



## **CITY PLANNING COMMISSION**

September 26, 2005/Calendar No. 3

C 060006 ZMM

**IN THE MATTER OF** an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter **for an amendment of the Zoning Map, Section Nos. 8b and 12a:**

1. changing from a C1-7 District to an R6A District property bounded by Charles Lane, a line 100 feet westerly of Washington Street, Charles Street, and a line 180 feet westerly of Washington Street;
2. changing from a C6-2 District to an R6A district property bounded by Perry Street, a line 100 feet westerly of Washington Street, Charles Lane, a line 180 feet westerly of Washington Street, Charles Street, and a line 100 feet easterly of West Street;
3. changing from a C1-7 District to a C1-6A District property bounded by:
  - a. Bank Street, Washington Street, Charles Street, a line 100 feet westerly of Washington Street, Charles Lane, a line 95 feet westerly of Washington Street, West 11<sup>th</sup> Street, a line 150 feet westerly of Washington Street, a line midway between Bank Street and West 11<sup>th</sup> Street, and a line 120 feet easterly of West Street; and
  - b. Christopher Street, Washington Street, Morton Street, West Street, Barrow Street, and a line 95 feet westerly of Washington Street;
4. changing from a C6-2 District to a C1-6A District property bounded by:
  - a. a line midway between Jane Street and West 12<sup>th</sup> Street, a line 110 feet westerly of Washington Street, West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 125 feet easterly of West Street, West 12<sup>th</sup> Street, and a line 100 feet easterly of West Street;
  - b. Bank Street, a line 120 feet easterly of West Street, a line midway between Bank Street and West 11<sup>th</sup> Street, a line 150 feet westerly of Washington Street, West 11<sup>th</sup> Street, a line 95 feet westerly of Washington Street, Charles Lane, a line 100 feet westerly of Washington Street, Perry Street, and a line 100 feet easterly of West Street; and
  - c. Charles Street and its westerly centerline prolongation, a line 90 feet easterly of West Street, West 10<sup>th</sup> Street, a line perpendicular to the southerly street line of West 10<sup>th</sup> Street distant 80 feet easterly (as measured along the street

line) from the point of intersection of the southerly street line of West 10<sup>th</sup> Street and the easterly street line of West Street, a line midway between West 10<sup>th</sup> Street and Christopher Street, a line perpendicular to the northerly street line of Christopher Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Christopher Street and the westerly street line of Washington Street, a line 95 feet westerly of Washington Street, Barrow Street, West Street, the westerly centerline prolongation of Morton Street, Miller Highway;

5. changing from an M1-1 District to a C1-6A District property bounded by:
  - a. a line midway between Jane Street and West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, West 12<sup>th</sup> Street and a line 110 feet westerly of Washington Street; and
  - b. West 12<sup>th</sup> Street, a line 125 feet easterly of West Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 90 feet westerly of Washington Street, Bethune Street, and a line 100 feet easterly of West Street;
6. changing from a C6-2 District to a C1-7 District property bounded by Bethune Street and its westerly centerline prolongation, West Street, Bank Street, a line 100 feet easterly of West Street, Charles Street, a line 50 feet westerly of Washington Street, West 10<sup>th</sup> Street, a line 100 feet westerly of Washington Street, a line perpendicular to the northerly street line of Christopher Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Christopher Street and the westerly street line of Washington Street, a line midway between West 10<sup>th</sup> Street and Christopher Street, a line perpendicular to the southerly street line of West 10<sup>th</sup> Street distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of West 10<sup>th</sup> Street and the easterly street line of West Street, West 10<sup>th</sup> Street, a line 90 feet easterly of West Street, Charles Street and its westerly centerline prolongation, and Miller Highway;
7. changing from a C6-2 District to a C1-7A District property bounded by:
  - a. Jane Street and its westerly centerline prolongation, a line 110 feet westerly of Washington Street, a line midway between Jane Street and West 12<sup>th</sup> Street, a line 100 feet easterly of West Street, West 12<sup>th</sup> Street and its westerly centerline prolongation, and Miller Highway; and

- b. West 12<sup>th</sup> Street, a line 50 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, and a line 90 feet westerly of Washington Street;
- 8. changing from an M1-5 District to a C1-7A District property bounded by:
  - a. Jane Street, Washington Street, Bethune Street, a line 90 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 50 feet westerly of Washington Street, West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, a line midway between Jane Street and West 12<sup>th</sup> Street, and a line 110 feet westerly of Washington Street; and
  - b. West 12<sup>th</sup> Street and its westerly centerline prolongation, a line 100 feet easterly of West Street, Bethune Street and its westerly centerline prolongation, and Miller Highway;
- 9. changing from a C8-4 District to a C4-4A District property bounded by a line midway between Gansevoort Street and Horatio Street, a line 100 feet easterly of Washington Street, West 12<sup>th</sup> Street, and Washington Street;
- 10. changing from an M1-5 District to a C6-2A District property bounded by Gansevoort Street, West Street, a line midway between Horatio Street and Jane Street, a line 125 feet easterly of West Street, Jane Street and its westerly centerline prolongation, and Miller Highway, and
- 11. establishing within a proposed R6A District a C1-5 District bounded by Perry Street, a line 100 feet westerly of Washington Street, Charles Street, and a line 100 feet easterly of West Street;

as shown on a diagram (from illustrative purposes only) dated July 11, 2005, and which includes CEQR Designation E-149, Borough of Manhattan, Community District 2.

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The application for an amendment of the Zoning Map was filed by the Department of City Planning on June 6, 2005.

## **BACKGROUND**

The Department of City Planning has proposed a zoning map amendment that would affect portions of the far western part of the West Village ('the Far West Village'). The rezoning would allow for the continued development of residential buildings, but at a density and form that is more consistent with the existing scale of the neighborhood.

The proposed rezoning area is generally bounded by Horatio Street to the north, Washington Street to the east, Morton Street to the south, and West Street to the west (Rezoning Area). This area is primarily zoned C6-2, C6-3, and C1-7, medium density commercial districts which also allow residential and community facility uses. Other portions of the rezoning area are currently zoned M1-5 and C8-4, light manufacturing and heavy commercial use districts where residential use is not allowed. A two-block area at the northwestern edge of the rezoning area is zoned C6-2A. The rezoning area is primarily located to the west of the Greenwich Village Historic District.

### **Land Use and Neighborhood Character**

The Far West Village was traditionally a manufacturing area that for many years was connected to the working waterfront along the Hudson River. The remaining loft buildings and smaller-scale hotels are remnants of the area's industrial and maritime history, though a few row houses remain from the neighborhood's early years. In the last 30 years, the Far West Village's character has transitioned to predominantly residential, with a diverse mixture of residential buildings that include walk-up apartment buildings, converted loft buildings, row houses, the 42 buildings that comprise the six-story West Village houses complex, and more recent, taller buildings, including the three 17-story glass and steel residential buildings on West Street between Charles and Perry streets.

The rezoning area consists of 92 lots, of which 78% are developed with residential use, 13% are developed with commercial uses, 4% with parking uses, 3% are vacant, and 1% is occupied by a manufacturing use.

The Far West Village contains a diverse mixture of building types, as described below.

- **Lower-scale, streetwall buildings**

The five-story West Village Houses, containing a total of 42 buildings and constructed in the mid 1970s, are a defining built form in much of the rezoning area. Located along six block fronts on the west side of Washington Street between Morton and Bank streets, the streetwall and height of the West Village Houses is generally consistent with many of the apartment buildings, and converted loft buildings found along West Street between Morton and Charles streets, and both sides of Christopher Street. This lower-scale built form is also found in the northern portion of the rezoning area, including the north side of West 12<sup>th</sup> Street, and the east side of Washington Street between West 12<sup>th</sup> and Horatio streets.

- **Medium- to higher-density, bulky streetwall buildings**

Existing buildings along Washington and West streets to the north of Bethune Street exhibit an almost consistent form of medium-density and bulk, with streetwalls ranging in height between six and eight stories, and additional floors rising above a setback. Some of these buildings are relatively recent residential buildings, while others are older, converted loft buildings. Westbeth and 297 West 10<sup>th</sup> Street are two high streetwall, high density loft buildings that are prominent developments within the Far West Village.

- **Medium density residential buildings set back from the street**

Taller residential buildings (approximately 170 feet in height) which are setback slightly from the street and rise straight up without setback are relatively new additions to the neighborhood, with three such buildings forming a distinctive cluster along West Street between Charles and Perry streets.

- **Low-scale row houses**

In contrast to the new, taller buildings along West Street, the cobble-stoned Charles Lane is lined on both sides by two-story residential buildings, including both 19<sup>th</sup> century structures and more recent buildings with front and rear yards.

## **Current Zoning Regulations**

The rezoning area is primarily zoned C1-7 and C6-2. Both designations allow a residential FAR of 6.02, and a community facility FAR of 6.5. The C6-2 district allows for a broad range of commercial uses (UG 6-12) at 6.0, while the C1-7 (UG 5 and 6) district allows for neighborhood-oriented retail at an FAR of 2.0. The rezoning area also includes M1-5 districts (UG 4-14, 16-17), which consist of most of the block bounded by West, Bethune, Washington and West 12<sup>th</sup> Streets; the Washington Street frontage of the block immediately to the north; and the northeast corner of West and Jane streets. The rezoning area also includes a C8-4 district (UG 4-14, 16), consisting of the frontage of the three blocks located on the east side of Washington Street between West 12<sup>th</sup> and Horatio streets. The M1-5 and the C8-4 zoning districts allow an FAR of 5.0, and prohibit residential use. In addition, the Westbeth artists' housing development, located on the block bounded by West, Bank, Washington and Bethune streets, is zoned C6-3 (UG 1-12) which allows a commercial FAR of 6.0, a residential FAR of 7.52 and a community facility FAR of 10.

In recent years, residential buildings have been constructed with heights that are taller than the surrounding, predominantly low- and medium-scale, streetwall context of the Far West Village. Both the C6-2 and C1-7 districts do not require a streetwall or limit building heights, allowing for the construction of tall, slender buildings surrounded by open space. While allowing taller buildings in limited areas of the Far West Village is consistent with the diverse scale of buildings found in the area, the flexible bulk regulations of the existing zoning could over time result in substantial change in the neighborhood's character. In addition, the broad range of commercial uses allowed in the C6 districts is inconsistent with the predominantly residential nature of the neighborhood. In response to requests by community groups, including Community Board 2 and the Greenwich Village Society for Historic Preservation, the Department developed this zoning proposal for contextual districts to ensure that new development is consistent with the predominant built form and land uses in the Far West Village.

## **Proposed Zoning Map Amendment**

The proposed zoning map amendment addresses the major objectives for the rezoning area:

*Ensure that the form of new buildings relates to and enhances the existing neighborhood character:* To ensure that future development reflects the character of the low- to mid-rise buildings found throughout much of the Far West Village, contextual zoning districts with reductions in density are proposed in specific areas. Contextual zoning would reinforce the historic development patterns of the neighborhood and would establish predictable building forms that are compatible with the existing built context. Contextual zoning would also require height limits, and streetwalls reflective of the existing walk-up apartment buildings, loft buildings, and row houses. Above streetwalls, contextual zoning requires that buildings set back (10 feet on wide streets, 15 feet on narrow streets) to reduce their visual impact from the street level.

*Continue to Encourage and Guide Development of the Far West Village as a Predominantly Residential Neighborhood:* The proposed rezoning acknowledges the changes in use which have occurred in the rezoning area over the past several decades. While the area north of Bethune Street had contained active manufacturing uses, no such uses remain and many of the existing manufacturing-related structures have been converted to residential use. The M1-5 district which is primarily located along West, Washington and Bethune Streets is not reflective of the current uses in the area. Similarly, the blocks along the east side of Washington Street had historically been occupied by garages and other auto-related uses. While these uses have been replaced by commercial and residential uses, the zoning has not been amended to reflect this change of use. The proposal would rezone both of these areas to a designation that would allow residential use, and bring the existing residential buildings into conformance.

The proposal also recognizes that the commercial uses within the rezoning area are predominantly neighborhood retail and smaller-scale eating and drinking establishments, while the existing C6 district located throughout much of the area permits a broad range of commercial uses (UG 5-12), including large restaurants, clubs, and more regional-oriented

retail uses. The proposal would therefore rezone much of the area to a C1 district which allows a more narrow range of commercial uses (UG 5 and 6) that are more compatible with a predominantly residential neighborhood.

*Coordinate the rezoning of the Far West Village with proposed designations by the Landmarks Preservation Commission:* The Landmarks Preservation Commission (LPC) has studied the rezoning area and has proposed several individual landmarks, a new historic district in the southwestern portion of the rezoning area, centered around Weehawken Street, and an extension of the Greenwich Village Historic District. The rezoning proposal, in conjunction with the proposed LPC designations, would provide a balanced approach to the dual objectives of growth and neighborhood preservation. The proposal to reduce allowable density and mandate streetwalls and building heights complement LPC's proposed designations.

The proposed zoning map amendments would introduce contextual zones intended to preserve the lower- and medium-scale character of certain streets, allow for new residential use in other areas, and limit the type and size of commercial uses in much of the Rezoning Area.

## **C1-6A**

A C1-6A zoning district is proposed for West Street between Morton and Charles Streets, the west side of Washington Street between Charles and Bank streets, and the midblocks between Bethune and the north side of West 12<sup>th</sup> streets. These areas are characterized by lower-scale, streetwall developments, including the West Village Houses, townhouses, apartment buildings and converted loft buildings. The predominant building heights in these areas range from 45 to 80 feet in height.

A C1-6A district permits 4 FAR for residential and community facility uses, and 2 FAR for commercial uses. The district's contextual bulk regulations require a streetwall between 40 and 65 feet, and a height limit of 80 feet. The permitted FAR and bulk regulations would



ensure that new development would be consistent with the existing character.

The C1-6A is proposed to replace portions of the rezoning area that are currently zoned C6-2, C1-7, M1-5, and C8-4. The proposal would reduce the allowable density in these midblock areas from 6.02 and 5 FAR, respectively. The range of commercial uses would be more restrictive under the proposed zoning, though residential uses would now be allowed in the areas that are currently zoned M1-5 and C8-4.

#### **C4-4A**

A C4-4A zoning district is proposed for the two and a half block area located on the east side of Washington Street, between the north side of West 12<sup>th</sup> Street and the midpoint between Horatio and Gansevoort streets. While the proposal would reduce the allowable density in this area from 5 to 4 FAR, residential use would be allowed pursuant to the proposed zoning district.

The buildings in this area range in height from 30 to 70 feet, and are occupied by a mix of uses including residential, eating and drinking, photo studios, and catering. While the C4-4A district has the same contextual bulk controls as the C1-6A district, it allows for an expanded list of commercial uses (UG 5, 6, 8-10, 12). The C4-4A would bring the existing residential uses into conformance and would allow the existing commercial uses to continue and expand. Since the two and a half blocks are located in the Greenwich Village Historic District, any enlargements or expansions would have to be reviewed by the Landmarks Preservation Commission.

#### **C1-7A**

The application is proposing a C1-7A district along West Street between Bethune and Jane Streets, extending eastward on Jane Street to Washington Street and then continuing southward on Washington to Bethune Street. The proposed C1-7A district would replace M1-5 and C6-2 districts. This area contains a mix of newer mid-rise residential buildings

and converted loft buildings, with heights between six and 10-stories. Parking lots, and the vacant, two-story Superior Ink manufacturing building, are also located within this area.

The C1-7A district would bring the residential buildings into conformance, and would allow for residential development on the underbuilt sites. The district's contextual bulk regulations, which allow a streetwall between 60 and 85 feet, and a height limit of 120 feet, would ensure that the scale of new development is consistent with the surrounding, mid-rise residential buildings.

### **C6-2A**

The existing C6-2A district located between West and Washington streets north of Jane Street would be extended to include the hotel located at the northeast corner of West and Jane Streets. Currently zoned M1-5, the proposed C6-2A district would allow residential uses at an FAR of 6.02, a broad range of commercial uses at an FAR of 6, and community facility uses at an FAR of 6.5. The district's contextual bulk regulations require a streetwall between 60 and 85 feet, and a height limit of 120 feet. The hotel is a designated landmark, and any expansion or exterior alteration would be subject to approval by the Landmarks Preservation Commission.

### **R6-A/C1-5**

An R6A district with a C1-5 overlay is proposed for the midblocks along both sides of the low-scale Charles Lane. This area is currently zoned C6-2 and C1-7, which allow an FAR of 6.02 for residential use, 6.5 for community facility uses, and 6.0 and 2.0 FAR for commercial uses. Seven of the 10 buildings along Charles Lane have an FAR of less than 2.5. The proposed R6-A/C1-5 district would allow for an FAR of 3.0 for residential and community facility uses, and 2.0 for commercial uses. The district's contextual bulk regulations require a streetwall between 40 and 60 feet, and a height limit of 70 feet. The rezoning would allow for new development that is consistent with the existing low-scale character of this midblock location.

## **C1-7**

A C1-7 zoning district is proposed for West Street between Bank and Charles streets, and an existing C1-7 district would be extended on the midblock between West 10<sup>th</sup> and Charles streets. Both the new C1-7 district and the extension of the existing district would replace C6-2 districts. While both C1-7 and C6-2 districts allow the same residential FAR of 6.02 and community facility FAR of 6.5, the C1-7 district further restricts the range of commercial uses to UG 5 and 6, and at an FAR of 2.0.

The flexible bulk regulations in the C1-7 district would be consistent with the varied built character within these areas.

## **ENVIRONMENTAL REVIEW**

The subject application (C 06006 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 03DCP014M. The lead is the City Planning Commission.

After a study of the environmental impact of the subject application (C 06006 ZMM), a Negative Declaration was issued on July 11, 2005, which included (E) designations for hazardous materials, air quality, and noise.

To avoid the potential for hazardous materials impacts, the proposed action includes (E) designations for hazardous materials on the following properties:

Block 640, Lot 1;  
Block 641, Lot 36;  
Block 641, Lot 75;  
Block 642, Lot 1;  
Block 642, Lot 72 ; and  
Block 643, Lot 36.

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 DEP before the issuance of a building permit by the 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 the DEP.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed action includes (E) designations on the following properties:

Block 640, Lot 1; and  
Block 641, Lot 36.

Any new residential and/or commercial development on the above-referenced properties must use natural gas as the type of fuel for space heating and hot water (HVAC) systems.

To avoid the potential for impacts related to noise, the proposed action includes (E) designations on the following properties:

Block 640, Lot 1; and  
Block 642, Lot 1.

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dB(A) window/wall attenuation, as indicated above, 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 the potential for impacts related to noise, the proposed action includes (E) designations on the following properties:

Block 641, Lot 36;  
Block 641, Lot 75;  
Block 642, Lot 38;  
Block 642, Lot 39;

Block 642, Lot 72;  
Block 643, Lot 36; and  
Block 643, Lot 38.

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation, as indicated above, 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.

### **UNIFORM LAND USE REVIEW**

This application (C 060006 ZMM) was certified as complete by the Department of City Planning on July 11, 2005, and was duly referred to Community Board 2 and to the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Public Hearing**

Community Board 2 held a public hearing on this application (C 060006 ZMM) on July 21, 2005 and on that date, by a vote of 20 in favor, 6 opposed and 3 abstaining adopted recommendations to approve the application subject to the following conditions:

... CB#2, Man. Requests that the New York City Planning Commission revisit the White Hall storage site and the Superior Ink site and reconsider the proposed downzoning for these areas, And,

... CB#2, Man. Recommends that the C1-6A District, FAR 4.0, be extended to include the entire Superior Ink site and that the White Hall storage site be downzoned to no more than FAR 4, And,

... CB#2, Man. Requests that the Department of City Planning continue to meet with the community, our local public officials, and the Community Board and to further improve this plan, And,

... CB#2, Man. Requests that the Department of City Planning continue to move forward in an expeditious fashion with the proposed zoning map amendment for the Far West Village Zoning.

### **Borough President Recommendation**

This application (C 060006 ZMM) was considered by the Borough President, who issued a recommendation to approve the application on August 29, 2005 subject to the following conditions:

#### **Superior Ink Site**

Since the developer has received residential as of right and has not provided any additional benefit to the community, the Manhattan Borough President believes that remaining at the original FAR of 5.0 would be appropriate.

The Manhattan Borough President, therefore, requests that the developer and City Planning continue to work with the community to find a beneficial design that will not detract value and quality from the surrounding properties.

#### **Whitehall Storage Facility**

The Manhattan Borough President recommends that this site not serve as justification for other large buildings nearby.

#### **Use Group 10 and 12**

As a precaution to prevent inconsistent future development, the Manhattan Borough President recommends rezoning this site to a similar contextual zoning that does not allow Use Group 10 as of right and Use Group 12 with special permit.

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

On August 24, 2005, (Calendar No. 5), the City Planning Commission scheduled September 14, 2005 for a public hearing on this application (C 060006 ZMM). The hearing duly held on September 14, 2005, (Calendar No. 27).

There were 34 speakers in favor of the applications and two speakers in opposition.

Those speaking in favor of the application included the New York Senator of the 29<sup>th</sup> Senate District, a representative for the New York State Assembly member of the 66<sup>th</sup> Assembly District, property owners, representatives of Community Board 2, the Greenwich Village Society for Historic Preservation (GVSHP), developers, and architects.

The speakers in favor supported the proposal to reduce allowable density and control height through contextual bulk regulations. Many speakers noted the unique, historic character of the Far West Village, and expressed concern that recent residential buildings are taller than the predominant context and that they are undermining the neighborhood's distinctive character and access to light and air. The Executive Director of the GVSHP noted that the organization had proposed a rezoning in 2004, and that while the Department's proposal did not reduce allowable density to the extent of the GVSHP proposal, he commended the Department for advancing its proposal and urged the Commission to adopt it as soon as possible. The urgency to adopt as soon as possible to avoid developer "vesting" under the existing zoning regulations was echoed by many speakers. Speakers also expressed support for the proposal from the Landmarks Preservation Commission to landmark individual buildings, create a new historic district, and extend the existing Gansevoort Historic District in an effort to preserve the character of the Far West Village.

While expressing overall support for the proposal, many of the same speakers also expressed opposition to the proposed zoning of the Superior Ink site, located on West and Bethune streets. Speakers stated that the rezoning, by allowing as-of-right residential development at the site, would facilitate development that would block light for the artists located in the Westbeth artists' housing complex on the south side of Bethune Street. Other speakers stated that the allowable density of 5.02 FAR for a residential development, or 5.24 FAR for a development that includes community facility use, was excessive given the increase in value as a result of rezoning to allow residential use as-of-right. Other speakers also testified in support of preserving the existing manufacturing building on the site, and stated that allowing as-of-right residential use would undermine the potential of reusing the building for manufacturing uses.

Speakers also testified in opposition to the proposal to retain 6.02 FAR on the through-block Whitehall storage site, located on Charles and West 10<sup>th</sup> streets. Many speakers stated that the midblock location warranted both a reduced FAR and a mandated height limit, and that this site should be included in the C1-6A (4.0 FAR) district proposed in other areas of the Far

West Village.

Several speakers stated that they did not believe that the north side of West 12<sup>th</sup> Street should be rezoned from the current C6-2 (6.02 FAR) to C1-6A (4.0 FAR). The speakers represented developers for two development sites on this block. The developer for 393-397 West 12<sup>th</sup> Street stated that he intended to retain the existing two-story building, and that the reduction in FAR and the mandatory height limit of 80 feet would compromise the quality of the building and the ability to provide more affordable units. The developer and architect for 390 West 12<sup>th</sup> Street also stated that they would retain the existing building on the site, and they presented a proposed building that would contain an FAR of 5.38 and a height of 116 feet. They stated that the proposed rezoning's reduction in FAR and height would make their proposed design infeasible.

There were no other speakers and the hearing was closed.

### **Waterfront Revitalization Program Consistency Review**

This application, in conjunction with those for the related actions, 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 State 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 05-041. This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

### **CONSIDERATION**

The Commission believes that this amendment of the Zoning Map (C 060006 ZMM) is appropriate.

The Commission notes that the Far West Village contains a diversity of buildings, including low density, two- and three-story row houses, medium density, six- to eight-story apartment



and loft buildings, and more recent, taller elevator apartment buildings. The Commission also notes that both the C6-2 and C1-7 zoning districts, which comprise much of the existing zoning within the Far West Village, allow an FAR of 6.02 for residential use, and allow for the construction of tall, slender buildings that are setback from the streetline. The Commission believes that the existing zoning's permitted density and flexible bulk regulations could result in new development that could be out of context with the surrounding neighborhood and could, over time, substantially change the neighborhood's character.

The Commission believes that the proposed zoning map amendment represents a balanced approach, and that it would ensure that new development reflects the distinctive character of the Far West Village. The Commission believes that the contextual zoning district's requirement for a streetwall, setback and height limits would establish predictable building forms that are compatible with the existing built context of low- to mid-rise streetwall buildings found throughout areas of the Far West Village. The Commission also believes that the balance of reducing density in some areas, and retaining existing density in others, appropriately reflects the existing neighborhood character of both lower- and medium-density buildings.

The Commission notes that areas of the Far West Village contain clusters of buildings with an existing built floor area that is significantly less than what is allowed under the existing zoning. These areas include West Street between Morton and Charles streets, Washington Street between Charles and Bank Streets, the midblocks between Bethune and West 12<sup>th</sup> Street, and Charles Lane. The Commission believes that the zoning map amendment to limit the FAR in these areas to 4.0 is appropriate and consistent with the existing built context. The Commission further notes that Charles Lane is a narrow, cobble-stoned street with a unique, low scale character of predominantly two-story buildings constructed to less than 3.0 FAR. The Commission believes that the proposed rezoning to a contextual R6A district (3.0 FAR) is appropriate for this unique, low scale enclave.

The Commission notes that other areas of the Far West Village contain clusters of medium

density buildings, generally in the range of 5 to 7 FAR. These areas include West Street, north of Charles Street, and Washington Street, between Christopher and Charles streets, and between Bethune and Jane streets. The Commission believes that the proposal to permit an FAR of 6.02 for residential use in these areas is appropriate.

The Commission notes that residential is the predominant land use in the Far West Village, and the Commission believes it is appropriate to allow residential development as-of-right. The Commission therefore believes it is appropriate to replace the M1-5 and C8-4 zoning with districts that allow for residential development. The Commission also notes that the majority of commercial uses throughout the Far West Village are neighborhood-oriented retail and small-scale eating and drinking establishments, and that the C6-2 district currently mapped in much of the area allows for a broad range of commercial uses, including large restaurants, clubs, and more regional-oriented retail uses. The Commission believes that rezoning these areas to C1 districts, which contain a more narrow range of permitted commercial uses, is appropriate.

The Commission notes that the east side of Washington Street between West 12<sup>th</sup> and Horatio streets contains a catering establishment, photo studio, and film-related offices. The Commission believes that it is appropriate to rezone these two-and-a-half block fronts to a C4-4A district, which contains a broader range of commercial uses than the C1 districts proposed elsewhere in the Far West Village. The proposed C4-4A district would allow the existing commercial establishments in this area to expand in the future.

The Commission acknowledges the testimony in opposition, and comments from Community Board 2 and the Manhattan Borough President, regarding the proposed zoning that encompasses the Whitehall storage site, located at 303 West 10<sup>th</sup> Street. The Commission notes that this site, occupied by a three-story loft building, is currently split between a C6-2 district and a C1-7 district, and that the Department's proposal would rezone the entire site to C1-7, thereby maintaining the FAR for residential use at 6.02, but reducing the FAR for commercial use to 2.0. The Commission notes that prominent medium and higher density buildings are located to the east and south of the site, including the two residential buildings

on the east side of Washington Street between West 10<sup>th</sup> and Charles streets (5.8 FAR and 10.5 FAR), and 165 Christopher Street to the south (6.0 FAR). The Commission believes that continuing to allow 6.02 FAR for residential use at this site is consistent with the adjacent context. The Commission also notes that the more flexible bulk controls are appropriate for this large, through-block site. The absence of a height limit in the proposed C1-7 district allows for the floor area to be massed in the center of the through-block site, and away from the side streets, thereby allowing for more light and air to the surrounding narrow streets.

The Commission also acknowledges the testimony in opposition, and comments from Community Board 2 and the Manhattan Borough President, regarding the proposal to rezone the Superior Ink site to allow residential use as-of-right. The Commission notes that the predominant land use in the Far West Village is residential, and that residential buildings are located immediately adjacent to the Superior Ink site. The Commission therefore believes it is appropriate to rezone to allow residential use as-of-right. The Commission also heard testimony that the proposed FAR for the Superior Ink site should be reduced. The Commission notes that the existing buildings surrounding the site are built to over 6.0 FAR, including two residential buildings on the subject block, a recently constructed building on the block to the north, and the Westbeth artists' housing complex to the south. The Commission notes that, under the proposed zoning, the development site would be located in both C1-7A and C1-6A districts, and that the allowable maximum FAR would be 5.02 for a residential development, and 5.24 for a development that contained community facility uses. The Commission believes that further reducing the allowable FAR would not be appropriate given the surrounding context.

The Commission heard testimony about the potential reduction of light to the north-facing windows of the Westbeth artists' housing complex from future development at the Superior Ink site. The Commission notes that the existing M1-5 zoning district does not contain a height limit, and that an as-of-right development could be constructed on the site at a height that exceeds the height of Westbeth, currently the tallest building in the neighborhood. The Commission acknowledges that development on the site could reduce the amount of light

reaching the north-facing windows of the Westbeth artists' complex; however, the Commission believes that the height limit of 120 feet on West Street, and 80 feet on Bethune Street, under the proposed zoning would serve to ameliorate this.

The Commission also heard testimony from developers and their representatives requesting that the north side of West 12<sup>th</sup> Street between West and Washington streets be exempted from the rezoning. The Commission notes that the rezoning would reduce the maximum FAR on the north side of West 12<sup>th</sup> Street from 6.02 to 4.0, and that a height limit of 80 feet would be mandated. The Commission notes that while the existing buildings on the north side of West 12<sup>th</sup> Street have FARs of less than 3.0 FAR, and contain two-stories, the existing building on the south side of West 12<sup>th</sup> Street is seven stories and approximately 80 feet in height. The Commission believes that the proposed C1-6A district, which allows 4 FAR and mandates a height limit of 80 feet, is consistent with this existing midblock context.

The Commission notes that the Landmarks Preservation Commission (LPC) has studied the rezoning area and has proposed the designation of several individual landmarks, a new historic district in the southwestern portion of the rezoning area, centered around Weehawken Street, and an extension of the Greenwich Village Historic District. The Commission believes that the rezoning proposal, in conjunction with the proposed LPC designations, would provide a balanced approach to the dual objectives of growth and neighborhood preservation.

## **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 WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 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 Nos. 8b and 12a:

1. changing from a C1-7 District to an R6A District property bounded by Charles Lane, a line 100 feet westerly of Washington Street, Charles Street, and a line 180 feet westerly of Washington Street;
2. changing from a C6-2 District to an R6A district property bounded by Perry Street, a line 100 feet westerly of Washington Street, Charles Lane, a line 180 feet westerly of Washington Street, Charles Street, and a line 100 feet easterly of West Street;
3. changing from a C1-7 District to a C1-6A District property bounded by:
  - a. Bank Street, Washington Street, Charles Street, a line 100 feet westerly of Washington Street, Charles Lane, a line 95 feet westerly of Washington Street, West 11<sup>th</sup> Street, a line 150 feet westerly of Washington Street, a line midway between Bank Street and West 11<sup>th</sup> Street, and a line 120 feet easterly of West Street; and
  - b. Christopher Street, Washington Street, Morton Street, West Street, Barrow Street, and a line 95 feet westerly of Washington Street;
4. changing from a C6-2 District to a C1-6A District property bounded by:
  - a. a line midway between Jane Street and West 12<sup>th</sup> Street, a line 110 feet westerly of Washington Street, West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 125 feet easterly of West Street, West 12<sup>th</sup> Street, and a line 100 feet easterly of West Street;
  - b. Bank Street, a line 120 feet easterly of West Street, a line midway between Bank Street and West 11<sup>th</sup> Street, a line 150 feet westerly of Washington Street, West 11<sup>th</sup> Street, a line 95 feet westerly of Washington Street, Charles Lane, a line 100 feet westerly of Washington Street, Perry Street, and a line 100 feet easterly of West Street; and
  - c. Charles Street and its westerly centerline prolongation, a line 90 feet easterly of West Street, West 10<sup>th</sup> Street, a line perpendicular to the southerly street line of West 10<sup>th</sup> Street distant 80 feet easterly (as measured along the street

line) from the point of intersection of the southerly street line of West 10<sup>th</sup> Street and the easterly street line of West Street, a line midway between West 10<sup>th</sup> Street and Christopher Street, a line perpendicular to the northerly street line of Christopher Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Christopher Street and the westerly street line of Washington Street, a line 95 feet westerly of Washington Street, Barrow Street, West Street, the westerly centerline prolongation of Morton Street, Miller Highway;

5. changing from an M1-1 District to a C1-6A District property bounded by:
  - a. a line midway between Jane Street and West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, West 12<sup>th</sup> Street and a line 110 feet westerly of Washington Street; and
  - b. West 12<sup>th</sup> Street, a line 125 feet easterly of West Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 90 feet westerly of Washington Street, Bethune Street, and a line 100 feet easterly of West Street;
6. changing from a C6-2 District to a C1-7 District property bounded by Bethune Street and its westerly centerline prolongation, West Street, Bank Street, a line 100 feet easterly of West Street, Charles Street, a line 50 feet westerly of Washington Street, West 10<sup>th</sup> Street, a line 100 feet westerly of Washington Street, a line perpendicular to the northerly street line of Christopher Street distant 110 feet westerly (as measured along the street line) from the point of intersection of the northerly street line of Christopher Street and the westerly street line of Washington Street, a line midway between West 10<sup>th</sup> Street and Christopher Street, a line perpendicular to the southerly street line of West 10<sup>th</sup> Street distant 80 feet easterly (as measured along the street line) from the point of intersection of the southerly street line of West 10<sup>th</sup> Street and the easterly street line of West Street, West 10<sup>th</sup> Street, a line 90 feet easterly of West Street, Charles Street and its westerly centerline prolongation, and Miller Highway;
7. changing from a C6-2 District to a C1-7A District property bounded by:
  - a. Jane Street and its westerly centerline prolongation, a line 110 feet westerly of Washington Street, a line midway between Jane Street and West 12<sup>th</sup> Street, a line 100 feet easterly of West Street, West 12<sup>th</sup> Street and its westerly centerline prolongation, and Miller Highway; and

- b. West 12<sup>th</sup> Street, a line 50 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, and a line 90 feet westerly of Washington Street;
- 8. changing from an M1-5 District to a C1-7A District property bounded by:
  - a. Jane Street, Washington Street, Bethune Street, a line 90 feet westerly of Washington Street, a line midway between West 12<sup>th</sup> Street and Bethune Street, a line 50 feet westerly of Washington Street, West 12<sup>th</sup> Street, a line 90 feet westerly of Washington Street, a line midway between Jane Street and West 12<sup>th</sup> Street, and a line 110 feet westerly of Washington Street; and
  - b. West 12<sup>th</sup> Street and its westerly centerline prolongation, a line 100 feet easterly of West Street, Bethune Street and its westerly centerline prolongation, and Miller Highway;
- 9. changing from a C8-4 District to a C4-4A District property bounded by a line midway between Gansevoort Street and Horatio Street, a line 100 feet easterly of Washington Street, West 12<sup>th</sup> Street, and Washington Street;
- 10. changing from an M1-5 District to a C6-2A District property bounded by Gansevoort Street, West Street, a line midway between Horatio Street and Jane Street, a line 125 feet easterly of West Street, Jane Street and its westerly centerline prolongation, and Miller Highway, and
- 11. establishing within a proposed R6A District a C1-5 District bounded by Perry Street, a line 100 feet westerly of Washington Street, Charles Street, and a line 100 feet easterly of West Street;

as shown on a diagram (from illustrative purposes only) dated July 11, 2005, and which includes CEQR Designation E-149, Borough of Manhattan, Community District 2.

The above resolution (C 060006 ZMM), duly adopted by the City Planning Commission on September 26, 2005 (Calendar No. 3), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**AMANDA M. BURDEN, AICP, Chair**

**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E.,**

**ANGELA R. CAVALUZZI, R.A., ALFRED C. CERULLO, III,**

**RICHARD W. EADDY, JANE D. GOL, LISA GOMEZ, CHRISTOPHER KUI,**

**JOHN MEROLO, KAREN A. PHILLIPS, DOLLY WILLIAMS, Commissioners**