



## CITY PLANNING COMMISSION

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March 16, 2011/Calendar No. 7

N 110167 ZRM

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IN THE MATTER OF an application submitted by the Department of City Planning, the Office of the Manhattan Borough President, and Community Board 1, Manhattan pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, concerning Section 111-20 (Special Bulk Provisions for Area A1 through A7) relating to the Special Tribeca Mixed Use District in Community District 1, in the Borough of Manhattan.

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The application for an amendment of the Zoning Resolution was filed by the Department of City Planning, the Office of the Manhattan Borough President, Community Board 1, Manhattan on December 7, 2010. The text amendment would amend Sections 111-20 (Special Bulk Provisions for Areas A1 Through A7) of the Zoning Resolution modifying the maximum building height requirements for properties in Historic Districts designated by the New York City Landmarks Preservation Commission in Area A4 of the Special Tribeca Mixed Use District in Community District 1, Borough of Manhattan.

### **BACKGROUND**

In 2006, the City Planning Commission approved an application by Truffles LLC for a zoning map amendment (C 040543 ZMM), zoning text amendment (N 040544 ZRM), and special permit for a public parking garage (040545 ZSM). As part of this application, four blocks in Northern Tribeca, bounded by West Street, Washington Street, Watts and Hubert Street, were rezoned from M1-5 to C6-3A and C6-2A, and a text amendment established specific maximum building heights in the Special Tribeca Mixed Use District. Buildings fronting West Street in the C6-3A had a maximum building height of 160 feet and buildings fronting Washington Street had a maximum building height of 120 feet.

During the ULURP process, the applicant, Truffles LLC, and another property owner within the rezoning area, Ponte Equities, Inc., wrote letters to the City Council expressing their intention to develop their properties within a specific zoning envelope with street walls and heights somewhat lower than permitted by the area's zoning. Truffles LLC controls the entire

development site of Block 224 (located between Watts and Desbrosses Streets). Ponte Equities, Inc., controls a development site that is comprised of all the tax lots of Block 223 (located between Desbrosses and Vestry Streets) except for Tax Lot 18 and has leased said lots to Truffles LLC for future development.

In 2008, a text amendment was approved by the City Planning Commission (N 080297 ZRM) which codified these letter agreements acknowledging that the modified heights were appropriate for the area. This text amendment established a maximum building height of 150 feet in the C6-3A and 110 feet in the C6-2A. Furthermore, it was intended that these new maximum building heights would not apply to buildings in Historic Districts designated by the Landmarks Preservation Commission (LPC), and the maximum building heights for such buildings would remain unchanged.

In the writing of this text amendment, an error was made and the original intent to keep the maximum building heights of properties in Historic Districts unchanged was lost. The wording of the text amendment struck all mention of the 160 feet maximum building height as approved in 2006, and resulted in properties in Historic District being governed by the underlying zoning which allows for a maximum building height of 145 feet in the C6-3A zoning district. The proposed text amendment seeks to correct this error and to allow buildings in Historic Districts in the C6-3A of Area A4 of the Special Tribeca Mixed Use District to rise to 160 feet.

The proposed text amendment would apply to two existing buildings in Area A4 of the Special Tribeca Mixed Use District and in the Tribeca North Historic District. The two affected buildings are 79 Laight Street and 250 West Street. The proposed text amendment would allow these two buildings to rise to 160 feet. 250 West Street has proposed a rooftop addition of 12 feet for a maximum building height of 160 feet, and the rooftop addition has received preliminary LPC approval. The proposed text amendment would facilitate this addition. 79 Laight Street is unlikely to enlarge because it exceeds the permitted FAR and has already converted to a residential condominium.

## **ENVIRONMENTAL REVIEW**

This application (N 110167 ZRM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the City Planning Commission. The designated CEQR number is 11DCP060M.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on December 13, 2010.

## **PUBLIC REVIEW**

On December 13, 2010, this application (N 110167 ZRM) was referred to Community Board 1 and the Borough President in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

Community Board 1 held a public hearing on this application on February 23, 2010, and on that date, by a vote of 35 to 0 with 0 abstentions, adopted a resolution recommending approval of the application. On December 30, 2010, the Chair of Community Board 1, Manhattan sent a letter to the Chairperson of the Department of City Planning indicating their continued support for the application.

### **Borough President Recommendation**

This application was considered by the Borough President who did not comment on the application.

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

On January 26, 2011 (Calendar No.5), the City Planning Commission scheduled February 16, 2011 for a public hearing on this application (N 110167 ZRM). The hearing was duly held on February 16, 2011 (Calendar No. 27).

There was one speaker in favor and none opposed.

A representative of the Manhattan Borough President's office described the project and reiterated the borough president's support. The hearing was closed.

### **CONSIDERATION**

The Commission believes that this zoning text amendment (N 110167 ZRM) is appropriate.

The Commission believes that the proposed maximum building height in the C6-3A district of Area A4 in the Special Tribeca Mixed Use District of 160 feet, is appropriate. This height limit would likely allow for a one story penthouse on 250 West Street (Block 217, Lot 1) for a total building height of 160 feet. The Commission believes that 160 feet would be consistent with buildings in the area, and notes that buildings in Historic Districts must be reviewed by the Landmarks Preservation Commission.

The Commission acknowledges that an error in the text amendment approved by the City Planning Commission in 2008 (N 080297 ZRM) resulted in the omission of a provision to exempt buildings in LPC-designated Historic Districts from the new maximum building height regulations. The Commission notes that the proposed text amendment would correct this oversight.

### **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 Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added

Matter in ~~strikeout~~ is old, to be deleted

Matter within # # is defined in Section 12-10

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

\* \* \*

**ARTICLE XI: SPECIAL PURPOSE DISTRICTS  
CHAPTER 1: SPECIAL TRIBECA MIXED USE DISTRICT**

\* \* \*

**111-20  
SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

\* \* \*

d) Areas A4, A5, A6 and A7

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

- (1) Height and setback regulations, as set forth in Section 35-24, shall be modified, as follows:

Area	Minimum base height (in ft.)	Maximum base height (in ft.)	Maximum #building# height (in ft.)
A4	60	70	140
A5	60	70	110
A6	60	85	120
A7	60	85	120

~~It~~ For any #building# or portion thereof located within Area A4, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed within Area A4 above the maximum #building# height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, for any #building# or portion thereof located both within Area A4 and within an Historic District designated by the Landmarks Preservation Commission, the underlying height and setback regulations of Section 35-24 shall apply, except that the maximum height of such #buildings# or portions thereof shall be 160 feet and the 10 foot penthouse allowance set forth in this paragraph (1) shall not apply.

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

\* \* \*

The above resolution (N 110167 ZRM), duly adopted by the City Planning Commission on March 16, 2011 (Calendar No. 7), 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, RAYANN BESSER, IRWIN G. CANTOR, P.E.,  
ALFRED C. CERULLO, III, BETTY Y. CHEN, MARIA M. DEL TORO,  
RICHARD W. EADDY, NATHAN LEVENTHAL, ANNA HAYES LEVIN,  
SHIRLEY A. McRAE, KAREN A. PHILLIPS, Commissioners**



The City of New York

# Manhattan Community Board 1

Julie Menin CHAIRPERSON | Noah Pfefferblit DISTRICT MANAGER

December 30, 2010

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

Re: Area A4/C6-3A Zoning Text Amendment  
N 110167 ZRM

Dear Amanda:

Thank you for sending Community Board One a copy of the Tribeca North Rezoning ULURP application referenced above. As co-applicant, we are pleased to be working with the Office of the Manhattan Borough President and the Department of City Planning to amend the Zoning Resolution relating to Section 111-20, Special Bulk Provisions for Area A1 through A7. Community Board One unanimously supported this zoning resolution amendment on February 23, 2010.

Please feel free to contact us if your staff would like to discuss this matter further.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Menin".

Julie Menin  
Chairperson

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: FEBRUARY 23, 2010

COMMITTEE OF ORIGIN: TRIBECA

COMMITTEE VOTE:	6 In Favor	0 Opposed	0 Abstained	0 Recused
PUBLIC MEMBERS:	1 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	35 In Favor	0 Opposed	0 Abstained	0 Recused

RE: Text Amendment to C6-3A in Area A4

WHEREAS: The Manhattan Borough President's Office and Community Board One submitted an application in 2008 to the Department of City Planning for an amendment to the Zoning Resolution relating to section 111-104 which limited the maximum base height to 70 feet and the maximum building height to 150 feet in C6-3A districts and limited the maximum base height to 70 feet and the maximum building height to 110 feet in C6-2A districts for properties outside of historic districts in Area A4 of the Tribeca Mixed Use District, and

WHEREAS: The primary purpose of those zoning text changes was to encourage development that reinforces the unique built character of the area and maximizes view corridors to the Hudson River by, primarily, reducing maximum base and building heights in the Area A4 excluding historic district properties, and

WHEREAS: The text amendment codified agreements which were committed to by property owners and developers in the area for lower street wall and building height requirements during the rezoning of the area in 2006, and

WHEREAS: A technical error was made in 2008 in drafting the text that codified the agreement, specifically affecting the C6-3A district, now

THEREFORE

BE IT

RESOLVED

THAT: Community Board #1 recommends approval of the Text Amendment to C6-3A in Area A4, which will correct the technical error, and

BE IT

FURTHER

RESOLVED

THAT: Community Board #1, as co-applicant for the previous 2008 Text Amendment, agrees to be an applicant for the Text Amendment to C6-3A in Area A4 application.