



## **CITY PLANNING COMMISSION**

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July 13, 2005/Calendar No. 13

N 050281 ZRM

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**IN THE MATTER OF** an application submitted by One York Property LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Sections 111-02 (General Provisions), 111-111 (Loft Dwelling Requirements, and 111-50 (Special Permit for Enlargement of Buildings Contain Loft Dwellings) regarding the enlargement of buildings containing loft dwellings in the Special TriBeCa Mixed-Use District (Area B1), Borough of Manhattan, Community District 1.

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The application for an amendment of the Zoning Resolution was filed by One York Property, LLC on January 26, 2005. The proposed zoning text amendment in conjunction with related actions would allow the enlargement of buildings contain loft dwellings within area B1 of the Special Tribeca Mixed Use District. The text amendment would facilitate the conversion and enlargement of an existing building in northern Tribeca.

### **RELATED ACTIONS**

In addition to the application for a text amendment which is the subject of this report (N 050281 ZRM), implementation of the proposed development also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

**C 050282 ZSM:** A special permit pursuant to Section 111-50 to permit the conversion to loft dwellings of an existing building.

**C 050283 ZSM:** A special permit pursuant to Section 111-51(b) (a new section) to

permit the enlargement of a building containing loft dwellings.

**C 050284 ZSM:** A special permit pursuant to Section 74-921 to permit Use Group 4A community facility use on the first, second, and third floors in an M1-5 zoning district.

**C 050285 ZSM:** A special permit pursuant to Section 13-561 to permit an accessory parking garage with 47 spaces.

## **BACKGROUND**

A more detailed description of this application, the surrounding area, proposed project and special permit application, is included in the report on the related application for the proposed special permit (C 050282 ZSM).

## **ENVIRONMENTAL REVIEW**

This application (N 050281 ZRM), in conjunction with the applications for the related actions, 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 05DCP037M. The lead is the City Planning Commission.

A more detailed discussion of the environmental review is included in the report on the related application for a special permit (C 050282 ZSM).

## **PUBLIC REVIEW**

On March 28, 2005, this application for a zoning text amendment (N 050281 ZRM), , was referred to Community Board 1 and the Borough President for information and review in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

Community Board 1 held a public hearing on this application on April 19, 2005, and on that date, by a vote of 36 to 4 with 2 abstentions, adopted a resolution recommending approval of the application with conditions.

A summary of the vote and recommendation of Community Board 1 appears in the report on the related application for a special permit (C 050282 ZSM).

### **Borough President Recommendation**

This application was considered by the Borough President, who issued a recommendation approving the application on May 5, 2005.

A summary of the Borough President's recommendation appears in the report on the related application for a special permit (C 050282 ZSM).

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

On May 25, 2005 (Calendar No. 3), the City Planning Commission scheduled June 8, 2005, for a public hearing on this application (N 050281 ZRM). The hearing was duly held on June 8, 2005 (Calendar No. 15), in conjunction with the public hearings on the applications for the related actions.

There were two speakers, as described in the report for a special permit (C 050282 ZSM), and the hearing was closed.

### **CONSIDERATION**

The Commission believes that the proposed text amendment, in conjunction with the related actions, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the related application for a special permit (C 050282 ZSM).

### **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action describes herein will have no significant impact on the environment; subject to the condition that the applicant, One York

Property LLC, agrees via a restrictive declaration to prepare a hazardous materials testing protocol, including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan, including a health and safety plan, to DEP for approval. If necessary, remediation measures would be taken pursuant to the mediation plan.

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 to be deleted;

Matter within # # is defined in the Zoning Resolution;

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

## **SPECIAL TRIBECA MIXED USE DISTRICT REGULATIONS**

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### **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; ~~subject to the #bulk# regulations of Section 111-11 (Bulk Regulations for Buildings Containing Loft Dwellings or Joint Living-Work Quarters for Artists)~~, 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).

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**111-111**

**Loft dwelling requirements**

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- (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. Mezzanines shall be permitted as provided in paragraph (d) of this Section.

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**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(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.

(c) In order to grant a special permit, the City Planning Commission shall find that:

(1) the process of #enlargement# will not unduly burden #commercial# and

#manufacturing uses# in the #building# and

(2) 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#.

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The above resolution (N 050281 ZRM), duly adopted by the City Planning Commission on July 13, 2005 (Calendar No. 13), 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, AICP, Chair**  
**KENNETH J. KNUCKLES, ESQ., Vice Chairman**  
**IRWIN G. CANTOR, P.E., RICHARD W. EADDY, JANE D. GOL, LISA A. GOMEZ,**  
**CHRISTOPHER KUI, JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS Commissioners**