



## CITY PLANNING COMMISSION

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July 12, 2006 / Calendar No. 13

N 040544 ZRM

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**IN THE MATTER OF** an application submitted by Truffles LLC pursuant to Section 200 of the New York City Charter, for amendment of the Zoning Resolution of the City of New York relating to Section 111-00 (Special Tribeca Mixed Use District), to create a new Area A4 within the special district, and to apply certain use and bulk regulations within the proposed Area A4, in Borough of Manhattan, Community District 1.

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The application for a zoning text amendment was filed Truffles LLC on June 25, 2004, to amend the Special Tribeca Mixed Use District by establishing a new Area A4 and to establish use and bulk regulations within the new Area A4, in Community Board 1, Borough of Manhattan.

### RELATED ACTIONS

In addition to the amendment of the Zoning Text which is the subject of this report, implementation of the applicant's proposal also requires action by the City Planning Commission on the following applications which are being considered concurrently with this application:

- 1) C 040543 ZMM     **Zoning Map Amendment** to rezone a four block area in the Special Tribeca Mixed Use District from an M1-5 district to C6-2A and C6-3A districts; and
- 2) C 040545 ZSM     **Zoning Special Permit** pursuant to Zoning Resolution Sections 13-562 and 74-52 to allow a 180-space public parking garage to be developed as part of a proposed residential building in the area of the rezoning.

### BACKGROUND

A full background discussion and description of this application appears in the report on the related zoning map amendment application (C 040543 ZMM).

## **ENVIRONMENTAL REVIEW**

This application (N 040544 ZRM), in conjunction with the related applications (C 040543 ZMM and C 040545 ZSM), was reviewed pursuant to 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 06DCP067M. The lead is the City Planning Commission.

A summary of the environmental review appears in the report on the related zoning map amendment application (C 040543 ZMM).

## **UNIFORM LAND USE REVIEW**

On February 6, 2006, this application (N 040544 ZRM) was duly referred to Community Board 1 and the Manhattan Borough President in accordance with the Commission's procedure for referring non-ULURP items. The related applications for rezoning (C 040543 ZMM) and special permit (C 040545 ZSM), were referred to Community Board 1 and the Manhattan Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

### **Community Board Review**

Community Board 1 held a public hearing this application on March 21, 2006 (N 040544 ZRM) and on that date by a vote of 42 in favor, 0 opposed, and 0 abstaining, adopted a resolution recommending disapproval of the application.

A full discussion of the Community Board 1 resolution appears in the report on the related zoning map amendment application (C 040543 ZMM).

### **Borough President Review**

The application (N 040544 ZRM) was considered by the Borough President who issued a recommendation disapproving the application, on May 17, 2006. A full discussion of the Borough President's resolution appears in the report on the related zoning map amendment application (C 040543 ZMM).

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

On May 10, 2006 (Calendar No. 14), the City Planning Commission scheduled May 24, 2006, for a public hearing on the application (N 040544 ZRM), in conjunction with the related applications (C 040543 ZMM and C 040545 ZSM). On May 24, 2006 (Calendar No. 22), the hearing was continued to June 7, 2006 (Calendar No.18).

There were a number of appearances, as discussed in the report for the related zoning map amendment application (C 040543 ZMM), and the hearing was closed.

### **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application, in conjunction with the related action, 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 04-079. 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 to the zoning text (N 040544 ZRM), as modified, is appropriate.

A full consideration and analysis of the issues and the reasons for approving this application, as modified, appears in the report on the related zoning map amendment application (C 040543 ZMM).

**RESOLUTION**

**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**, 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 in # # is defined in Section 12-10;  
\* \* \* indicates where unchanged text appears in the Zoning Resolution

\* \* \*

**111-03  
District Map**

The District Map for the #Special Tribeca Mixed Use District# (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

## 111-102

### Ground floor use restrictions

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

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 Chambers Street, Church Street, Greenwich Street, Hudson Street, ~~or~~ West Broadway or West Street.

\* \* \*

## 111-103

### 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, 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 televisions 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 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 11-40:

- (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 Group 6A and 6C and all #uses# in Use Group 10 with parking categories B or B1.

In addition, in #buildings# not fronting on West Street, 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 to such #uses# , except as other wise provided in Section 111-40.

\* \* \*

(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, ~~and 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 Chambers Street, Church Street, Greenwich Street, Hudson Street, ~~or 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.

**111-104  
Special Provisions for Areas A1, A2, A3, A4 and B2**

\* \* \*

(d) Area A4

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

(1) Table A of Section 35-24 shall be modified in C6-3A districts to permit a maximum building height of 160 feet within 100 feet of a #wide street#.

(2) The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Area A-4, 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, the maximum #floor area ratio# permitted on a #zoning lot# shall be 6.5.

~~(d)~~ (e) Area B2

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### Appendix A (Existing)

8/27/98  
APPENDIX A  
Special Tribeca Mixed Use District Map - Existing



— District Boundary  
— Area Boundary

Area A1: General Mixed Use Area  
Area A2: Limited Mixed Use Area  
Area A3: General Mixed Use Area  
Area B1: Limited Mixed Use Area  
Area B2: Limited Mixed Use Area

Appendix A (Proposed)

APPENDIX A  
Special Tribeca Mixed Use District Map - Proposed



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

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The above resolution (N 040544 ZRM), duly adopted by the City Planning Commission on July 12, 2006 (Calendar No. 12), 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**  
**ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ALFRED C. CERULLO, III,**  
**JANE GOL, LISA A. GOMEZ, CHRISTOPHER KUI, JOHN MEROLO,**  
**DOLLY WILLIAMS, Commissioners**

**ANGELA R. CAVALUZZI, R.A., Commissioner, Voting No**