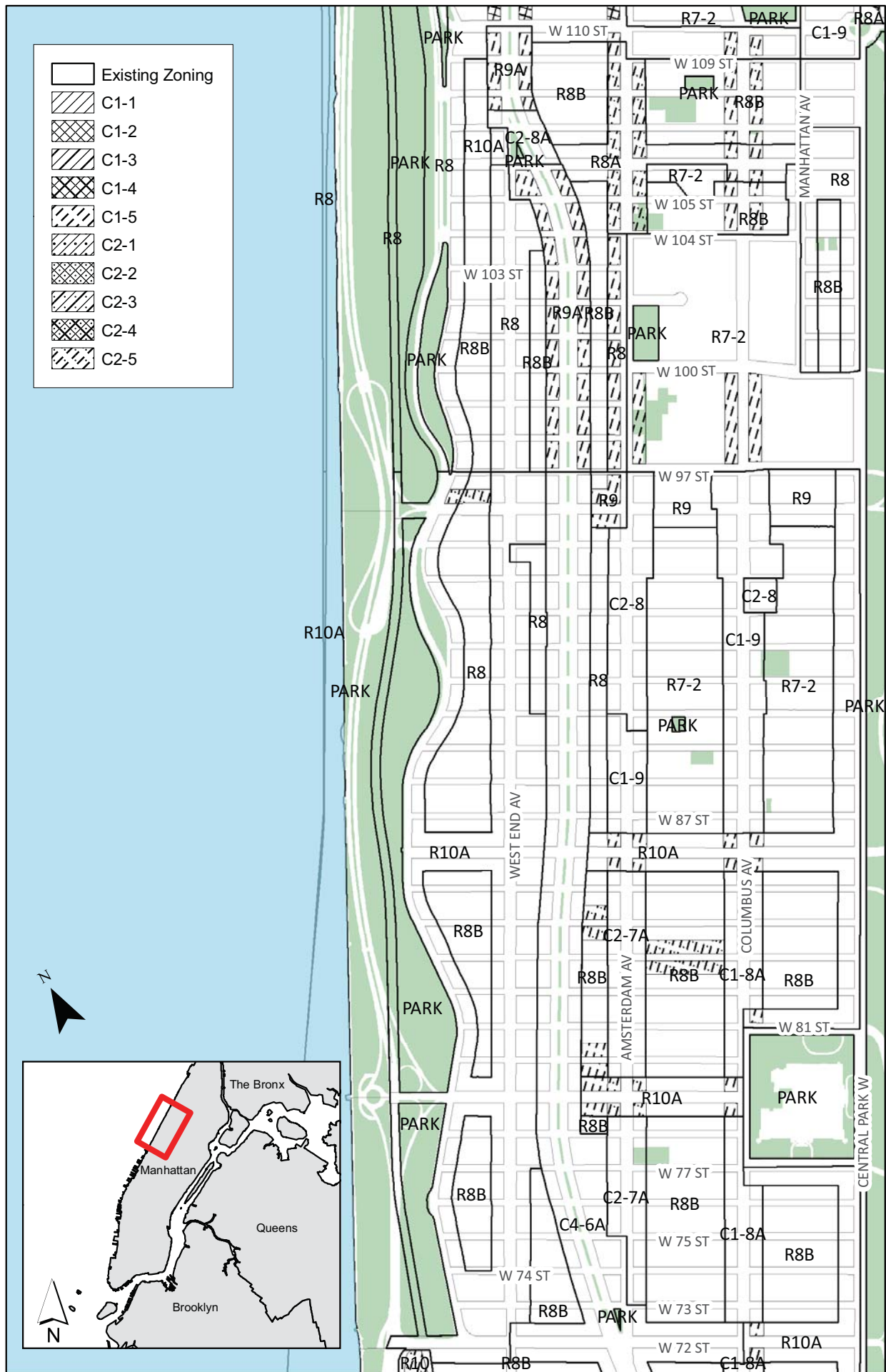
Figure 1. Locator Map





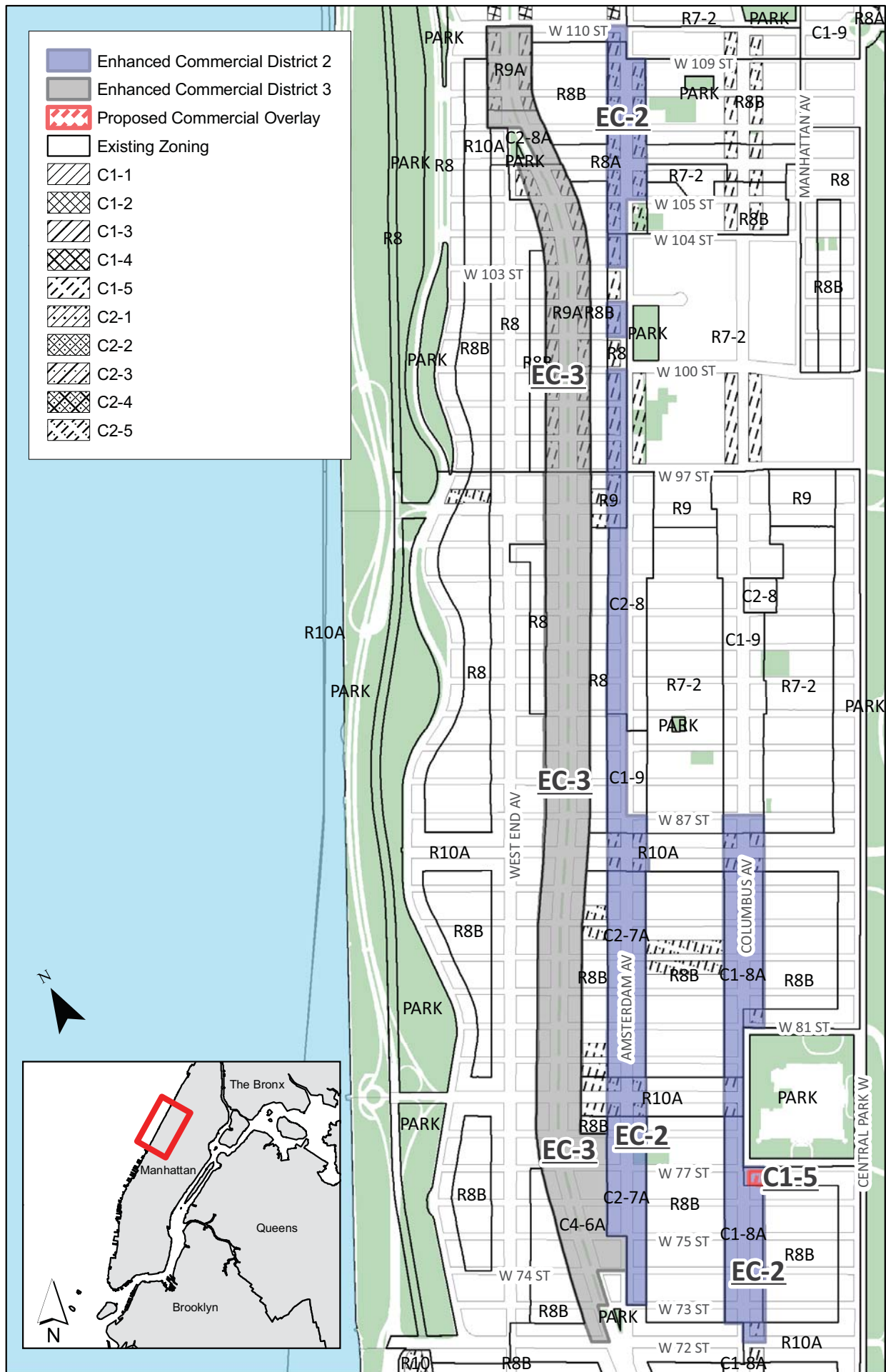
Enhanced Commercial Districts 2 and 3: Upper West Side

Figure 2. Existing Zoning

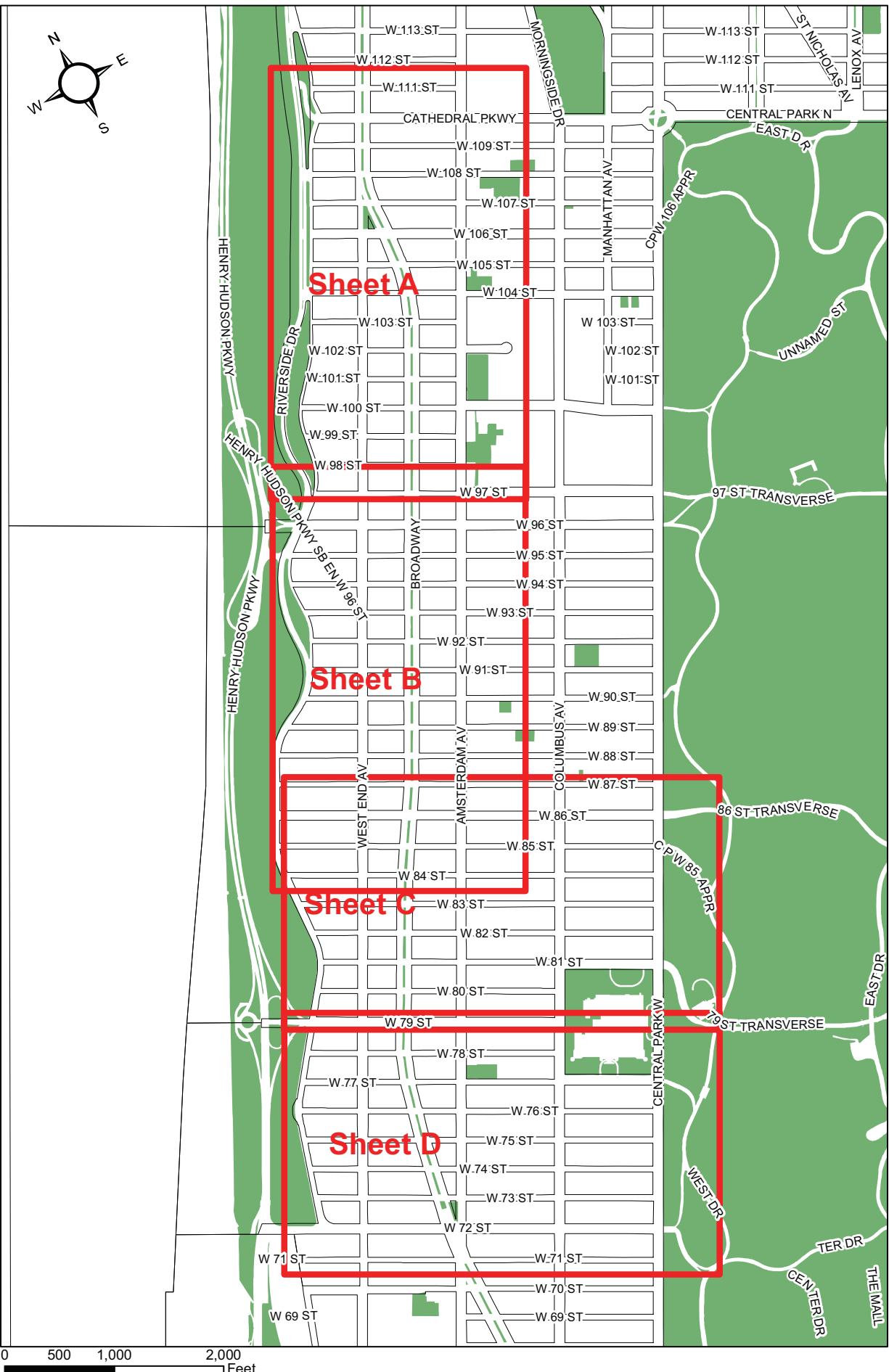


Enhanced Commercial Districts 2 and 3: Upper West Side

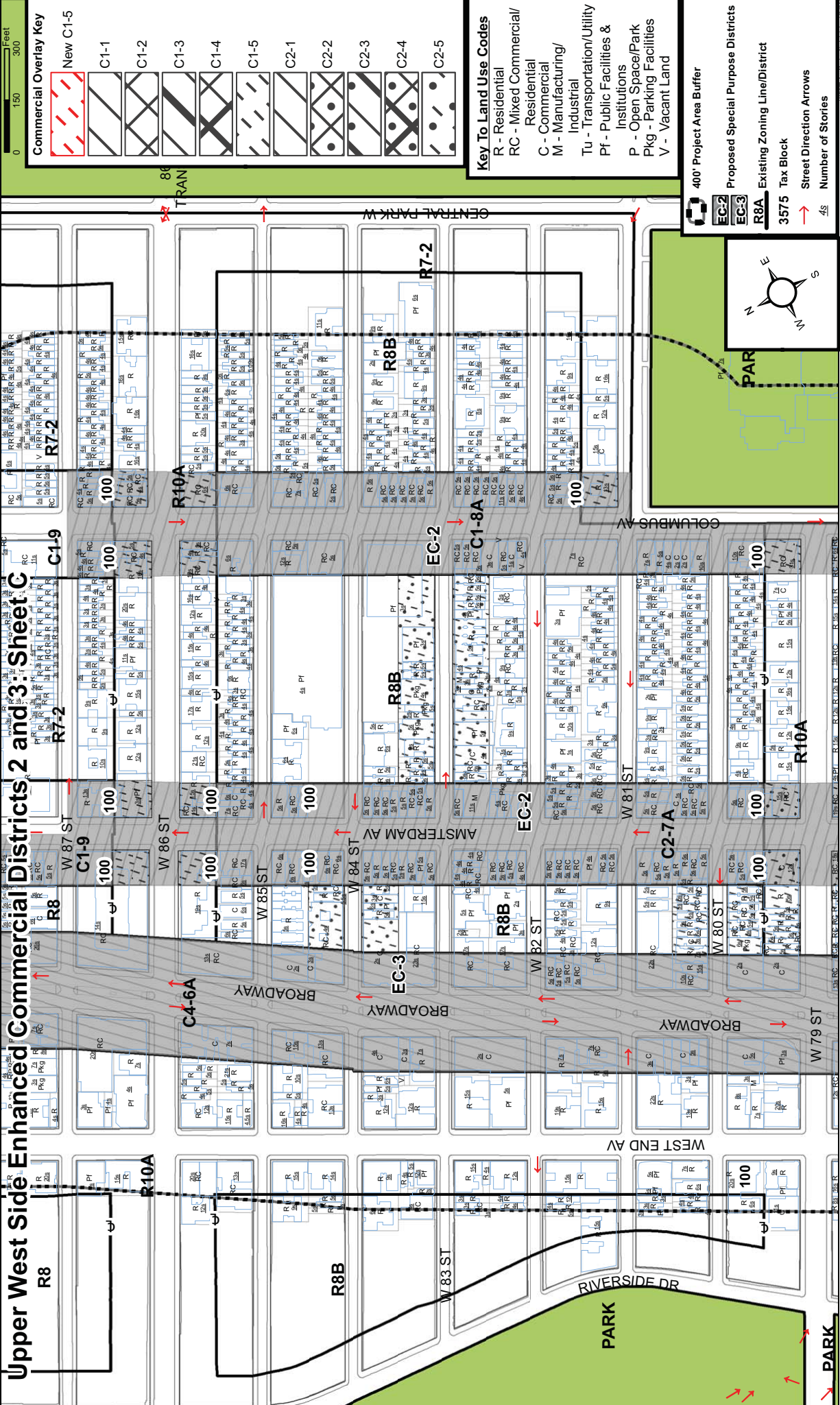
Figure 3. Proposed Zoning



# Upper West Side Enhanced Commercial Districts 2 and 3: Sheet Index



# Upper West Side Enhanced Commercial Districts 2 and 3 Sheet C



**Commercial Overlay Key**

	New C1-5
	C1-1
	C1-2
	C1-3
	C1-4
	C1-5
	C2-1
	C2-2
	C2-3
	C2-4
	C2-5

**Key To Land Use Codes**

- R - Residential
- RC - Mixed Commercial/Residential
- C - Commercial
- M - Manufacturing/Industrial
- Tu - Transportation/Utility
- PF - Public Facilities & Institutions
- P - Open Space/Park
- Pkg - Parking Facilities
- V - Vacant Land

**400' Project Area Buffer**

**Proposed Special Purpose Districts**

- EC-2
- EC-3

**Existing Zoning Line/District**

- R8A

**3575 Tax Block**

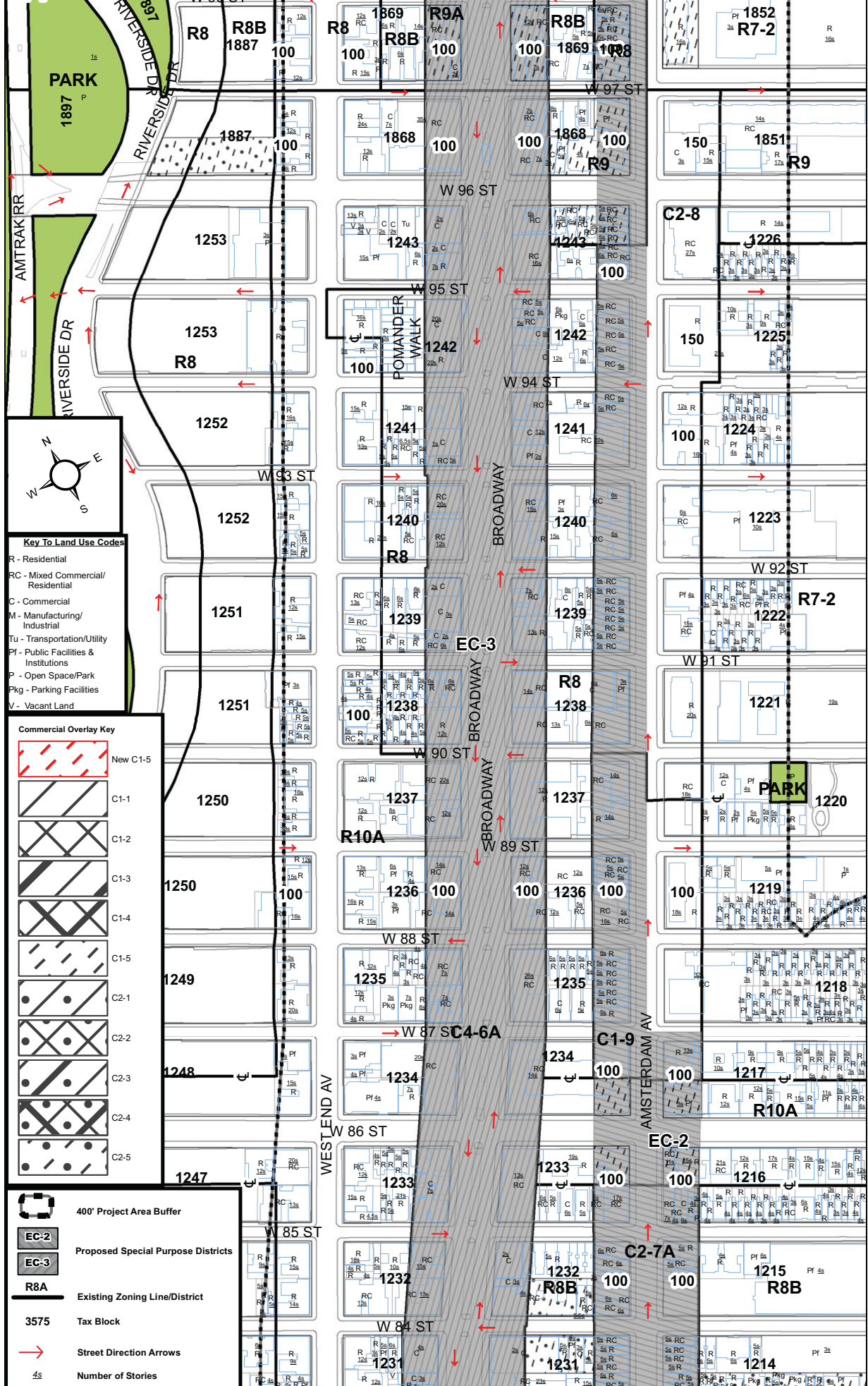
**Street Direction Arrows**

**Number of Stories**

**Scale:** 0, 150, 300 Feet

**North Arrow**

# Upper West Side Enhanced Commercial Districts 2 and 3: Sheet B



**Key To Land Use Codes**

- R - Residential
- RC - Mixed Commercial/ Residential
- C - Commercial
- M - Manufacturing/ Industrial
- TU - Transportation/Utility
- Pf - Public Facilities & Institutions
- P - Open Space/Park
- Pkg - Parking Facilities
- V - Vacant Land

**Commercial Overlay Key**

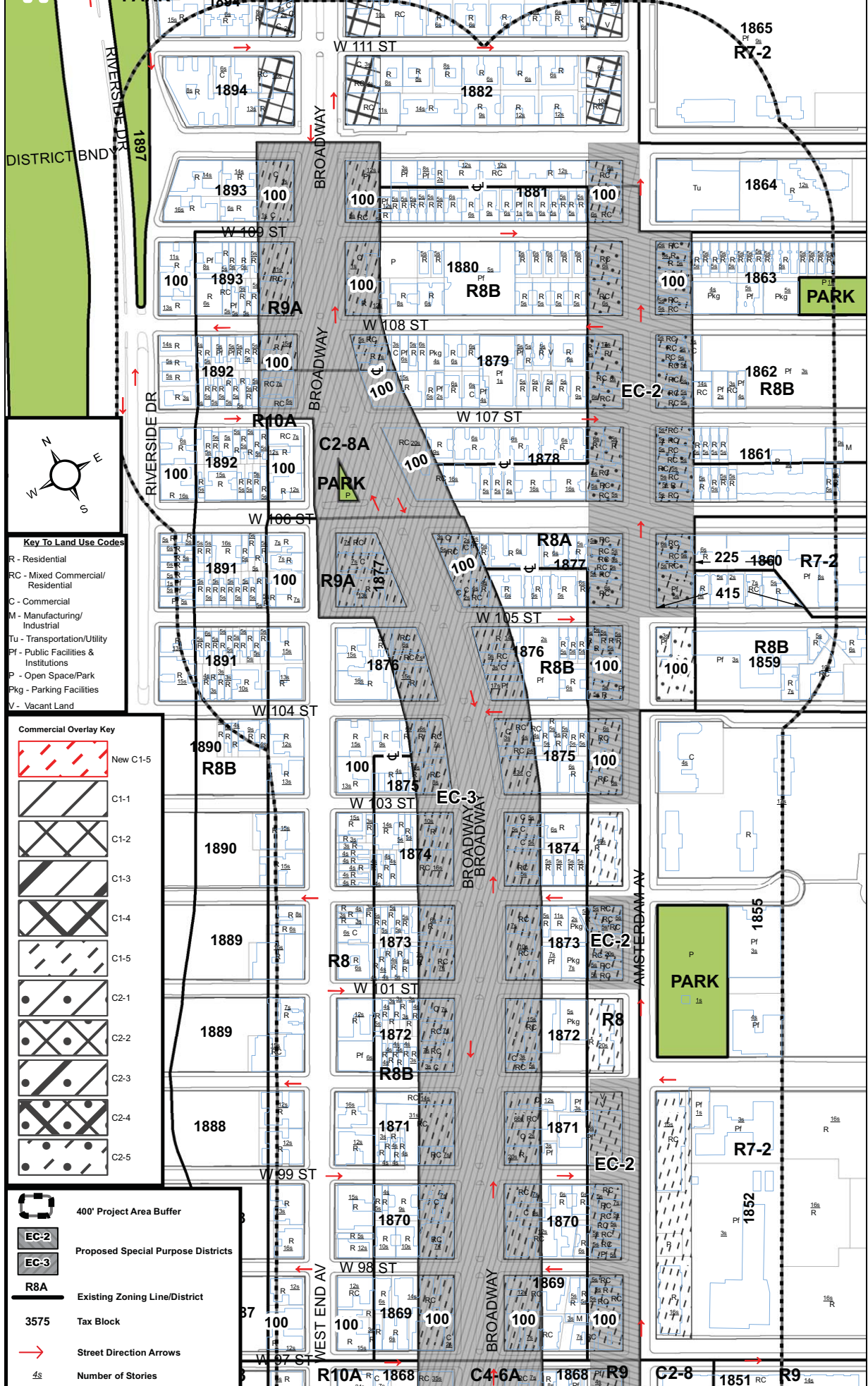
	New C1-5
	C1-1
	C1-2
	C1-3
	C1-4
	C1-5
	C2-1
	C2-2
	C2-3
	C2-4
	C2-5

**Legend**

- 400' Project Area Buffer
- Proposed Special Purpose Districts
- Proposed Special Purpose Districts
- Existing Zoning Line/District
- Tax Block
- Street Direction Arrows
- Number of Stories



# Upper West Side Enhanced Commercial Districts 2 and 3: Sheet A



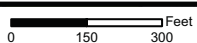
**Key To Land Use Codes**

- R - Residential
- RC - Mixed Commercial/ Residential
- C - Commercial
- M - Manufacturing/ Industrial
- TU - Transportation/Utility
- PF - Public Facilities & Institutions
- P - Open Space/Park
- Pkg - Parking Facilities
- V - Vacant Land

**Commercial Overlay Key**

	New C1-5
	C1-1
	C1-2
	C1-3
	C1-4
	C1-5
	C2-1
	C2-2
	C2-3
	C2-4
	C2-5

	400' Project Area Buffer
	Proposed Special Purpose Districts
	Existing Zoning Line/District
	Tax Block
	Street Direction Arrows
	Number of Stories



**Upper-West Side Enhanced Commercial Districts 2 and 3- Sheet D**

**Commercial Overlay Key**

	New C1-5
	C1-1
	C1-2
	C1-3
	C1-4
	C1-5
	C2-1
	C2-2
	C2-3
	C2-4
	C2-5

**Key To Land Use Codes**

- R - Residential
- RC - Mixed Commercial/Residential
- C - Commercial
- M - Manufacturing/Industrial
- Tu - Transportation/Utility
- PF - Public Facilities & Institutions
- P - Open Space/Park
- Pkg - Parking Facilities
- V - Vacant Land

**400' Project Area Buffer**

**Proposed Special Purpose Districts**

- EC-2
- EC-3
- R8A
- R8B
- R10A
- R10B
- C4-6A
- C1-8A
- C1-8B

**Existing Zoning Line/District**

**3575 Tax Block**

**Street Direction Arrows**

**Number of Stories**

**Scale:** 0 150 300 Feet

