



June 4, 2008 / Calendar No. 10

C 060032 ZMM

IN THE MATTER OF an application submitted by 84 White Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12a, changing from an M1-5 District to a C6-2A District property bounded by Walker Street, Lafayette Street, White Street and Broadway, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 28, 2008 and subject to the conditions of CEQR declaration E-208.

The application for a zoning map amendment was filed by 84 White Street LLC on July 20, 2005, to rezone the block bounded by Walker Street, Lafayette Street, White Street and Broadway, from M1-5 to C6-2A, in Community District 1, Borough of Manhattan.

BACKGROUND

The area proposed for rezoning consists of Block 195, which is bounded by Walker Street to the north, White Street to the south, Broadway to the west and Lafayette Street to the east. Cortlandt Alley runs north-south directly through the subject block.

The subject block is characterized by five- to ten-story buildings, with a mix of uses. Most sites are developed with either retail or office on the lower floors, and residential, office, or studio uses on the upper floors. There are a few buildings that are occupied exclusively by commercial uses and one building with exclusively community facility use. Ground-floor commercial uses include retail, banking, office space and art galleries; upper-floor commercial uses include office or studio space. The western half of the block is located within the Tribeca East Historic District, which does not include the applicant's property. The applicant's property is currently used as an open parking lot on White Street.

The area surrounding the subject block includes portions of northern and eastern Tribeca as well as the western edge of Chinatown, and like those neighborhoods it features a range of uses. It is generally commercial and residential and typified by mixed-use buildings with a range of local retail uses at the ground floor. Community facilities, including several courthouse facilities and other government buildings, are located to the east and southeast. Some manufacturing uses are located in the upper floors of mixed-use buildings to the north. Recent residential conversions, along with some new residential construction, can be found to the south and southwest.

Area B2 of the Tribeca Mixed-use District (TMU) lies immediately to the north and west of the subject block, which is outside the boundaries of the TMU. There has been significant residential growth in the immediate vicinity.

The built character of the subject block and surrounding area is defined in part by late 19th and early 20th-century loft buildings ranging in height from six to twelve stories (approximately 80' to 140'). These buildings generally have high lot coverage, no setback and are built to the street line.

The applicant proposes to rezone the subject block to better reflect the current mixed-use character of the neighborhood by allowing new residential development. The proposed rezoning would change the current M1-5 (5.0 FAR) to C6-2A (6.0 FAR).

M1-5 districts permit a wide range of light manufacturing and commercial uses, to a maximum of 5.0 FAR. M1-5 districts are not contextual districts and do not have height limits. The proposed C6-2A district is a medium-density, contextual commercial zone (and R8A residential equivalent) that allows for a range of commercial, residential, retail and community facility uses.

The maximum FAR in a C6-2A is 6 for commercial uses, 6.02 for residential uses and 6.5 for

community facility uses. The proposed C6-2A district would be an extension of an existing C6-2A district across Broadway from the subject block. The proposed C6-2A has a maximum building height of 120 feet, and new buildings would have to provide a street wall at the street line of between 60 and 85 feet.

ENVIRONMENTAL REVIEW

This application (C 060032 ZMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 08DCP012M. The lead agency is the City Planning Commission.

After a study of the environmental impact of the subject application (C 060032 ZMM), a negative declaration was issued on January 28, 2008, which included (E) designations for air quality, noise and hazardous materials.

To avoid any potential significant adverse air quality impacts, the proposed action would place an (E) designation for air quality on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26, 27

The text for the (E) designation is as follows:

Any new residential and/or commercial development on the above-referenced property must use natural gas as the type of fuel for HVAC systems.

To avoid any potential significant adverse noise impacts, the proposed action would place an (E) designation for noise on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 11, 12, 13, 14, 15, 24, 26, 27

The text for the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

To avoid any potential significant adverse hazardous materials impacts, the proposed action would place an (E) designation for hazardous materials on the following projected development sites:

Block 195, Lots 2, 3, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 17, 24, 26, 30

The (E) designation would require that the fee owner of such a site conduct a testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental protection (DEP) before the issuance of a building permit by the Department of Buildings (DOB) (pursuant to Section 11-15 of the Zoning Resolution – Environmental Requirement). The (E) designation also includes a mandatory construction-related health and safety plan which must also be approved by DEP.

UNIFORM LAND USE REVIEW

This application for rezoning (C 060032 ZMM) was certified as complete by the Department of City Planning on January 28, 2008 and duly referred to Community Board 1 and the Borough

President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 1 held a public hearing on the application (C 060032 ZMM) on March 25, 2008, and on that date, by a vote of 35 in favor, 5 opposed, and 0 abstaining, adopted a resolution recommending approval subject to the following condition:

that the FAR of the new development is reduced to 5.5 to limit possible adverse affects [sic] on light and air of surrounding community residents.

Borough President Recommendation

The application (C 060032 ZMM) was considered by the Borough President, who on April 30, 2008, issued a recommendation for approval of the application subject to the following condition:

that the applicant agrees to construct a building that: is sensitive to the surrounding Historic District; has, to the greatest extent possible, its mechanicals in the basement; provides a rear yard that is a minimum 15 feet from the rear lot line; complies with the Department of Buildings' Technical Policy and Procedure Notice #10/88; and works with neighboring building owners and residents to create a responsible construction plan and to address any potential negative construction impacts in the surrounding area.

City Planning Commission Public Hearing

On April 23, 2008 (Calendar No. 1), the City Planning Commission scheduled May 7, 2008, for a public hearing on this application (C 060032 ZMM). The public hearing was duly held on May 7, 2008 (Calendar No. 24). There were seven speakers in favor and none in opposition.

Speakers in favor of the proposal included the applicant's representatives, the Director of Land Use for the Manhattan Borough President and nearby property owners and residents.

Speakers appearing for the applicant included an attorney, architect and environmental review consultant. Three speakers representing nearby property owners and residents spoke in conditional approval for the application.

The first speaker testified in support of the proposed change in permitted use. She noted that an adjacent property, located within the Tribeca East Historic District and to the north of the applicant's site, was the subject of a Certificate of Appropriateness permit issued by the Landmarks Preservation Commission (LPC) in 2003, approving a new building with an 89' street wall height. She requested that CPC approval of this application permit the 89' street wall height, to facilitate these adjacent property owners' plans pursuant to the LPC approval. She noted that the adjacent property owners would "eventually" seek CPC approvals relating to those plans.

The applicant's attorney summarized the proposal's planning rationale as well as the public process to date. He stated that the requested conditions, with the exception of the proposed amended FAR limit of 5.5, would be accommodated. The consultant noted that the LPC approval referenced earlier would require CPC approval pursuant to Zoning Resolution Section 74-711 with or without the proposed C6-2A, as the existing M1-5 requirements permit a maximum street wall height of 85'. The applicant's architect noted that rooftop mechanical equipment would be limited to a make-up air unit.

A speaker representing owners of property adjacent to the north of the project sponsor's site testified in support of the proposed change in permitted use. He requested that the Commission amend the proposal by limiting building heights within the affected area to 105', as compared to the 120' permitted by C6-2A districts, noting concerns over the applicant's planned development with respect to the surrounding context of the adjacent Tribeca East Historic District.

The Director of Land Use for the Manhattan Borough President re-iterated his office's

conditional approval. He noted that the proposal would extend an immediately adjacent contextual district boundary; that active uses in the affected area are consistent with the proposed use regulations; and that the area's building bulk closely matches the proposed contextual requirements. He also restated the conditions of the approval, namely that the applicant's proposed development be responsive to the surrounding historic district context and that the rear yard be a minimum distance of 15' from the rear lot line.

The final speaker, representing property owners adjacent to the applicant's site on White Street, testified in support of the proposed change in permitted use. She noted that her support was conditional upon the inclusion of a restriction on allowable FAR, to 5.5 from 6.02, and a restriction on building height, to 105' from 120'.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the application for a proposed zoning map amendment (C 060032 ZMM), to rezone a one-block area of Tribeca from an M1-5 to C6-2A district, is appropriate.

The Commission notes that the Tribeca neighborhood has been experiencing a gradual change from being a predominantly manufacturing area to one that has a mix of commercial and residential uses. In addition the Commission notes that there are no manufacturing uses remaining on the subject block.

The proposed C6-2A district would be an extension of an existing C6-2A district across Broadway from the subject block. The proposed C6-2A is a contextual district that has a

maximum FAR of 6.5, and a maximum building height of 120 feet. In addition, new buildings would have to provide a street wall at the street line of between 60 and 85 feet. These regulations would produce a building that would be more in context with the existing development on the block. The existing M1-5 district has no height limit and does not require buildings to be constructed at the street line.

In response to the condition of the Community Board that FAR be limited to 5.5 and suggestions made at the Commission's public hearing that the height of the building be limited, the Commission notes that such restrictions are outside the scope of this application.

The Commission believes that the proposed rezoning is consistent with the development trends and the existing context of the subject and surrounding area.

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, 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 further amended by changing the Zoning Map, Section No. 12a, by changing from an M1-5 district to a C6-2A district property bounded by Walker Street, Lafayette Street, White Street, and Broadway, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated January 28, 2008, and which includes CEQR Designation E-208.

The above resolution (C 060032 ZMM), duly adopted by the City Planning Commission on June 4, 2008 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, FAICP, Chair

KENNETH J. KNUCKLES, Esq., Vice Chairman

**ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, MARIA M. DEL TORO, RICHARD W. EADDY, NATHAN
LEVENTHAL, SHIRLEY A. McRAE, JOHN MEROLO, KAREN A. PHILLIPS,**

Commissioners