



IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, and proposed for modification pursuant to Section 2-06 (c)(1) of the Uniform Land Use Review Procedure, for an amendment of the Zoning Resolution of the City of New York, concerning Article XI, Chapter I (Special Tribeca Mixed Use District), Borough of Manhattan, Community Board 1.

The original application for an amendment of the Zoning Resolution was filed by the Department of City Planning on May 27, 2010. The requested action, in conjunction with the related zoning map amendment, would modify the existing Special Tribeca Mixed Use (TMU) District. On July 16, 2010, pursuant to Section 2-06(c)(1) of the ULURP rules, the Department filed a modified application (N 100370(A) ZRM). The modified application, N 100370(A) ZRM, is the subject of this report.

RELATED ACTION

In addition to the proposed amendment to the Zoning Resolution, which is the subject of this report (N 100370(A) ZRM), implementation of the proposal also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

C 100369 ZMM: Amendment to the Zoning Map, Section 12a, to rezone M1-5 districts to C6-2A, within the proposed Special Tribeca Mixed Use District.

BACKGROUND

The Department of City Planning proposes a comprehensive rezoning strategy for North Tribeca. The requested actions include zoning map and text amendments that would affect 29 blocks, within an area generally bounded by West Street, Canal Street, Broadway, and the southern boundary of Walker Street, Beach Street, and Hubert Street.

Central to the proposal is updating the zoning to reflect the area's shift from a manufacturing

center to a primarily residential and commercial neighborhood. Through zoning text and zoning map amendments the Department's proposal would establish contextual bulk envelopes to reflect the existing built fabric, to provide opportunities for residential development, including affordable housing, and to allow for a diverse mix of uses such as permitting some otherwise restricted light manufacturing uses. The proposed text amendment also grandfathers developments previously approved by the City Planning Commission and the Board of Standards and Appeals.

The proposal is the result of a collaborative effort with Community Board 1 and local elected officials to respond to community concerns related to use and out of scale development. The proposed zoning amendments would promote development patterns that reflect the area's existing built character and land uses. The zoning map amendment would replace the existing M1-5 zoning with a contextual C6-2A district. Together with the text amendment, North Tribeca will have bulk regulations fine-tuned to the existing context.

For generations, the North Tribeca neighborhood has been known as a manufacturing and commercial neighborhood; however, Tribeca was also the City's first residential neighborhood with residential development beginning in the 1700s. In the 1800s, the area became a commercial center with store and loft buildings constructed throughout. Closer to the water, factories and warehouses were built and the area became known as the Washington Market district. In the 1960s and 1970s, as the industrial base of Tribeca moved out, artists moved in along with other light manufacturing and commercial uses. In the past decade, the neighborhood has become increasingly residential with neighborhood retail. This rezoning seeks to reflect the neighborhood shift from manufacturing to primarily residential and commercial uses.

The North Tribeca neighborhood is punctuated by wide north-south streets such as Hudson Street, Greenwich Street, and Varick Street with West Street and Broadway flanking its east and west boundaries. The exit ramps from the Holland Tunnel circulate in the center of the rezoning area. These ramps prevent east-west pedestrian and vehicular continuity through central North Tribeca, bisecting the area and the connectivity of the narrow east-west streets. The

neighborhood is accessible by multiple subway stations with the majority of them on the northern boundary of the rezoning area on Canal Street. The rezoning area also overlaps with New York City Landmark Preservation Commission designated Historic Tribeca East, Tribeca West, and Tribeca North Districts.

The neighborhood is characterized by five-to-six story buildings between Broadway and Church Street. West of Sixth Avenue, buildings tend to be taller with larger footprints. Around the Holland Tunnel exits some of the buildings exceed 110 feet, and the majority have consistent cornice lines. On narrow east-west streets and on north-south Washington Street, there are some smaller lots with five-to-six story buildings interspersed throughout. Most buildings are built to the street line providing a consistent street wall throughout and creating a seamless pedestrian experience except when the neighborhood is broken by the Holland Tunnel exits and large utility buildings.

Land uses are predominantly mixed-use with residential in the upper floors and commercial in the lower floors accounting for 23 percent of total lot area. Buildings that are solely commercial or residential use are the next highest land uses accounting for 22 percent and 18 percent of the total lot area respectively.

Current zoning allows residential use on the third floor and above in buildings with less than 5,000 square feet of lot coverage. In the past few years, multiple conversions of existing non-manufacturing buildings have been approved by the City Planning Commission. In addition, the Board of Standards and Appeals have also allowed new residential construction in the rezoning area. Remaining manufacturing buildings are underutilized and often vacant. There are also a few lots with automotive uses such as garages and surface parking lots.

The area surrounding the proposed rezoning is a mix of uses being predominantly residential with commercial corridors on the avenues. To the south, southern Tribeca is a mix of converted buildings with some new residential construction. Along the waterfront is the Hudson River Park with some commercial office buildings immediately outside of the rezoning area. To the north

are SoHo and the Hudson Square neighborhoods where both residential uses and commercial uses are prevalent. To the east of the rezoning area are some remaining manufacturing buildings and new residential development.

Existing Zoning

The rezoning area lies entirely within the existing Special Tribeca Mixed Use (TMU) District. The Special TMU District is located in Community District 1, Manhattan and is roughly bounded by Canal Street to the north, Broadway and Church Streets on the east, Murray Street to the south, and Greenwich and West streets to the west. Originally called the Lower Manhattan Mixed Use District, the Special TMU District was established in 1976 and modified in 1995 (C 940309 ZMM). It was one of the first mixed-use districts and permitted light manufacturing and controlled residential uses to co-exist. At the time it was created, southern Tribeca was developing as a residential neighborhood and was zoned commercial and residential while permitting some light manufacturing uses. Northern Tribeca, however, still had active manufacturing uses in the area and remained a manufacturing zone with limited residential use. As Northern Tribeca has changed, this rezoning seeks to match the area with its southern counterpart.

The Special TMU District is divided into six subareas. Southern Tribeca includes Areas A1, A2, and A3. Northern Tribeca includes Areas B1, B2, and A4 and is the primary focus of this rezoning. Areas B1 and B2 are zoned M1-5 with a maximum density allowance of 5.0 FAR. There are no street wall or maximum building height requirements in the M1-5 zoning. Residential use is also not permitted. Area A4 was rezoned in 2006 (C 040543 ZMM) from M1-5 to C6-3A along West Street and C6-2A along Washington Street. The C6-3A allows for a maximum density of 6.5 FAR and the C6-2A a 5.5 FAR. Both zoning districts have street wall requirements of 60 to 70 feet. The maximum building height in the C6-3A is 150 feet and 120 feet in the C6-2A. For Area A4, buildings in designated Landmark Preservation Commission Historic Districts are not required to comply with these street wall and height requirements. The C6-2A and C6-3A allow residential and commercial uses and ground floor retail.

The Special TMU District also has specific limitations on ground floor use in Areas B1 and B2. Depending on when the building was constructed and if the building has frontage on a wide street, retail may not be permitted throughout the subareas. Furthermore, except as stipulated in the Special District, Area B2 is regulated by an M2-4 district rather than the M1-5. The M2-4 district has greater restrictions on uses, for example, hotels, flower shops, and drug stores are not permitted in Area B2.

The Special TMU District also has regulations regarding “loft dwellings.” Loft dwellings are residential dwelling units specific to the Special TMU District for the conversion of buildings designed for non-residential use to residential use. Loft dwellings have specific minimum unit size requirements and window requirements which are defined in the Special TMU District. The existing zoning also does not allow loft dwellings in enlargements of buildings designed for non-residential use.

REQUESTED ACTIONS

The Department is proposing the following actions:

- **Zoning Text Amendment (N 100370(A) ZRM)** to create new subareas with specific bulk envelopes and densities in the C6-2A and modify the existing Special TMU District
- **Zoning Map Amendment (C 100369 ZMM)** to replace the existing M1-5 zoning district with a new contextual C6-2A zoning district.

Zoning Text Amendment (N 100370(A) ZRM)

In conjunction with the proposed Zoning Map amendment (C 100369 ZMM) to rezone Areas B1 and B2 in North Tribeca from the M1-5 to C6-2A, the Zoning Text Amendment (N 100370(A) ZRM) would modify the existing Area A4 and establish 3 new subareas. The text amendment would also establish use requirements, clarify light and air requirements on the conversion of buildings designed for non-manufacturing use, and allow developments previously approved by the City Planning Commission and the Board of Standards and Appeals to proceed as approved. The text amendment would apply to the existing Area A4 and the three new subareas.

The zoning text amendment would eliminate Areas B1 and B2 in North Tribeca and replace it with new areas A5, A6, and A7. Through the text amendment to the Special TMU District, each of these subareas would have unique street wall requirements, floor area ratios, and maximum building heights.

Area A4

The text amendment would modify the boundaries of Area A4 so that A4 would encompass only the existing C6-3A zoning district. The boundaries of A4 would be Watts Street, West Street, Hubert Street, and a line measured 100 feet westward of Washington Street. The bulk envelope for Area A4 would be a street wall of 60 to 70 feet and a maximum building height of 150 feet. The maximum density would be a 6.5 FAR. This is the existing bulk regulation for the C6-3A portion of Area A4.

Area A5

A new Area A5 would be established and zoned C6-2A. It would be bounded by a line measured 100 feet westward of Washington Street on the west, Canal Street to the north, a northerly extension of Collister Street to the east, and Beach and Hubert Streets to the south. This area, also known as the Washington and Greenwich Streets area would have a bulk envelope which is an expansion of the existing C6-2A in Area A4.

This area is defined primarily by its narrow streets and narrow buildings along Washington and Greenwich Streets. There are three colonial-style buildings which are landmarked and front Canal Street. These buildings are typical of the early residential development in New York City. Lots along Greenwich and Washington streets tend to be smaller, typically less than 5,000 square feet. Buildings have narrow lot frontages, consistent and continuous street walls and similar design elements. The Washington and Greenwich Streets area has a grid of narrow east-west and narrow north-south streets (Washington and Collister Streets). The combination of the Holland Tunnel entrances at Canal and Varick Streets, the dead end on Laight Street, and the Tunnel exit ramps make access to this area slightly more limited than other parts of North Tribeca.

Area A5 would permit a 5.5 FAR, maximum building height of 110 feet and a street wall minimum and maximum of 60 to 70 feet.

Area A6

Moving west, the next subarea is Area A6, also known as the Holland Rotary Area. It is bounded by Canal Street and Vestry Street to the north, Sixth Avenue to the east, N. Moore Street and Beach Street to the south, and a northerly extension of Collister Street to the west.

Area A6 would be zoned C6-2A with the option of the Inclusionary Housing Program. Without the Inclusionary Housing bonus (described below) the allowable density would be 5.4 FAR within a maximum building height of 120 feet and street wall minimum and maximum of 60 to 85 feet.

This area is dominated by the Holland Tunnel exit ramps and major north-south streets. The exit ramps prevent a continuous pedestrian and vehicular street grid of narrow and wide streets, and instead, create an area with primarily north-south accessibility. This neighborhood tends to have taller, larger buildings, except for some smaller lots along Laight Street. Many of the buildings front on a wide street. This area also has two parks, CaVaLa Park at Laight Street, and the Beach Street Park which draws more light and air to the few narrow streets.

Because the Holland Tunnel exit ramps and the multiple wide north-south streets which traverse Area A6 draw more light and air to the area, the Department of City Planning proposes that the Inclusionary Housing Program (as administered by the Department of Housing Preservation and Development) be applicable here. The Inclusionary Housing Program (IHP) would establish incentives for the creation and preservation of affordable housing in conjunction with new development on the selected streets. The proposed floor area bonus associated with the proposed C6-2A zoning districts would be consistent with bonuses established for recently adopted rezoning proposals, including the Lower East Side/East Village in Manhattan and Astoria, Queens rezoning.

Under the IHP, developments would be allowed to increase the allowable FAR, above an established base, with the maximum bonus achieved when an amount of affordable housing is provided equal to 20 percent of a new development's floor area. As administered by HPD, such housing must remain permanently affordable to households earning up to 80% of the Area Median Income (AMI).

For Area A6, the IHP would permit a base FAR of 5.4 which could be increased to a maximum of 7.2. The height and setback requirements would remain unchanged from the proposed bulk regulations for Area A6, and additional floor area developed through the IHP must be located within the established envelope requirements. The affordable units created through this program must be permanently affordable rental units and can be provided on the site of the new development or off-site within the same community district or within a half-mile from the site in an adjacent community district. The off-site units may be new construction or rehabilitation or permanent preservation of existing affordable units. Developers may utilize City or other subsidy programs to build the affordable units.

Area A7

The final subarea is Area A7 also known as the Lispenard Street Area. It is bounded by Canal Street, Broadway, Walker Street, and Sixth Avenue.

Although bounded by wide streets as Sixth Avenue and Broadway on the east and west, respectively, this area is characterized by five-to-six story loft buildings with strong consistent cornice lines, narrow frontages, and almost full lot coverage on two of the five blocks. Overall, the majority of the lots tend to be smaller including some that front on Church Street and Sixth Avenue. Sixth Avenue serves as the western boundary of the area, as to the east of Sixth Avenue, lots are primarily much larger and buildings have larger footprints.

The bulk envelope would be a C6-2A with a 5.0 FAR, maximum building height of 120 feet and a street wall minimum and maximum of 60 to 85 feet.

In summary, Area A4 would be modified, and the two subareas currently zoned manufacturing (Areas B1 and B2) would be replaced by three new subareas (Area A5, A6, and A7). The text amendment would establish unique floor area ratios, street wall, and maximum building height requirements. These would reflect and reinforce the areas' established historic and built character.

Other text amendments

In addition to the new subareas, there would be additional text amendments to the Special TMU District related to limiting retail establishment size, allowing for some light manufacturing uses, and clarifying standards for the conversion of buildings designed for non-residential use to residential use. These text amendments would apply to all subareas in northern Tribeca, including Area A4.

In order to ensure that there is a mix of uses and that the primarily residential character of the neighborhood is protected, retail establishments would be limited to 5,000 square feet on narrow streets and 10,000 square feet on wide streets. Moreover, ground floor spaces in separate buildings may not be combined for specific uses. Similar retail restrictions already exist in the Special TMU District for southern Tribeca. Hotels would be limited to 100 rooms, and both of these commercial establishment size restrictions could be modified with a City Planning Commission special permit. A limited set of light manufacturing uses such as ceramics, jewelry making, or woodworking would continue to be allowed.

With respect to the conversion of non-residential buildings to residential use, the existing Special TMU District loft dwelling requirements would be eliminated. As the existing requirements are outdated and limiting, the citywide regulations on residential conversions would be used instead. The citywide requirements utilize a density measure rather than a minimum square feet requirement, and the density measure allows greater flexibility in unit mix, allowing for smaller studios but also family size apartments.

Zoning Map Amendment (N 100369 ZMM)

The zoning map amendment would replace the M1-5 zoning with a C6-2A zoning district throughout North Tribeca. The C6-2A is a contextual and mid to high density district. It permits a wide range of commercial uses and also residential and community facility uses which reflects the change in North Tribeca. Together with the text amendment, there would be unique bulk envelopes for each of the subareas.

Contextual zoning districts strictly define building envelope requirements on new residential developments, establish maximum building heights and mandate continuous street walls with setbacks above specified base heights. These controls would help ensure that new development throughout the rezoning area relates to the existing scale and character found throughout northern Tribeca.

ENVIRONMENTAL REVIEW

The original and modified applications (N 100370 ZRM, N 100370(A) ZRM) in conjunction with the application for the related action (C 100369 ZMM) were 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 10DCP039M. 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 June 4, 2010. The Negative Declaration included an e-designation (E-257) for hazardous materials, air quality and noise. A Revised Negative Declaration was issued on September 15, 2010. The Revised Negative Declaration reflects the modified application and minor corrections to the (E) designation.

PUBLIC REVIEW

The original application (N 100370 ZRM) was duly referred to Community Board 1 and the Borough President on June 7, 2010, in accordance with the procedure for referring non-ULURP

matters, along with the related application for a zoning map amendment (C 100369 ZMM).

On July 16, 2010, this application (N 100370(A) ZRM) was duly referred to Community Board 1 and the Borough President, in accordance with the procedure for referring non-ULURP matters.

Community Board Public Hearing

Community Board 1 held a public hearing on the original text amendment application (N 100370 ZRM) and related zoning map amendment action (C 100369 ZMM) on June 22, 2010, and on that same day by a vote of 37 to 0 and 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

The original and modified applications for changes to the zoning map (C 100369 ZMM) and zoning text (N 100370 ZRM and N 100370(A) ZRM) were considered by the Borough President who issued a recommendation approving the actions on August 6, 2010.

City Planning Commission Public Hearing

On July 28, 2010 (Calendar No. 8), the City Planning Commission scheduled August 11, 2010, for a public hearing on this application (N 100370(A) ZRM), in conjunction with the application for the related zoning map amendment action (C 100369 ZMM) and the text amendment as originally referred (N 100370 ZRM). The hearing was duly held on August 11, 2010 (Calendar No. 19) in conjunction with the public hearing on the applications for a zoning map and text amendments (C 100369 ZMM and N 100370 ZRM).

There were two speakers in favor of the applications, none opposed and the hearing was closed.

The Director of Planning for Community Board 1, representing the Community Board, spoke in favor of the rezoning. He described the mixed use nature of Tribeca and reiterated the Community Board's support for changing the zoning from an M1-5 to C6-2A. He also stated the support for establishing retail size and hotel size limits and for the special permit to waive such

restrictions. The Community Board also agreed with utilizing the citywide residential conversion standards and the inclusion of the affordable housing bonus in the rezoning. He expressed the Community Board's sincere gratitude to the Department of City Planning for reaching out to Community Board 1 in a collaborative effort. He also noted that the Community Board was aware of the modified application and that the modification did not change the Community Board's recommendation.

The Deputy Director of Land Use for the Office of the Manhattan Borough President, also spoke in favor of the proposed application. She noted that North Tribeca was a mix of uses and that permitting some light manufacturing uses was in character with the neighborhood. She congratulated both the Community Board and the Department of City Planning on the comprehensive rezoning and consensus on the plan. She said that the rezoning would put an end to the case-by-case discretionary approvals.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application, in conjunction with the applications for the related zoning map and text amendments (C 100369 ZMM and N 100370 ZRM), was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et. seq.). The designated WRP number is 10-015. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this application to amend the Zoning Resolution along with the related zoning map amendment (C 100369 ZMM), is appropriate.

The Commission shares the belief, broadly held by Community Board 1, local Council Members, local residents, business owners, and the Manhattan Borough President, that the North Tribeca neighborhood is a good candidate for a contextual rezoning with unique bulk controls. The Commission further believes that replacing the existing, outdated, Manufacturing zoning district established in 1961 with a contextual district will prevent future out of scale development and would encourage more orderly patterns of predictable and appropriately-scaled buildings for the future.

The Commission believes that the proposed actions would encourage new housing, including affordable housing, with both the conversion of existing buildings designed for non-residential use and in-fill housing. The Commission recognizes that much of the rezoning area consists of existing buildings which are historic and that this rezoning would allow the conversion of some or all of these floors to residential use without a special permit. The Commission also recognizes that remaining vacant lots or lots used for automotive use could now be redeveloped for new residential construction.

The Commission notes that the majority of the existing uses in the area are commercial or residential. Approximately 11 percent of the rezoning area has industrial and manufacturing uses, but many of the buildings in which these operations take place are underutilized or vacant. The Commission also notes that existing zoning allows buildings with lot coverage of less than 5,000 square feet to convert the third floor and above to a residential use and that, because of this provision, residential use already exists throughout North Tribeca.

The Commission notes that the neighborhood has become increasingly residential in the past decade as evidenced by the multiple Board of Standards and Appeals approvals for new residential construction in the area and the recent City Planning Commission approvals for residential conversions. The Commission also recognizes that in 2006 (C940309 ZMM) a rezoning was approved by the City Planning Commission for four blocks along West Street from M1-5 zoning to C6-2A and C6-3A zoning, thus signifying the change in uses in the area.

In addition, the Commission notes that the ground floors of buildings throughout this area have increasingly become filled with local retail such as flower shops, food, beverage and wine stores. The Commission believes that the existing M1-5 zoning is outdated and does not reflect the trend towards a residential neighborhood, and that the C6-2A zoning district is appropriate. The Commission believes that the proposed C6-2A zoning allows for a range of uses including commercial office, residential, community facility, and local retail that would support the growing residential neighborhood.

The Commission notes that active manufacturing has primarily left the area, and the few remaining manufacturing uses include fashion showrooms and wholesale distributors for housewares or clothing. Therefore, the Commission believes that the rezoning would have no significant impact on industrial employment.

The Commission believes that the rezoning to C6-2A, together with the zoning text amendment to establish subareas, creates a zoning framework that is consistent with built forms and is appropriate.

The existing zoning M1-5 zoning does not require a street wall, does not have a maximum building height, and has an FAR of 5.0 which does not reflect the varying densities of North Tribeca. The Commission believes that without bulk controls, the existing zoning allows for out of scale development for lots not located within Historic Districts. The Commission notes that many of the buildings in North Tribeca have consistent and uniform street walls at the street line and that the proposed actions would require this same continuity.

The Commission notes that the three new subareas for North Tribeca each have distinct floor area ratios (FAR), street wall requirements, and maximum building heights. These subareas reflect North Tribeca which extends from Broadway to West Street, but is interrupted by the Holland Tunnel exit ramps which limits east-west access and neighborhood continuity.

The Commission notes that Area A4 will be modified so that it only pertains to the existing C6-

3A zoning district. The Commission notes that the C6-2A bulk regulation in the existing Area A4 will be expanded to the east as part of a new Area A5. Area A5, also known as the Washington and Greenwich Streets Area, has primarily narrow buildings. The area is a tight grid of streets with Washington Street being a unique north-south narrow street and narrow east-west streets. Pedestrian and vehicular accessibility is limited from the west because of the Holland Tunnel exit ramps. Compared to neighboring Area A6, where buildings tend to be larger and major north-south avenues such as Hudson Street, Varick Street, and West Broadway pass through North Tribeca, Area A5 has a special character of unique, individual apartment buildings rather than taller commercial office buildings or former warehouse buildings.

The Holland Rotary Area (Area A6) has the tunnel exit ramps as its most dominant feature. The exit ramps lead to major wide streets such as Hudson Street and Varick Street. The parks in this area and the Holland Rotary allow for a greater density with the Inclusionary Housing Bonus as more light and air can reach developments. The Commission notes that a mixed income neighborhood and affordable housing is important to the Community Board and that the Inclusionary Housing Program has been approved in recent rezoning throughout the city. The Commission believes that it is appropriate to include the Inclusionary Housing Program as part of the rezoning of this area.

The Commission notes that the Lispenard Street Area (Area A7) has primarily smaller lots even on lots fronting wide streets such as Church Street and Sixth Avenue. The Commission believes that Sixth Avenue serves as a logical western boundary for Area A7 (which has a lower proposed FAR than Area A6) because buildings to the west of Sixth Avenue are bulkier, have larger footprints, and are generally taller.

The Commission believes that this combination of contextual districts and their associated height, setback and bulk controls, is appropriate and would help to preserve and strengthen the existing character of the North Tribeca subareas. The Commission also believes that the historical mixed use character of this area is important and that encouraging a diverse set of uses is vital. The proposed modifications to the Special Tribeca Mixed Use District related to uses are

appropriate for North Tribeca.

The Commission recognizes that in areas of the Special TMU District outside of the rezoning area, there are existing restrictions on ground floor establishment size and on combining ground floor spaces in separate buildings. The Commission believes that an extension of similar restrictions would match this area to its southern counterpart and limit the size of retail in North Tribeca. The Commission notes that because of the lower densities in North Tribeca, and the narrow east-west streets, ground floor retail establishments fronting on narrow streets would be limited to 5,000 square feet and 10,000 square feet on the wide streets. The Commission believes that these restrictions would activate retail frontages and prevent a single commercial retail establishment from utilizing all the ground floor space in a larger building. Multiple storefronts contributes to varied building articulation and streetscape activity for pedestrians and area residents.

Written testimony was also submitted by the Real Estate Board of New York (REBNY) expressing their overall support for the rezoning from M1-5 to C6-2A and the proposed text amendment but objected to the restriction on hotels which requires a City Planning Commission special permit for hotels larger than 100 rooms. REBNY also stated that, if hotels are deemed an incompatible use in North Tribeca, then a residential district should be designated.

The Commission believes that North Tribeca is predominantly a residential area and that commercial uses should be limited to protect this neighborhood character. The Commission believes that, by limiting hotels to 100 rooms, the residential character can be protected and other retail or commercial uses can be fostered. The Commission notes that larger hotels may be permitted by special permit provided that the City Planning Commission finds that such transient hotel does not impair the essential residential character of, or the future use or development, of the surrounding area.

The Commission notes that North Tribeca is a mixed use neighborhood with commercial office buildings alongside apartments and light manufacturing uses. The Commission believes that a

residential district, as suggested by REBNY, would be far too restrictive along Broadway, Canal Street, and Hudson Street since many of the buildings are almost entirely commercial office buildings. The Commission also notes that current zoning does not allow hotels in Area B2 of North Tribeca, but that the proposed rezoning would allow hotels in all of North Tribeca which is an expansion of current permitted uses.

The Commission notes that, as a mixed-use neighborhood with a history of artists and light manufacturing, certain uses in Use Groups 16 and 17 will continue to be permitted. Working collaboratively with Community Board 1, the proposed zoning text amendment specifies which uses would continue to be allowed such as manufacturing of textiles, carpets, or photography studios.

The Commission believes that by allowing a range of uses and by limiting commercial establishment size, North Tribeca will have the opportunity to be a neighborhood with diverse uses throughout.

The Commission believes that the residential term “loft dwelling” defined specifically for the Special TMU district is outdated and that conversions of buildings designed for non-residential use should be governed by the citywide standards. The Commission notes that existing standards for conversions to residential use utilize a minimum square foot standard of 2,000 square feet or a ratio of window area to dwelling unit area. The Commission believes that, with a minimum square foot standard, it is difficult to have flexibility in unit mix from studios to family-size apartments. The Commission notes that, under the proposed text amendment, new dwelling units created from a conversion would utilize a density standard which would give buildings more flexibility.

The Commission notes that the proposed text amendments would permit developments which previously received approvals by the City Planning Commission or Board of Standards and Appeals to proceed as approved. The Commission notes that this grandfathering provision has limited applicability and believes this modification as proposed is appropriate.

The Commission is pleased that this rezoning has the support of the community and believes that the proposed actions balance the objectives of encouraging new housing at a density appropriate to the mixed use zone while allowing a diverse set of uses from light manufacturing to commercial.

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, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with the WRP policies; and be it further

RESOLVED by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby further amended as follows:

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article I

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Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

* * *

Accessory use, or accessory

* * *

An #accessory use# includes:

* * *

- (iv) in C6-2M, C6-4M, M1-5M, M1-6M, M1-5A, and M1-5B Districts ~~and the #Special Tribeca Mixed Use District#~~, no living or sleeping accommodation for caretakers is permitted in any #building# which contains a #residential use# or a #joint living-work quarters for artists#.

* * *

Joint living-work quarters for artists

A "joint living-work quarters for artists" consists of one or more #rooms# in a non-#residential building#, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied:

- (a) and arranged and designed for use by, and is used by, not more than four non-related #artists#, or an #artist# and his household, and including adequate working space reserved for the #artist#, or #artists# residing therein;
- (b) by any household residing therein on September 15, 1986, whose members are all unable to meet the #artist# certification qualifications of the Department of Cultural Affairs that registers with the Department of Cultural Affairs prior to nine months from January 8, 1987; or
- (c) by any person who is entitled to occupancy by any other provision of law.

An #artist# is a person so certified by the New York City Department of Cultural Affairs.

Regulations governing #joint living-work quarters for artists# are set forth in Article I, Chapter 5, Sections 42-14, paragraph (D) (Use Group 17 - Special Uses), 42-141 (Modification by certification of the City Planning Commission of uses in M1-5A and M1-5B Districts), 43-17 (Special Provisions for Joint Living-Work Quarters for Artists); and 74-78 (Conversions of Non-Residential Buildings) ~~and Article XI, Chapter 1 (Special Tribeca Mixed Use District).~~

* * *

Loft dwelling

A "loft dwelling" is a #dwelling unit# in the #Special Tribeca Mixed Use District#, in a #building# designed for non-#residential use# erected prior to December 15, 1961. Regulations

governing #loft dwellings# are set forth in Sections 111-11 (Residential use modification) and 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE). Article XI, Chapter 1 (Special Tribeca Mixed Use District).

* * *

Chapter 5
Residential Conversion of Existing Non-Residential Buildings

* * *

15-011
Applicability within Special Districts

The provisions of this Chapter shall apply in any #Special Mixed Use District# as modified by Article XII, Chapter 3 (Special Mixed Use District).

The provisions of this Chapter shall apply in the #Special Downtown Jamaica District# as modified by Article XI, Chapter 5 (Special Downtown Jamaica District).

The provisions of this Chapter shall apply in the #Special St. George District# as modified by Article XII, Chapter 8 (Special St. George District).

The provisions of this Chapter shall apply in the #Special Coney Island District# as modified by Article XIII, Chapter 1 (Special Coney Island District).

The Preservation Area of the #Special Clinton District# is excluded from the applicability of the provisions of this Chapter.

The provisions of this Chapter shall apply in the #Special Tribeca Mixed Use District# as modified by Article XI, Chapter 1 (Special Tribeca Mixed Use District).

~~Except as specifically set forth in Sections 15-013 and 15-026, the provisions of this Chapter are not applicable in the #Special Tribeca Mixed Use District#.~~

* * *

15-013
Building permits and variances issued before the effective date of amendment

(a) Building permits in Manhattan Community Districts 1, 2, 3, 4, 5 and 6

* * *

- (2) for all #floor area# for which the Board has made a finding that, as of the date said building permit lapsed, there was substantial construction in compliance with the approved plans pursuant to which said lapsed permit has been granted. A finding of substantial construction shall not be made unless, as of the date said permit lapsed, the #floor area# was either vacant or occupied by #residential# or #joint living-work quarters for artists use#, and unless the expenditures prior to the date said permit lapsed were significant in proportion to the costs of construction of the entire project, not including the costs of acquisition, demolition, professional fees or financing. Notwithstanding anything to the contrary above, the building permit shall only be reinstated pursuant to the provisions of this Section, provided that for any portion of the #building# for which said permit is reinstated:
- (i) the conversion shall comply with the provisions of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), ~~or 111-112,~~ as appropriate in the zoning district in which the #building# being converted is located, except that the Board may modify the requirements of Sections 15-12, 15-24, or 42-14, paragraph (D)(1)(e), ~~or 111-112,~~ provided that the rooftop open space was not permitted under said building permit and the Board determines that the roof either is unsuited for open space #use# or cannot be made suitable for open space #use# at a reasonable cost;

* * *

15-026

Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

- (a) The minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and ~~111-111~~ Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)) may be replaced by the requirements of this Section for #dwelling units#, #joint living-work quarters for artists# or #loft dwellings#:
- (1) existing on September 1, 1980 for which a determination of #residential# or #joint living-work quarters for artists# occupancy has been made pursuant to Sections 15-021, paragraph (c), 15-215, 42-133, paragraph (a), 42-141, paragraph (b); or 74-782, ~~or 111-201 paragraph (a);~~ or
- (2) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or

- (3) that the Loft Board determines were occupied for #residential use# or as #joint living-work quarters for artists# on September 1, 1980.
- (b) Unless required by the Loft Board for the legalization of Interim Multiple Dwelling Units in the implementation of Article 7C of the New York State Multiple Dwelling Law, #dwelling units# or #joint living-work quarters for artists# described in paragraph (a) and existing on such dates may not be divided subsequently into units or quarters of less than 1,200 square feet, and #loft dwellings# may not be divided subsequently into dwellings that do not meet the requirements of ~~Section 111-111 paragraphs (a), (b)(1) and (c).~~ Section 111-40.

No #building# that meets the density requirements of Sections 15-111 or paragraph (c) of Section 111-40 ~~111-111 paragraph (c)~~, may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of this Section have been applied may subsequently add additional units or quarters except in accordance with the requirements of Sections 15-111 ~~or 111-111 paragraph (c)~~.

- (c) In lieu of the stated minimum size, #yard#, and density requirements of Sections 15-111, 15-22, 43-17 and Section 111-40 ~~111-111~~, the following regulations shall apply:
- (1) The minimum size of a #dwelling unit#, #joint living work quarters for artists#, or #loft dwelling# may be no less than 415 square feet of #floor area#, provided that all of the following requirements are met:
- (i) the unit or quarters shall contain one or more windows that open onto a #street# or thirty foot #yard#;
 - (ii) the area of such required window shall be not less than eight percent of the #floor area# of the unit or quarters and 50 percent of the area of such required window shall be openable; and
 - (iii) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width; or
- (2) The minimum size of a #dwelling unit#, #joint living-work quarters for artists#, or #loft dwelling# may be no less than 600 square feet of #floor area#, provided that all of the following requirements are met:
- (i) the unit or quarters shall contain one or more windows that open onto either:
 - (a) a ten foot #yard#, where the window sill of such required window is at least 23 feet above #curb level#; ~~or~~

- (b) a 15 foot #yard#, where the window sill of such required window is less than 23 feet above #curb level#; ~~or~~
- (c) a #court# with a minimum dimension of 15 feet perpendicular to such required window and 375 square feet or more in area; or
- (d) a #street#;
- (ii) the minimum horizontal distance between such required window opening onto a #yard# and any wall opposite such window on the same or another #zoning lot# shall be at least 15 feet;
- (iii) the area of such required window shall be no less than five percent of the #floor area# of the unit or quarters, and 50 percent of the area of such required window shall be openable;
- (iv) the interior dimension of the wall in which such required window is located shall be no less than 12 feet in width;
- (v) the average width of such unit or quarters shall be no less than 14 feet; and
- (vi) not less than two-thirds of the #floor area# of the unit or quarters shall have a floor-to-ceiling height of nine feet or more.

* * *

**32-01
Special Provisions for Adult Establishments**

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in C1, C2, C3, C4, C5, C6-1, C6-2 or C6-3 Districts.
- (b) In C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C7 or C8 Districts, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# ~~or new #loft dwellings#~~ are allowed, ~~under the provisions of the Zoning Resolution~~, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# ~~or new #loft dwellings#~~ on #commercial# or #manufacturing uses# within a #Manufacturing District#

shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #non-conforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

* * *

42-01 Special Provisions for Adult Establishments

In addition to the applicable regulations for the #uses# listed in a permitted Use Group, #adult establishments# shall be subject to the following provisions:

- (a) #Adult establishments# are not permitted in a #Manufacturing District# in which #residences#, or #joint living-work quarters for artists# ~~or #loft dwellings#~~ are, ~~under the provisions of the Zoning Resolution~~, allowed as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# ~~or new #loft dwellings#~~ on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision.
- (b) In all other #Manufacturing Districts#, no #adult establishment# shall be established less than 500 feet from a house of worship, a #school#, a #Residence District#, a C1, C2, C3, C4, C5-1, C6-1, C6-2 or C6-3 District, or a #Manufacturing District#, other than an M1-6M District, in which new #residences#, or new #joint living-work quarters for artists# ~~or new #loft dwellings#~~ are allowed, under the provisions of the Zoning Resolution, as-of-right or by special permit or authorization. No provisions or findings of such special permit or authorization which require an assessment of the impact of new #residences#, or new #joint living-work quarters for artists# ~~or new #loft dwellings#~~ on #commercial# or #manufacturing uses# within a #Manufacturing District# shall be construed as a limitation on the scope of this provision. However, on or after October 25, 1995, an #adult establishment# that otherwise complies with the provisions of this paragraph shall not be rendered #nonconforming# if a house of worship or a #school# is established on or after April 10, 1995, within 500 feet of such #adult establishment#.

* * *

42-53 Surface Area and Illumination Provisions

M1 M2 M3

* * *

No illuminated sign shall have a degree or method of illumination that exceeds standards established by the Department of Buildings by rule pursuant to the City Administrative Procedure Act. Such standards shall ensure that illumination on any illuminated sign does not project or reflect on residences, ~~loft dwellings~~ or joint living-work quarters for artists so as to interfere with the reasonable use and enjoyment thereof. Nothing herein shall be construed to authorize a sign with indirect illumination to arrange an external artificial source of illumination so that direct rays of light are projected from such artificial source into residences, ~~loft dwellings~~ or joint living-work quarters for artists.

* * *

42-532

Non-illuminated signs

M1 M2 M3

In all districts, as indicated, non-illuminated signs with total surface areas not exceeding six times the street frontage of the zoning lot, in feet, but in no event more than 1,200 square feet for each sign, are permitted.

However, in any Manufacturing District in which residences, ~~loft dwellings~~ or joint living-work quarters for artists are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed six times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 750 square feet.

* * *

42-533

Illuminated or flashing signs

M1 M2 M3

* * *

However, in any Manufacturing District in which residences, ~~loft dwellings~~ or joint living-work quarters for artists are, under the provisions of the Zoning Resolution, allowed as-of-right or by special permit or authorization, the total surface area of all such permitted signs shall not exceed five times the street frontage of the zoning lot, in feet, and that the surface area of each sign shall not exceed 500 square feet.

* * *

**42-541
Permitted projection**

M1 M2 M3

In all districts, as indicated, except as otherwise provided in Section 42-542 (Additional regulations for projecting signs), no permitted #sign# shall project across a #street line# more than 18 inches for double- or multi-faceted #signs# or 12 inches for all other #signs#, except that:

- (a) ~~In M1-5A, M1-5B, M1-5M and M1-6M Districts and in #Manufacturing Districts# mapped within the #Special Tribeca Mixed Use District#,~~ for each establishment located on the ground floor, non-#illuminated signs# other than #advertising signs# may project no more than 40 inches across a #street line#, provided that along each #street# on which such establishment fronts, the number of such #signs# for each establishment shall not exceed two two-sided #signs# separated at least 25 feet apart, and further provided that any such #sign# shall not exceed a #surface area# of 24 by 36 inches and shall not be located above the level of the first #story# ceiling.

* * *

- (b) ~~F~~for #zoning lots# occupies . . .

**Article VII
Administration**

* * *

**Chapter 4
Special Permits by the City Planning Commission**

* * *

**74-92
Use Groups 3A and 4A Community Facilities and Certain Large Retail Establishments in Manufacturing Districts**

**74-921
Use Groups 3A and 4A community facilities**

- (a) Use modifications for Use Groups 3A and 4A in M1 Districts

In M1 Districts, except for houses of worship, the City Planning Commission may permit #uses# listed in Use Group 4A - Community Facilities and, in M1-5 Districts, except in M1-5A, M1-5B and M1-5M Districts, the Commission may permit museums and non-commercial art galleries as listed in Use Group 3A, provided that such community facility is located not more than 400 feet from the boundary of a district where such facility is permitted as-of-right and the Commission finds that:

* * *

(6) such facility will not impair the essential character of the surrounding area.

~~The provisions of this special permit relating to Use Group 3A museums and non-commercial art galleries shall be inapplicable to the #Special Tribeca Mixed Use District#.~~

* * *

Article XI - Special Purpose Districts

Chapter 1 Special Tribeca Mixed Use District

111-00 GENERAL PURPOSES

The "Special Tribeca Mixed Use District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide a ~~limited~~ new housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to insure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

* * *

111-02 General Provisions

The provisions of this Chapter shall apply to all ~~developments, enlargements, extensions,~~ alterations, ~~accessory uses,~~ open and enclosed, and changes in ~~uses~~ within the Special District.

~~Loft dwellings and joint living work quarters for artists are permitted uses within the Special District and loft dwellings are the only permitted residential use in buildings designed for non-residential use and erected prior to December 15, 1961. Loft dwellings and joint living work quarters for artists converted under the provisions of this Chapter, are not subject to the provisions of Section 32-42 (Location within Buildings).~~

~~Buildings designed for non-residential use, and erected prior to December 15, 1961, that have not since been enlarged may be converted to loft dwellings, subject to the bulk regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists).~~

~~Buildings designed for non-residential use, and erected prior to December 15, 1961, that have since been enlarged may be converted to loft dwellings, and buildings designed for non-residential use and erected prior to December 15, 1961, may be enlarged for loft dwellings, provided that such conversion or enlargement shall be made only by special permit of the City Planning Commission pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings).~~

~~A home occupation may occupy a loft dwelling as an accessory use in excess of the floor area limitations of Section 12-10 (DEFINITIONS—Home occupation), and subject to the following:~~

- ~~(a) — Businesses operated as home occupations may have up to three non-residential employees, and~~
- ~~(b) — Notwithstanding the limitation on uses listed in Section 12-10, a home occupation may include a permitted commercial or permitted manufacturing use. It shall not include the sale of merchandise produced elsewhere.~~
- ~~(c) — The Commissioner of Buildings may issue rules and regulations setting forth appropriate standards to implement the intent of this Section.~~

~~Museums or non-commercial art galleries are permitted uses within Areas B1 and B2 of the Special District in accordance with the provisions of Section 111-105 (Museums or non-commercial art galleries), and are subject to the bulk regulations applicable to manufacturing uses in Areas B1 and B2.~~

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect.

111-03 District Map

The District Map for the #Special Tribeca Mixed Use District#, in Appendix A, identifies special areas comprising the Special District in which special zoning regulations carry out the general purposes of the #Special Tribeca Mixed Use District#. These areas are as follows:

Area A1 - General Mixed Use Area

Area A2 - Limited Mixed Use Area (~~Commercial and Residential Uses~~)

Area A3 - General Mixed Use Area

Area A4 - General Mixed Use Area

~~Area B1 - Limited Mixed Use Area~~

~~Area B2 - Limited Mixed Use Area~~

Area A5 - General Mixed Use Area

Area A6 - General Mixed Use Area

Area A7 - General Mixed Use Area

111-10 SPECIAL USE REGULATIONS

~~111-101 Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists~~

~~Within Areas B1 and B2, #loft dwellings# and #joint living-work quarters for artists# are not permitted below the floor level of the third #story#, unless modified by the Chairperson of the City Planning Commission pursuant to Section 111-20 (MINOR MODIFICATIONS), paragraph (a), by authorization of the City Planning Commission pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission) or by special permit of the City Planning Commission pursuant to Section 111-50 (SPECIAL~~

PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK
QUARTERS FOR ARTISTS):

111-11

Residential use modification

(a) Loft dwellings

#Loft dwellings# created prior to (effective date) shall be governed by the provisions for #loft dwellings# in Section 111-40 (REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO (EFFECTIVE DATE)). Such #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with such provisions. No #loft dwellings# may be created after (effective date), except as the result of a subdivision of a #loft dwelling# existing prior to (effective date).

(b) Home occupations

A #home occupation# may occupy a #loft dwelling#, or a #dwelling unit# converted pursuant to Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings), as an #accessory use# pursuant to Section 15-13 (Special Home Occupation Provision), except that:

- (1) businesses operated as #home occupations# may have up to three non-#residential# employees; and
- (2) notwithstanding the limitation on #uses# listed in Section 12-10, a #home occupation# may include a permitted #commercial# or permitted #manufacturing use#.

111-102 12

Ground floor use restrictions

~~(a) In all areas except Areas A2, s A1, A3 and A4G ground floor spaces in separate #buildings# may not be combined for #uses# in Use Groups 3, 4, 5 and 6, except in those #buildings# having frontage on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street.~~

~~(b) — Areas B1 and B2~~

- ~~(1) — Use of the ground floor in #buildings# constructed prior to March 10, 1976, shall be restricted to #uses# in Use Groups 7, 9, 11, 16, 17a, 17b, 17c or 17e, except that where a #use# other than these occupied the ground floor of a #building#~~

~~prior to March 10, 1976, it shall be permitted in conformance with the underlying district regulations.~~

- ~~(2) In #buildings# having frontage on Greenwich Street, West Street, Hudson Street, West Broadway or Canal Street, ground floor #uses# shall be permitted in conformance with the underlying districts except as provided in Section 111-103, paragraph (c).~~

111-103 13 **Additional use regulations**

- (a) Areas A1, and A3 ~~and~~ A4

- (1) #Uses# in Use Groups 16 and 17 shall be permitted, except the following #uses# are prohibited ~~in all #buildings#~~:
- ~~(i)~~—within Use Group 16A: crematoriums, poultry or rabbit killing establishments, unenclosed automobile, boat, motorcycle or trailer sales, motorcycle rentals;
 - ~~(ii)~~—all Use Group 16B #uses#, except #automotive service stations# by special permit pursuant to Section 73-21;
 - ~~(iii)~~—all Use Group 16C #uses#;
 - ~~(iv)~~—within Use Group 16D: dry cleaning or cleaning or dyeing establishments, with no limitation on type of operation, solvents, #floor area# or capacity per establishment;
 - ~~(v)~~—within Use Group 17B: manufacture of aircraft, automobiles, trucks, trailers, boats, motorcycles or chemicals; and
 - ~~(vi)~~—all Use Group 17C #uses#, except agriculture.
- (2) The following #uses# are prohibited in #buildings# that do not front on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway ~~or~~ West Street:
- ~~(i)~~—all Use Group 8A #uses#;
 - ~~(ii)~~—all Use Group 8D #uses#;
 - ~~(iii)~~—all Use Group 10A #uses#, except depositories, photographic or motion

picture studios, radio or television studios; and

(iv) ~~all Use Group 12A #uses#.~~

(3) In ~~#buildings#~~ fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street, or West Broadway ~~or West Street~~, the following ~~retail facilities #uses#~~ shall be limited to 20,000 square feet of ~~#floor area#~~ on a ~~#zoning lot#~~, including retail ~~#cellar#~~ space allotted to such ~~#uses#~~, except as otherwise provided in Section ~~111-40~~ 111-32 (Special Permit For Certain Large Commercial Establishments):

(i) ~~all #uses# in Use Groups 6A and 6C;~~

(ii) ~~all #uses# in Use Group 10 with parking categories B or B1; and~~

(iii) ~~the above #uses# when listed in other use groups.~~

Separate ~~#buildings#~~ on separate ~~#zoning lots#~~ may not be combined for ~~#uses#~~ in Use Groups 6A, ~~and 6C~~ and or all #uses# with parking categories B or B1. in Use Group 10 ~~with parking categories B or B1.~~

In addition, in ~~#buildings#~~ not fronting on the ~~above-listed #streets#~~ listed in paragraph (a)(3) of this Section, ~~#uses# listed~~ retail facilities in Use Groups 6A and 6C shall be limited to 10,000 square feet of ~~#floor area#~~ on a ~~#zoning lot#~~, including retail ~~#cellar#~~ space ~~allotted~~ allocated to such ~~#uses#~~, except as otherwise provided in Section ~~111-40~~ 32.

(b) ~~Areas B1 and B2~~

~~#Loft dwellings# and #joint living work quarters for artists# shall be permitted in #buildings# where the #lot coverage# is less than 5,000 square feet. #Loft dwellings# and #joint living work quarters for artists# shall be permitted in other #buildings or other structures# only by special permit of the City Planning Commission, pursuant to Section 111-50 (SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING WORK QUARTERS FOR ARTISTS), or by minor modification of the Chairperson of the City Planning Commission, pursuant to Section 111-20, paragraph (d), or by authorization of the City Planning Commission, pursuant to Section 111-23 (Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission).~~

Areas A4, A5, A6 and A7

(1) All #uses# listed in Use Groups 16B, 16C or 16D shall be permitted,

(2) The following #uses# listed in Use Group 16 shall be permitted:

Carpentry, custom woodworking or custom furniture making shops

Electrical, glazing, heating, painting, paper hanging, plumbing, roofing or ventilating contractors' establishments, open or enclosed, with open storage limited to 5,000 sq. ft.

Household or office equipment or machinery repair shops

Machinery rental or sales establishments.

(3) All #uses# in Use Group 17 shall be permitted, except that the following #uses# shall be prohibited:

Building materials or contractors' yards, open or enclosed

Produce or meat markets, wholesale

Adhesives, including manufacture of basic components

Food products, including slaughtering of meat or preparation of fish for packing

Laboratories, research, experimental or testing

Leather products, including shoes, machine belting, or similar products

Metal stamping or extrusion, including costume jewelry, pins and needles, razor blades, bottle caps, buttons, kitchen utensils, or similar products

Pharmaceutical products

Plastic products, including tableware, phonograph records, buttons, or similar products

Rubber products, such as washers, gloves, footwear, bathing caps, atomizers, or similar products, including manufacture of natural or synthetic rubber

Shoddy

Soap or detergents.

- (4) For establishments with frontage on #wide streets#, #uses# listed in Use Groups 6A, 6C and 10 shall be limited to 10,000 square feet of #floor area#. For establishments that front only upon a #narrow street#, such #uses# shall be limited to 5,000 square feet of #floor area#. For the purposes of this Section, #floor area# shall include retail #cellar# space allocated to such #uses#.

The #floor area# requirements of this paragraph, (b)(4), may be modified only pursuant to Section 111-32 (Special Permit For Certain Large Commercial Establishments).

- (c) Eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, as listed in Use Group 12A, in any location within a #building#, shall be permitted only by special permit of the Board of Standards and Appeals as provided in Section 73-244. ~~In Areas A1, A2, A3 and A4,~~ ~~€~~The Board of Standards and Appeals shall additionally find for establishments of any capacity with dancing, as listed in Use Group 12A, that primary ingress and egress for such #uses# may only be located on Broadway, Chambers Street, Church Street, Greenwich Street, Hudson Street, Sixth Avenue, Varick Street, West Broadway or West Street, with only fire or emergency egress on other #streets#, and that no portion of such #use# may be located more than 100 feet, measured perpendicularly, from the above-listed streets. Furthermore, such #uses# are restricted as provided in paragraph (a)(2) of this Section.

- (d) Areas A4, A5, A6 and A7

#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit For Large Transient Hotels).

However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to (effective date of amendment), may continue under the terms of such approval.

- (e) Environmental conditions for Area A2

- (1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.
- (2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less,

with windows closed. Therefore, an alternate means of ventilation is required.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).

111-104

Special provisions for Areas A1, A2, A3, A4 and B2

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

(a) Area A1

The regulations applicable to a C6-2A District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

The maximum #floor area ratio# permitted on a #zoning lot# shall be 5.0.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of a #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided the portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of the #building# facing a #narrow street#.

(b) Area A2

The regulations applicable to a C6-3 District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

No #floor area# bonuses shall be permitted in Area A2.

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

(2) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a #zoning lot# shall not exceed 80 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-533 and 24-382 (Required rear yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

(4) #Height factor#, front height and setback regulations

The #height factor#, front height and setback, alternate front setback and tower regulations of a C6-3 District shall not apply. In lieu thereof, for the first two #stories# of any #development# or #enlargement#, the #street wall# shall be located on the #street line# and shall extend the entire width of the #zoning lot# not occupied by existing #buildings# to remain, except that at the intersection of two #street lines# the #street wall# may be located within five feet of the #street line#. Above the ceiling of the second #story# for any #development# or #enlargement#, there shall be mandatory #street walls# extending the entire width of the #zoning lot# not occupied by existing #buildings# to remain, as set forth below in this paragraph, (b)(4). Along #wide streets# and along #narrow streets#, within 75 feet of the intersection with #wide streets#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 100 feet above #curb level#. Along a #narrow street#, beyond a distance of 75 feet from the intersection of a #wide street# and a #narrow street#, the #street wall# shall rise for a minimum of 60 feet above #curb level# but shall not exceed a height of 85 feet above #curb level#. Notwithstanding the above requirements, for the 25 feet of a #zoning lot# furthest from the intersection of a #wide street# and a #narrow street#, the height of the #street wall# shall be 60 feet or the height of the adjacent #building# fronting on the same #street line#, whichever is greater. Above the ceiling of the second #story#, 75 percent of the aggregate area of the mandatory #street walls# at each #story# shall be within five feet of the #street line#; the mandatory #street wall# shall abut the #street line# at least once every

25 feet; and at the intersection of two #street lines# the mandatory #street wall# shall be located within five feet of the #street line#, measured perpendicular to the #street line#. For #residential# and community facility #developments# or #enlargements#, recesses shall comply with the applicable #outer court# provisions of Sections 23-84 and 24-63.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Chapter.

For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Chapter and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(5) Curb cuts

Curb cuts shall not be permitted on Greenwich Street, Murray Street and Chambers Street.

(c) Area A3

The regulations applicable to a C6-3A District shall apply to ~~all new~~ #developments# and #enlargements#, except as set forth herein.

(1) Height and setback regulations

The height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall not apply. In lieu thereof, the following height and setback regulations shall apply:

(i) Permitted obstructions

Permitted obstructions for all #buildings or other structures# shall be as set forth in Section 33-42.

(ii) Measurement of height

Heights of all #buildings or other structures# shall be measured from the #base plane#.

(iii) #Street wall# location

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings#, and shall rise to at least a height of 60 feet [remove double-space] or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line [remove double-space] connecting such #street lines# at points 15 feet from their intersection. Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#. At any level above the ground floor, but at least 12 feet above the level of the #base plane#, recesses shall be permitted in the #street wall# for #outer courts# or articulation of #street walls# at the intersection of two #street lines# as set forth in this Section. The aggregate width of such recesses shall not exceed 30 percent of the width of the #street wall# at any level.

(iv) Maximum height of #street walls# and required setbacks

The maximum height of a #street wall# before setback shall be 85 feet or the height of an adjoining #building# fronting on the same #street line# with a height of at least 60 feet, whichever is less. Setbacks are required for all portions of #buildings# that exceed these maximum #street wall# heights. At a height not lower than 60 feet nor higher than 85 feet, or the height of an adjoining #building# fronting on the same #street line# which is less than 85 feet, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except that such dimensions may include the depth of any permitted recesses in the #street wall#.

(v) Maximum building height

No #building or other structure# shall exceed a height of 135 feet.

(vi) Vertical #enlargements# of low #buildings#

Existing #buildings# with #street walls# less than 60 feet in height may be vertically #enlarged# by up to one #story# or 15 feet, whichever is less, without regard to the #street wall# location provisions of paragraph (c)(1)(iii) of this Section.

(2) Special regulations for narrow #buildings#

A #building# or portion of a #building# may be constructed above the maximum height of #street wall# permitted pursuant to Section 23-692 (Height limitations for narrow buildings or enlargements), provided such portion of a #building# exceeding such height limitation does not exceed a height of one #story# or 15 feet, whichever is less, and provided such portion of a #building# is set back at least 10 feet from the #street wall# of the #building# facing a #wide street#, and 15 feet from the #street wall# of a #building# facing a #narrow street#.

(d) Areas A4, A5, A6 and A7

Except as set forth herein, the #bulk# regulations of the underlying district shall apply.

(1) ~~In C6-2A and C6-3A Districts, the h~~Height and setback regulations, as set forth in ~~Table A~~ of Section 35-24, shall be modified, as follows:

District Area	Minimum base height (in ft.)	Maximum base height (in ft.)	Maximum building height (in ft.)
C6-2A	60	70	110
C6-3A <u>A4</u>	60	70	140
<u>A5</u>	<u>60</u>	<u>70</u>	<u>110</u>
<u>A6</u>	<u>60</u>	<u>85</u>	<u>120</u>
<u>A7</u>	<u>60</u>	<u>85</u>	<u>120</u>

In a ~~C6-3A District~~, Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed above the maximum building height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

In Area A4, ~~However~~, the provisions of this paragraph, (d) (1), shall not apply to any #building# located in Historic Districts designated by the Landmarks Preservation Commission.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# ~~within Area A4~~, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent

of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts).

- (3) ~~In a C6-3A District, t~~The maximum #floor area ratio# permitted on a #zoning lot# shall be ~~6.5~~as follows:

<u>Area</u>	<u>Maximum #floor area ratio#</u>
<u>A4</u>	<u>6.5</u>
<u>A5</u>	<u>5.5</u>
<u>A6</u>	<u>5.4</u>
<u>A7</u>	<u>5.0</u>

- (4) ~~In a C6-2A District, the maximum #floor area ratio# permitted on a #zoning lot# shall be 5.5.~~

Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of paragraph (a) of Section 23-954 (Additional requirements for compensated developments) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

- (5) #Buildings# that have received a certification from the Chairperson of the City Planning Commission pursuant to paragraph (c) of the former Section 111-20 (MINOR MODIFICATIONS), prior to (effective date of amendment), to modify the rooftop open space requirements of the former Section 111-112 (Open space equivalent), shall be exempt from the rooftop open space requirements of Section 15-24 (Open Space Equivalent).
- (6) Notwithstanding any of the provisions of Section 11-33 (Building Permits for Minor or Major Development or Other Construction Issued Before Effective Date of Amendment), the #development# of a #building# pursuant to variance granted by the Board of Standards and Appeals under calendar #231-09-BZ to modify #bulk# regulations, may be continued provided that a building permit has been

issued, in accordance with the terms of said variance, within two years of the grant of said variance.

(e) Area B2

~~In Area B2, except as modified by the express provisions of this Chapter, the underlying district regulations are superseded and replaced by the regulations applicable in M2-4 Districts.~~

111-105

Museums or non-commercial art galleries

~~Areas B1 and B2~~

~~In any #building#, a museum or non-commercial art gallery is permitted on the ground floor where a #use# in Use Group 6 is permitted pursuant to the provisions of Sections 111-102 and above the ground floor where #joint living work quarters for artists# or #loft dwellings# are permitted pursuant to the provisions of Sections 111-101 or 111-103.~~

111-11

Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living Work Quarters for Artists

~~#Joint living work quarters for artists# located within the District shall comply with all the #bulk# regulations of this Section applicable to #loft dwellings#.~~

111-111

Loft dwelling requirements

- (a) ~~All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# of 30 feet minimum depth.~~
- (b) ~~(1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
 - (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
 - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a~~

depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;

(iii) ~~where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds 5 percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or~~

(iv) ~~where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.~~

(2) ~~The minimum #loft dwelling# size and #yard# requirement, however, may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living work quarters for artists and loft dwellings) for #loft dwellings#:~~

(i) ~~for which a determination of #residential# occupancy on September 1, 1980 has been made; or~~

(ii) ~~that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or~~

(iii) ~~that the Loft Board determines were occupied for #residential use# on September 1, 1980.~~

~~#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into dwellings that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.~~

~~No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).~~

(c) ~~The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.~~

- (d) ~~Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.~~
- (e) ~~No #building# in Areas B1 and B2 containing #loft dwellings# or #joint living work quarters for artists# shall be #enlarged#, except that such #buildings# containing #loft dwellings# may be #enlarged# by special permit of the City Planning Commission, pursuant to Section 111-51 (Special Permit for Enlargements of Buildings Containing Loft Dwellings). Mezzanines shall be permitted as provided in paragraph (d) of this Section.~~

111-112

Open space equivalent

~~At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be #developed# for recreational #use#.~~

~~For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.~~

111-20

MINOR MODIFICATIONS

~~On application, the Chairperson of the City Planning Commission may grant minor modifications to the following provisions of this Chapter:~~

- (a) ~~The requirements of Section 111-101 relating to location of #loft dwellings# or #joint living work quarters for artists# below the floor level of the third #story# of a #building# in Areas B1 and B2, and Section 111-102, paragraph (b), relating to #use# restrictions in #floor area# on the ground floor may be modified provided that the Chairperson finds that the owner of the space has made a good faith effort to rent such space to a mandated #use# at fair market rentals.~~

Such efforts shall include but not be limited to:

~~advertising in local and city wide press;~~

~~listing the space with brokers;~~

~~notifying the New York City Office of Economic Development; and~~

~~informing local and city wide industry groups.~~

~~Such efforts shall have been actively pursued for a period of no less than six months for #buildings# under 3,600 square feet and one year for #buildings# over 3,600 square feet prior to the date of the application.~~

- (b) ~~The requirements of Section 111-111 relating to #loft dwellings# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the design of the #loft dwellings# or #joint living work quarters for artists# provides sufficient light and air to allow minor modifications of these provisions.~~
- (c) ~~The requirements of Section 111-112 relating to roof top #open space# may be modified provided that the Chairperson has administratively certified to the Department of Buildings that the roof either is unsuited for #open space use# or cannot be made suitable for #open space use# at reasonable cost.~~
- (d) ~~The requirements of Section 111-103 (Additional use restrictions), paragraph (b), relating to #loft dwellings# and #joint living work quarters for artists# in #buildings# within Area B1 and B2, where the #lot coverage# is 5,000 square feet or more, may be modified provided that:~~
- (1) ~~such #floor area# was occupied on September 1, 1980, as #loft dwellings# or #joint living work quarters for artists#, or consists of registered Interim Multiple Dwellings, or is found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law;~~
 - (2) ~~such #building# consisted, on June 21, 1983, of two or more contiguous sections separated structurally by load-bearing walls, with independent entrances, independent addresses, and other evidence of the independent functional use of each section of the #building#, which evidence may include but is not limited to separate deeds, separate tax lots, separate certificates of occupancy, or separate utilities or systems for the entirety of each section of the #building#; and~~
 - (3) ~~the section within which such #floor area# is located has a #lot coverage# of less than 5,000 square feet of #lot area#.~~

A developer must send a copy of any request for modification pursuant to this Section to the applicable Community Board at least ten days prior to the next regularly scheduled Community Board meeting. If the Community Board elects to comment on such requests, it must do so within 30 days of such notification.

111-21

Notice of Filing to Create Loft Dwellings or Joint Living-Work Quarters for Artists

A duplicate copy of the application for an alteration permit shall be sent to the City Planning Commission by the applicant for information purposes only. No building permit shall be issued by the Department of Buildings for such #loft dwellings# or #joint living-work quarters for artists# without the acknowledged receipt of such notice by the City Planning Commission.

111-23

Modification of Location and Additional Use Regulations by Authorization of the City Planning Commission

The provisions of Section 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living-work quarters for artists), relating to the prohibition of #loft dwellings# or #joint living-work quarters for artists# below the level of the third #story# of a #building# in areas B1 and B2, and Section 111-103 (Additional use regulations), paragraph (b), relating to #loft dwellings# and #joint living-work quarters for artists# in #buildings# within Areas B1 and B2 where the #lot coverage# is 5,000 square feet or more, may be modified by authorization of the City Planning Commission, provided that:

- (a) — such #building# is either a landmark or lies within a Historic District designated by the Landmarks Preservation Commission;
- (b) — any alterations to the subject #building# required in connection with such conversion to #loft dwellings# or #joint living-work quarters for artists# have received a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission; and
- (c) — a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings# as evidenced by a report from the Landmarks Preservation Commission.

In order to grant an authorization, the City Planning Commission shall find that such modification shall have minimal adverse effects on the conforming #uses# located within the #building# and in the surrounding area.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# and to minimize adverse effects on the

character of the surrounding area.

111-30

~~ENVIRONMENTAL CONDITIONS FOR AREA A2~~

- (a) ~~All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.~~
- (b) ~~All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required.~~

* ~~Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B).~~

111-30

SPECIAL PERMITS

111-31

Special Permit for Large Transient Hotels

In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential residential character of, or the future use or development, of the surrounding area. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

111-4032

Special Permit for Certain Large Commercial Establishments ~~SPECIAL PERMIT FOR CERTAIN LARGE RETAIL FACILITIES~~

The City Planning Commission may permit the total #floor area# of large commercial establishments ~~retail facilities~~ subject to Section 111-103, paragraph (a)(3) to exceed the underlying limitations #floor area# requirements set forth in Section 111-13, paragraphs (a)(3) and (b)(4) ~~on square feet to exceed 20,000 square feet of #floor area#, including the #floor area# requirements for retail #cellar# space allotted to such #uses#, in #buildings# fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet of #floor area#, including retail #cellar# space allotted to such #uses#, in~~

#buildings# fronting on other #streets# , provided

As a condition of granting a special permit for such large #commercial# establishments, the Commission shall find that:

- (a) such #development#, #enlargement#, #extension# or change of #use# is so located as not to impair the essential character or the future use of, or development of, the surrounding area; and
- (b) the #streets# providing access to the facility will be adequate to handle the vehicular and pedestrian traffic generated by such #use#.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

111-40
REQUIREMENTS FOR LOFT DWELLINGS CONSTRUCTED PRIOR TO
(EFFECTIVE DATE)

The following is applicable to all existing #loft dwellings#, created prior to (effective date), within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.
- (b)
 - (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:
 - (i) where a #loft dwelling# occupies the entire usable area of a floor, there shall be no minimum #floor area#;
 - (ii) where a #loft dwelling# has a minimum clear width of 14 feet throughout and has windows opening onto both a #street# and a #yard# which has a depth of 10 percent of the depth of the #loft dwelling#, there shall be no minimum #floor area#;
 - (iii) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area# contained within the #loft dwelling# exceeds five percent, the minimum #floor area# contained within the #loft dwelling# may be reduced by 200 square feet for each additional percent, to a ratio of 10 percent; or
 - (iv) where the ratio in a #loft dwelling# of the window area opening onto a #street# or a #yard# of 30 feet minimum depth to the #floor area#

contained within the #loft dwelling# equals or exceeds 10 percent, there shall be no minimum #floor area#.

(2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-026 (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:

- (i) for which a determination of #residential# occupancy on September 1, 1980 has been made;
- (ii) that are registered Interim Multiple Dwellings or are found covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law; or
- (iii) that the Loft Board determines were occupied for #residential use# on September 1, 1980.

#Loft dwellings# existing on September 1, 1980, may not be subsequently divided into multiple #loft dwellings# that do not meet the requirements of paragraphs (a), (b)(1) and (c) of this Section, unless required by the Loft Board for the legalization of Interim Multiple Dwelling units in the implementation of Article 7C of the New York State Multiple Dwelling Law.

No #building# that meets the density requirements of this paragraph (c) may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(c) The number of #loft dwellings# shall not exceed one per 1,000 square feet of #floor area# devoted to #loft dwellings#, except as a result of the application of paragraph (b)(2) of this Section.

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-026 have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

(d) Mezzanines constructed pursuant to Chapter 26 of the Administrative Code shall be allowed within individual #loft dwellings#, provided that the gross #floor area# of each mezzanine does not exceed 33 and 1/3 percent of the #floor area# contained within such #loft dwelling#. Such mezzanines are permitted only in #buildings# with an existing #floor area ratio# of 12 or less and only between floors, or between a floor and a roof, existing on January 22, 1998, that are to remain. Such mezzanines shall not be included

as #floor area# for the purpose of calculating the minimum required size of a #loft dwelling# or for calculating #floor area# devoted to #loft dwellings#.

- (e) At least 30 percent of the gross roof area of a #building# containing 15 or more #loft dwellings# shall be provided for recreational #use#. For each additional #loft dwelling#, 100 square feet of additional roof area shall be #developed# for recreational #use# up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #loft dwellings# and their guests for whom no fees are charged.
- (f) Existing #loft dwellings# may be #extended#, #enlarged#, or subdivided into two or more #loft dwellings# only in accordance with the provisions of this Section. In addition, #floor area# added to an existing #loft dwelling# shall not be subject to the provisions of Section 32-42 (Location within Buildings).

111-50

~~SPECIAL PERMIT FOR CONVERSION TO LOFT DWELLINGS OR JOINT LIVING-WORK QUARTERS FOR ARTISTS~~

~~The City Planning Commission may permit, in Areas B1 and B2, the modification of the #use# provisions of Sections 111-101 (Location of permitted uses in buildings containing loft dwellings or joint living work quarters for artists), Section 111-102 (Ground floor use restrictions), paragraph (b), or 111-103 (Additional use regulations), paragraph (b), to allow #loft dwellings# or #joint living work quarters for artists# on any #story# in any #building#, provided the Commission finds that:~~

- ~~(a) — the conversion will not harm the commercial and manufacturing sectors of the City's economy;~~
- ~~(b) — the conversion will not harm the commercial and manufacturing character of the surrounding area;~~
- ~~(c) — the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and~~
- ~~(d) — the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.~~

~~All #loft dwellings# or #joint living work quarters for artists# permitted by this special permit shall meet the standards of the applicable district for such units or quarters. The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of #floor area# for #commercial# or #manufacturing uses#.~~

111-51

Special Permit for Enlargements of Buildings Containing Loft Dwellings

In Area B1, outside of historic districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit:

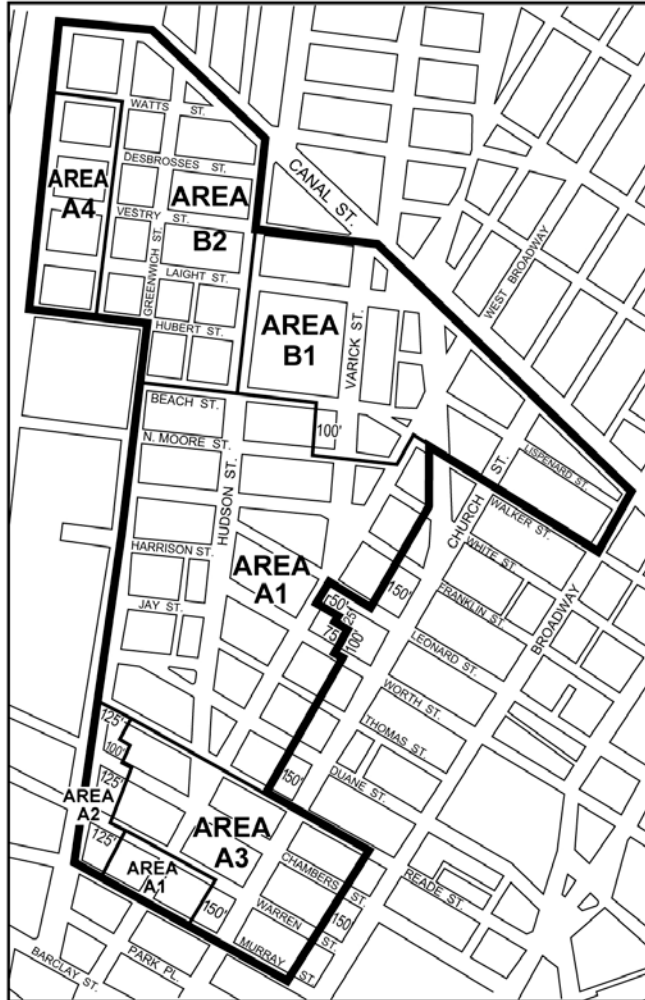
- (a) ~~loft dwellings~~ in ~~buildings~~ designed for non ~~residential use~~ and erected prior to December 15, 1961, that have since been ~~enlarged~~; or
- (b) ~~the enlargement~~ of ~~buildings~~ designed for non ~~residential use~~ and erected prior to December 15, 1961, for ~~loft dwellings~~, provided that:
 - (1) ~~all loft dwellings~~ comply with the requirements of Section 111-111 or have received a certification pursuant to Section 111-20, paragraph (b);
 - (2) ~~the bulk~~ regulations of an M1-5 District shall apply, except that the ~~enlarged~~ portion of the ~~building~~ shall comply with the requirements of Sections 23-47 (Minimum Required Rear Yards) and 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines) applicable to R8 Districts; and
 - (3) ~~the maximum floor area ratio~~ for all ~~loft dwellings~~ shall not exceed 5.0.

In order to grant a special permit, the City Planning Commission shall find that the process of ~~enlargement~~ will not unduly burden ~~commercial~~ and ~~manufacturing uses~~ in the ~~building~~ and the neighborhood in which the ~~enlargement~~ is taking place will not be excessively burdened by increased ~~residential~~ activity.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area, including requiring the preservation of ~~floor area~~ for ~~commercial~~ or ~~manufacturing uses~~.

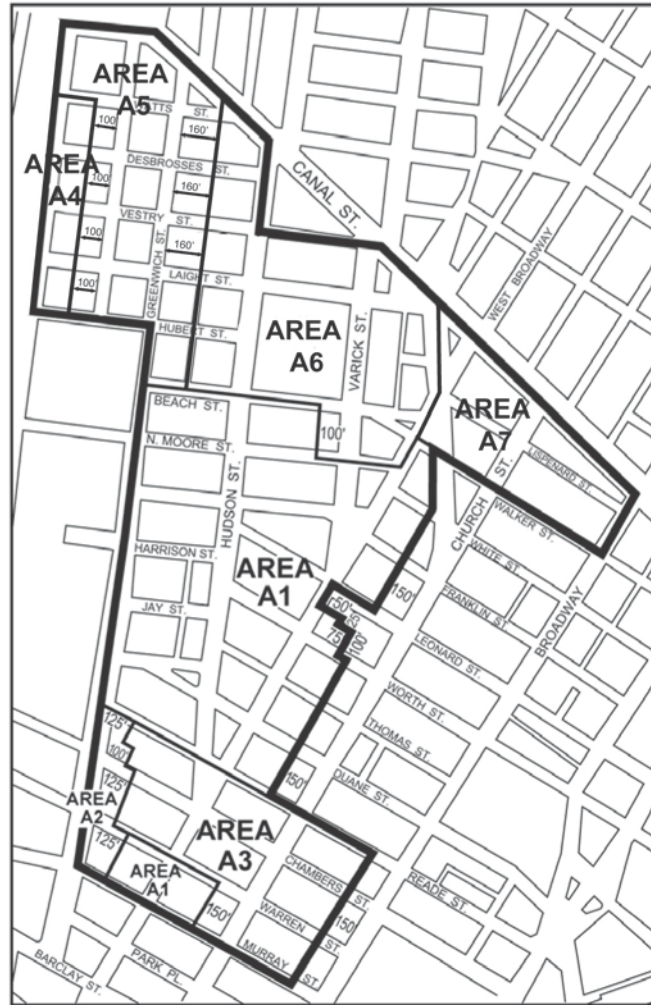
**Appendix A
Special Tribeca Mixed Use District Map**

To be deleted



— Special Tribeca Mixed Use District
— Area Boundary

To be added



— Special Tribeca Mixed Use District
— Area Boundary

- Area A1: General Mixed Use Area
- Area A2: Limited Mixed Use Area
- Area A3: General Mixed Use Area
- Area A4: General Mixed Use Area
- ~~Area B1: Limited Mixed Use Area~~
- ~~Area B2: Limited Mixed Use Area~~
- Area A5: General Mixed Use Area
- Area A6: General Mixed Use Area
- Area A7: General Mixed Use Area

* * *

APPENDIX F Inclusionary Housing Designated Areas

The boundaries of #Inclusionary Housing designated areas# are shown on the maps listed in this Appendix F. The #Residence Districts# listed for such areas shall include #Commercial Districts# where #residential buildings# or the #residential# portion of #mixed buildings# are governed by the #bulk# regulations of such #Residence Districts#.

* * *

In addition, the following special purpose districts contain #Inclusionary Housing designated areas#, as set forth within such special districts:

#Special 125th Street District# – see Section 97-421 (Inclusionary Housing)

#Special Clinton District# – see Section 96-81 (C6-3X Designated District)

#Special Coney Island District# – see Section 131-321 (Special floor area regulations for residential uses)

#Special Downtown Jamaica District# – see Section 115-211 (Special Inclusionary Housing regulations)

#Special Garment Center District# – see Sections 121-31 (Maximum Permitted Floor Area) and 93-23 (Modifications of Inclusionary Housing Program)

#Special Harlem River Waterfront District# – see Section 87-20 (SPECIAL FLOOR AREA REGULATIONS)

#Special Hudson Yards District# – see Section 93-23 (Modifications of Inclusionary Housing Program)

#Special Long Island City Mixed Use District# – see Section 117-631 (Floor area ratio and lot coverage modifications)

#Special Southern Hunters Point District# – see Section 125-22 (Newtown Creek Subdistrict)

#Special Tribeca Mixed-Use District# – see paragraphs (d)(3) and (d)(4) of Section 111-20 (SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7)

#Special West Chelsea District# – see Section 98-26 (Modifications of Inclusionary

Housing Program)

* * *

The above resolution (N 100370(A) ZRM), duly adopted by the City Planning Commission on September 15, 2010 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President together with a copy of the plans of the development, 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 CANTOR, P.E.,
MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN LEVENTHAL,
ANNA HAYES LEVIN, SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners

BETTY Y. CHEN, Commissioner Recused

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: JUNE 22, 2010

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	8 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	37 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Tribeca North Rezoning Amendment:
Zoning Map Amendment ULURP No. 100369 ZMM
Zoning Text Amendment ULURP No. N100379 ZRM
Environmental Assessment Statement: CEQR No. 10DCP039M

WHEREAS: The New York City Department of City Planning proposes zoning map and zoning text amendments for an approximately 30 block area in the North Tribeca area, and

WHEREAS: The rezoning area is generally bounded by Canal Street to the north, West Street to the west, Broadway on the east, and a southern boundary edge of Walker, N. Moore, Beach, and Hubert Streets, and

WHEREAS: The proposed rezoning allows for the conversion of existing buildings to loft dwelling use and allows for new residential development with bulk limitations that reflect the character and scale of the existing Special Tribeca Mixed Use District, and

WHEREAS: The proposed rezoning aims to preserve existing neighborhood character and scale, to create opportunities for new housing and more affordable housing development in areas with capacity for higher densities, and to create a uniform set of development criteria for an area that has had none; and

WHEREAS: The area to be rezoned is located within the Special Tribeca Mixed Use (TMU) District and the proposed C6-2A designation of the district would replace the current M1-5 designation and create three new sub-areas in which building heights and FARs would be limited to conform with existing surrounding conditions, and

WHEREAS: The proposed zoning text amendments, which modify the existing Special TMU District, would

(1) limit the size of ground floor retail establishments and hotels;

(2) restrict the consolidation of ground floor spaces in separate buildings for Use Group 3, 4, 5, and 6 along certain street frontages;

(3) require that a City Planning Commission (CPC) special permit be obtained to locate a hotel with more than 100 rooms in Areas A4, A5, A6, and A7 or to have a retail establishment larger than 5,000 square feet on narrow streets and 10,000 square feet on wide streets in Areas A4, A5, A6, and A7;

(4) replace existing loft dwelling requirements and eliminating restrictions on dwelling use in enlargements; and

(5) eliminate any special permit, authorization, or minor modification which involves the ability to convert from manufacturing use to loft dwelling use, as residences would be allowable as-of-right under the proposed zoning, and

WHEREAS: CB#1 acknowledges with appreciation the efforts of the Department of City Planning to reach out to CB#1 in a collaborative effort regarding the rezoning of North Tribeca, and

WHEREAS: CB #1 strongly supports the Department of City Planning's proposal to restrict inappropriate light manufacturing uses currently allowed within Use Group 17 in the Special Tribeca Mixed Use District, and

WHEREAS: CB#1 strongly supports the Department of City Planning's proposal to place general restrictions on the maximum allowable square footage of retail establishments by limiting ground floor space to 10,000 square feet on wide streets and 5,000 square feet on narrow streets to encourage a variety of street life and storefronts to maintain and enhance the North Tribeca neighborhood character, and

WHEREAS: CB#1 also strongly supports the Citywide Inclusionary Housing Program which promotes the development of affordable housing in new residential developments by providing a floor area bonus for the construction or preservation of affordable housing and is pleased that it will be applied in part of Northern Tribeca, now

THEREFORE

BE IT

RESOLVED

THAT: CB #1 strongly supports the Department of City Planning's proposed rezoning of the M1-5 area to C6-2A within the Special Tribeca Mixed Use District and the zoning text amendments which reflect agreements collaboratively reached by the Department and CB#1.



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

CITY PLANNING COMMISSION
2010 AUG - 6 PM 3: 08
DEPT. OF CITY PLANNING

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 6, 2010

**Recommendation on
ULURP Application Nos. C 100369 ZMM, N 100370 ZRM and N 100370(A) ZRM –
North Tribeca Rezoning
by the New York City Department of City Planning**

PROPOSED ACTION

The Department of City Planning (“DCP”) seeks approval of **Zoning Map changes** (C 100369 ZMM) relating to an area within the North Tribeca neighborhood of Manhattan Community District 1. The proposed action area is comprised of approximately 25 blocks generally bounded by Canal Street (to the north); West Street (to the west); Broadway (to the east); and Walker Street, N. Moore Street, Beach Street and Hubert Street (to the south). The map amendment would change the existing M1-5 zoning districts within the project area to C6-2A districts. The proposed rezoning area is located entirely within the Special Tribeca Mixed Use District (“TMU”), which consists of 6 subareas – Area A1, A2, A3, A4, B1, and B2. Portions of the proposed rezoning area lie within the New York City Landmarks Preservation Commission (“LPC”) Tribeca North, Tribeca East, and Tribeca West Historic Districts.

DCP has also filed a related application for **Zoning Text amendments** (N 100370 ZRM) to modify the New York City Zoning Resolution. The text amendments would, among other things, eliminate Area B1 and B2, modify the boundaries of Area A4, create new subareas (Area A5, A6, and A7) with specific bulk regulations and densities in the C6-2A districts, refine the mix of permitted light manufacturing uses, set forth size limitations for ground-floor establishments and hotels, replace loft dwelling requirements, and allow for the use of the Inclusionary Housing bonus. Text amendments are proposed for the following Sections of the Zoning Resolution (“ZR”): **ZR §§ 12-10** (Definitions); **15-011, 15-013, 15-026** (Residential Conversions for Non-Residential Buildings); **32-01, 42-01** (Special Provisions for Adult Establishments); **42-53, 42-532, 42-533** (Special Area and Illumination Provisions); **42-541** (Permitted Projection); **74-921** (Special Permits by the City Planning Commission: Use Groups 3A and 4A); **Article XI, Chapter 1** (Special Tribeca Mixed Use District); and **Appendix F** (Inclusionary Housing Designated Areas).

On July 16, 2010, the DCP proposed modifications to the original zoning text amendment application (N 100370(A) ZRM – the “A” application). The proposed “A” application would

permit certain developments that have received specific discretionary approvals prior to the effective date of the proposed text amendments to be exempt from provisions of the proposed text changes. Such discretionary approvals include approvals granted pursuant to ZR § 74-711 for transient hotels with over 100 rooms, City Planning Commission (“CPC”) Chairperson certifications relating to open space equivalent requirements, and a Board of Standards and Appeals (“BSA”) variance granted under calendar #231-09-BZ.

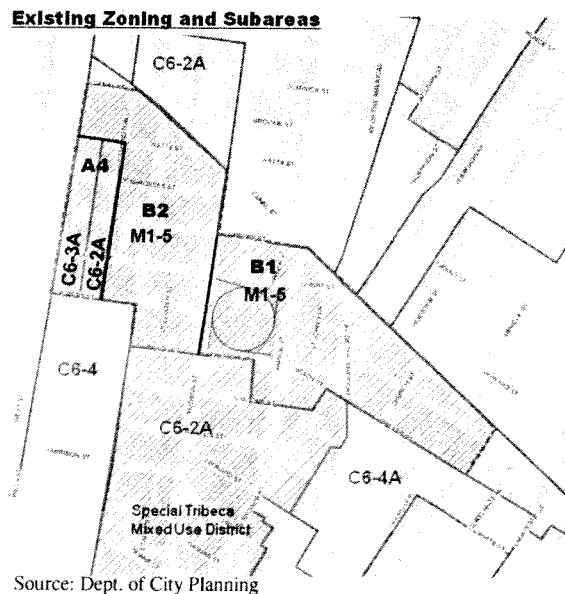
PROJECT DESCRIPTION

The proposed zoning map changes and related text amendments were created in response to the area’s growing mixed-use residential and commercial character and community concerns. While the area’s zoning is intended to encourage manufacturing uses, as-of-right conversions for smaller buildings, CPC special permits, and BSA variances have resulted in a number of residential conversions, enlargements, and new developments. Existing land uses primarily consist of former manufacturing buildings with loft dwelling uses on the upper floors and storage or commercial uses on the lower floors. In addition, ground-floor retail is located along major north/south corridors, and smaller retail establishments are present intermittently on side streets. Some industrial and manufacturing uses are present throughout the area, and parking uses are primarily within the northwest portion of the project area. The proposed actions would allow the conversion of existing buildings to residential uses and permit new residential development with bulk controls consistent with the existing character and scale of the North Tribeca neighborhood and surrounding area.

Current Zoning

The current zoning for North Tribeca is primarily M1-5¹ districts in Area B1 and B2, with a small portion mapped as C6-2A and C6-3A districts within Area A4.

M1-5 districts are medium-density, light manufacturing and industrial zoning districts, which allow high performance industrial uses and a range of commercial uses. This manufacturing district allows a maximum allowable FAR of 5.0 for manufacturing and commercial uses and 6.5 for certain community facilities.² The M1-5 district does not contain requirements for street wall and building heights. Residential development is generally not allowed as of right; however, loft dwellings and joint living-work quarters for artists are permitted uses. The TMU



¹ Within Area B2 of the TMU, the regulations of M2-4 zoning districts are imposed.

² Certain community facilities are permitted within the M1-5(TMU) zoning districts.

imposes special use and bulk regulations on development within the underlying zoning district. Within Area B1 and B2, there are certain use restrictions for lower and ground floors.

Area A4, which is the western part of the proposed rezoning area and bounded by West, Washington, Hubert and Watts streets, is mapped a C6-3A zoning district along its western portion and a C6-2A zoning district on its eastern portion. The C6-3A district allows a maximum FAR of 6.5 for residential and commercial uses, requires street walls of 60 to 70 feet, and limits maximum building heights to 140 feet.³ The C6-2A district allows a maximum FAR of 5.5 for residential and commercial uses, requires street walls of 60 to 70 feet, and limits maximum building heights to 110 feet⁴.

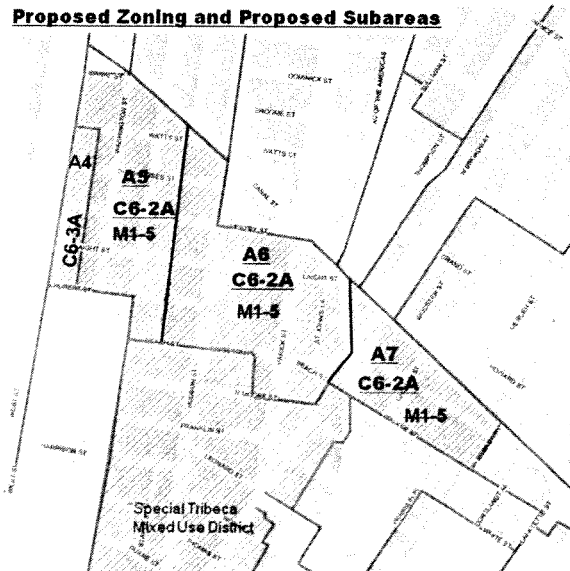
Proposed Zoning Districts

DCP proposes to replace existing M1-5 zoning districts with C6-2A contextual zoning districts with specific FARs, minimum and maximum base heights, and maximum building heights set forth within the Zoning Resolution by the proposed text amendments. The proposed actions would modify Area A4 and would create new subareas within the TMU – Area A5, A6, and A7 – each with specific bulk regulations. These specific bulk regulations give consideration to variation in the built context for different areas within the proposed rezoning area (see map of area boundaries).

Modification of Area A4: Area A4 would be modified such that it would consist of the C6-3A district only, and the existing C6-2A district would become part of the proposed new Area A5. The existing bulk regulations for the C6-3A district within Area A4 would remain.

C6-2A districts in Area A5 (Washington and Greenwich streets area) are proposed to reflect the area's prevailing low- to mid-rise character. Within Area A5, C6-2A districts would allow a maximum FAR of 5.5 for residential, community facility and commercial uses, require street walls of 60 to 70 feet, and limit maximum building heights to 110 feet.

C6-2A districts in Area A6 (Holland Tunnel Rotary area) are proposed to reflect the area's prevailing mid-rise character. Within Area A6, C6-2A districts would require street walls of 60 to 85 feet and limit maximum building heights to 120 feet. The maximum FAR for community facility and commercial uses would be 5.4. Development within these R8A-equivalent districts would be eligible for a residential density bonus under the Inclusionary Housing



Source: Dept. of City Planning

³ A building height of 150 feet is permitted for a penthouse addition with certain restrictions. These street wall and building height regulations do not apply to properties in designated LPC Historic Districts.

⁴ These street wall and building height regulations do not apply to properties in designated LPC Historic Districts.

Program. The base residential FAR would be 5.4 with a maximum residential FAR of 7.2 if a development provides 20 percent of the floor area as permanently affordable housing. The bonus would not be applicable to conversion of buildings, but only for new construction. Residential developments utilizing the Inclusionary Housing bonus would be required to conform to the proposed contextual bulk envelope.

C6-2A districts in Area A7 (Lispenard Street area) are proposed to reflect the area's prevailing low- to mid-rise character. Within Area A7, C6-2A districts would allow a maximum FAR of 5.0 for residential, community facility and commercial uses, require street walls of 60 to 85 feet, and limit maximum building heights to 120 feet.

Proposed Text Changes

DCP proposes several amendments to the Zoning Resolution, with the majority of substantive changes to provisions of the TMU zoning. These text changes would establish the aforementioned subareas and bulk restrictions; permit the use of the Inclusionary Housing bonus in the C6-2A zoning district in Area A6; limit the size of ground-floor retail to 5,000 SF on narrow streets and 10,000 SF on the wide streets within Area A4 through A7; limit the size of transient hotels to 100 rooms or less and require a special permit for transient hotels with more than 100 rooms within Area A4 through A7; extend an existing TMU restriction prohibiting the consolidation of ground-floor spaces in separate buildings for Use Group 3, 4, 5, and 6 along certain street frontages in the new Area A5, A6 and A7; refine Use Group 16 and 17 uses permitted within North Tribeca; replace existing loft dwelling requirements and eliminate restrictions on dwelling uses in enlargements; and eliminate special permits, authorizations, or minor modifications which involve the ability to convert manufacturing use to loft dwelling use.

Other text changes would allow ZR §15-011 to regulate residential conversion in the TMU in place of existing TMU requirements and clarify zoning regulations relating specifically to manufacturing districts that contain loft dwellings. A loft dwelling is a specific type of dwelling unit in the TMU, and with the proposed text amendments, a new loft dwelling would be created only as a result of a subdivision of an existing loft dwelling. In addition, as a result of the proposed zoning map amendment, existing manufacturing zoning districts in the TMU will be mapped as commercial districts. Therefore, many of the proposed text amendments to provisions outside of Article XI, Chapter 1, eliminate references to manufacturing districts with loft dwellings.

Proposed Modifications to Text Changes

In July, DCP filed a modified text amendment application that would exempt certain buildings or developments that have received discretionary approvals prior to the effective date of the proposed text amendments. The "A" application would modify the original zoning text amendment application by:

- Permitting transient hotels that were granted a special permit pursuant to ZR § 74-711 prior to the effective date of the amendment from provisions of proposed ZR § 111-13(d);
- Exempting buildings from the rooftop open space requirements of ZR § 15-24 that have received a CPC Chairperson certification pursuant to existing ZR § 111-20(c) prior to the

effective date of amendment to modify the rooftop open space requirements of existing ZR § 111-112 (Open space equivalent); and

- Permitting the development of a building pursuant to a Board of Standards and Appeals variance granted the under calendar #231-09 BZ to modify bulk regulations, provided that a building permit has been issued (in accordance with the terms of said variance) within two years of the grant of the variance.

Anticipated Development under the Reasonable Worst Case Scenario Development

The Environmental Assessment Statement (“EAS”) indicates that under a Reasonable Worst Case Scenario Development, the proposed actions would result in 32 “projected” development sites⁵ and 40 “potential” development sites by the analysis year of 2019. It is anticipated that the development of the 32 projected sites would result in a net increase (from a “No-Action” condition) of 693 dwelling units (approximately 616,092 SF), of which approximately 16 would be affordable housing units, with a estimated population increase of approximately 1,282 new residents. There would also be an anticipated net increase of 96,842 SF of retail space and 72 accessory parking spaces. In addition, the EAS estimates that there would be a net decrease of 132,540 SF of office space, 57,500 SF in industrial/light manufacturing uses, 36,165 SF in storage/warehouse floor area, 3,850 SF in non-parking auto-related uses, and a reduction of 305 off-street public parking spaces. On June 7, 2010, the City Planning Commission issued a Negative Declaration, which determined that the proposed actions will have no significant adverse effect on the quality of the environment.⁶

COMMUNITY BOARD’S RECOMMENDATION

At its Full Board meeting on June 22, 2010, Manhattan Community Board 1 recommended **approval** of the original application by a unanimous vote of 37 in favor, and 0 opposed or abstained.

BOROUGH PRESIDENT’S COMMENTS

The existing zoning in North Tribeca, most of which dates back to 1976, was intended to support the neighborhood’s light manufacturing uses while permitting limited residential uses within growing mixed-use areas. Manufacturing districts serve an important purpose of encouraging the stability of the manufacturing sector as a component of the City’s economic base; however, these districts are still subject to overall economic and market trends. Manufacturing uses in this neighborhood, reflecting citywide trends, have generally declined as demand for commercial and residential uses in Lower Manhattan has increased. In particular, residential conversion and development granted pursuant to CPC and BSA approvals have contributed to North Tribeca becoming a more mixed-use commercial/residential neighborhood than other areas in manufacturing districts.

⁵ Projected developments are considered more likely to occur during the analysis period than potential developments.

⁶ As part of the Negative Declaration, (E) designations were placed on properties for hazardous materials, air quality and noise to ensure there would be no significant adverse effect.

Much of North Tribeca's varied built character is a reflection of the area's historical land uses. The neighborhood includes former large factory buildings and warehouses closer to the waterfront and 5- to 6-story commercial loft buildings with mid-sized and narrow frontages further inland. The existing zoning lacks tight contextual controls, which would reflect the area's diverse building character. Continued development under the existing zoning is likely to create developments that do not preserve the neighborhood's distinctive urban form.

The proposed rezoning plan was formulated in response to community interest in realizing a comprehensive rezoning of the area. DCP has worked collaboratively with Community Board 1 to create a contextual rezoning of the North Tribeca neighborhood that preserves and promotes the existing scale and character of both the built environment and primary uses. The proposed bulk controls within the proposed subareas take into account variations in building form within the neighborhood. In addition, the applicability of the Inclusionary Housing Program to parts of the rezoning area will incentivize the production of affordable housing in North Tribeca. Further, special use regulations will ensure that the scale and location of commercial uses within the neighborhood are appropriate. The refinement of permitted Use Group 16 and 17 uses will ensure that there will be minimal conflict between additional residential uses and new light manufacturing uses. DCP should be commended for producing a rezoning plan that is highly responsive to community concerns.

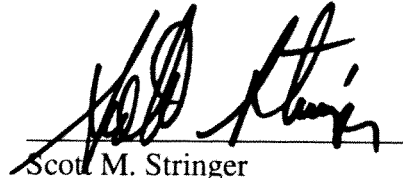
As the existing zoning is no longer consistent with predominate land uses or market trends and will likely produce buildings that do not reflect North Tribeca's distinctive qualities, a re-evaluation of the zoning is appropriate. The proposed rezoning would revise existing regulations that restrict development consistent with the area's market trends and would significantly reduce the use of case-by-case discretionary approvals, thereby creating a more comprehensive approach to development in this neighborhood. The removal of these restrictions in North Tribeca is an important step for the City to encourage development while still maintaining appropriate safeguards for the area's preservation.

Comprehensive planning, however, must be greater than comprehensive zoning and requires the coordination of multiple City agencies. The proposed rezoning is consistent with existing residential trends in the neighborhood and does not result in significant adverse impacts as set forth in the City's environmental review process. Nonetheless, the rezoning would permit a significant increase in residential population. The City's recognition and encouragement of this area as appropriate for greater residential uses should be coupled with City policies that promote necessary residential infrastructure, such as schools and open space.

BOROUGH PRESIDENT'S RECOMMENDATION

The proposed actions respond to long-standing community concerns for the North Tribeca neighborhood and reflect sound planning principles. The rezoning and related text amendments will reinforce the existing character and scale of the built environment and uses of the area while also providing opportunities for new residential uses.

Therefore, the Manhattan Borough President recommends approval of ULURP
Application Nos. C 100369 ZMM, N 100370 ZRM, and N 100370(A) ZRM.

A handwritten signature in black ink, appearing to read "Scott M. Stringer", is written over a horizontal line.

Scott M. Stringer
Manhattan Borough President