



CITY PLANNING COMMISSION

September 24, 2008/Calendar No. 5

N 080297 ZRM

IN THE MATTER OF an application submitted by the Office of the 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 111-104 (Special provisions for Areas A1, A2, A3, A4, and B2) relating to the Special Tribeca Mixed Use District in Community District 1, in the Borough of Manhattan.

The application for an amendment of the Zoning Resolution was filed by the Manhattan Borough President and Community Board 1 on February 21, 2008. The text amendment would amend Sections 111-104 (Special Tribeca Mixed Use District provisions) of the Zoning Resolution modifying the street wall height and maximum height requirements in Area A4 of the Special Tribeca Mixed Use District in Community District 1, Borough of Manhattan.

BACKGROUND

On July 12, 2006, the City Planning Commission approved a text amendment to the Special Tribeca Mixed Use District, (N 040544 ZRM), special permit for a parking garage (C 040545 ZSM), and a zoning map amendment (C 040543 ZSM), submitted by Truffles LLC. The zoning map and text amendments sought to allow residential use as-of-right in four blocks of Area B2 of the Tribeca Mixed Use District.

The zoning map was changed from M1-5 to C6-3A and C6-2A in four blocks bounded by West, Washington, Watts, and Laight Streets. The Commission made the following three modifications to the text amendment: (1) a reduction in maximum FAR from 7.52 to 6.5 in the C6-3A district, (2) a reduction in the maximum street wall height in the C6-3A district to 102 feet from 150 feet, and (3) an elimination of an as-of-right transfer of floor area and dwelling units between the C6-2A and C6-3A zoning districts.

On September 13, 2006, the City Council modified the text amendment further decreasing the maximum FAR in the C6-2A zoning district from 6.0 to 5.5. Prior to City Council approval, Truffles LLC, and another property owner within the rezoning area, Ponte Equities, Inc.,

signed letters, dated August 15, 2006 and August 16, 2006, to the City Council expressing their intention to develop their properties within a specific zoning envelope with street wall maximum heights and maximum building heights lower than the permitted zoning.

The proposed text amendment (N080297ZRM) pertains to the portion of the Tribeca Mixed Use District (TMU) bounded by Watts Street, Route 9A/West Street, Washington Street, and Laight Street, also referred to as Area A4, within the TMU. The proposed text amendment is not applicable to properties located in the Tribeca North Historic District, located in Area A4. The proposed text amendment would modify Section 111-104 in the following ways:

1. Within the C6-3A district a maximum base height of 70 feet and a maximum building height of 140 feet is established;
2. Within the C6-3A district, a penthouse portion not exceeding 10 feet in height may be constructed above the maximum building height of 140 feet, provided that such penthouse portion is set back 25 feet from any narrow street.
3. Within the C6-2A district, a maximum base height of 70 feet and a maximum building height of 110 feet is established.

ENVIRONMENTAL REVIEW

This application (N 080297 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 08DCP047M. After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on May 19, 2008.

PUBLIC REVIEW

On May 19, 2008, this application (N 080297 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 June 24, 2008, and on that date, by a vote of 44 to 0 with 0 abstentions, adopted a resolution recommending approval of the application.

Borough President Recommendation

This application was considered by the Borough President who issued a letter of support on July 17, 2008.

City Planning Commission Public Hearing

On August 11, 2008 (Calendar No.10), the City Planning Commission scheduled August 22, 2008 for a public hearing on this application (N 080297 ZRM). The hearing was duly held on August 27, 2007 (Calendar No. 36).

There were four speakers 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 co-chair of the Tribeca Subcommittee of Community Board 1 thanked the City for working in collaboration on the text amendment. Another co-chair of the Tribeca Subcommittee of Community Board 1 also supported the amendment. A representative of the Councilmember from the 1st district spoke in favor. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that this zoning text amendment (N 080297 ZRM) as modified is appropriate.

The Commission believes that the proposed maximum building height in the C6-3A district of 140 feet plus a possible enlargement of 10 feet and a required street wall of 60 feet to 70 feet is appropriate for the area. These height limits would produce buildings that are consistent in scale with the area’s context and would not unduly affect access to light and on the streets and surrounding buildings. The proposed maximum building height and required street wall in the C6-2A district (primarily on Washington Street) would have similar results.

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;

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

ARTICLE IX: SPECIAL PURPOSE DISTRICTS

d) Area A4

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

- (1) In C6-2A and C6-3A Districts, the height and setback# regulations as set forth in Table A of Section 35-24, shall be modified, as follows: ~~in C6-3A Districts to permit a maximum building height of 160 feet within 100 feet of a #wide street#.~~

District	Minimum Base Height (in ft.)	Maximum Base Height (in ft.)	Maximum Building Height (in ft.)
C6-2A	60	70	110

C6-3A	60	70	140
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In a C6-3A District, a penthouse portion of a #building#, not exceeding ten feet in height, may be constructed above the maximum building height, provided that such penthouse portion is set back at least 25 feet from any #narrow street#.

However, 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 080297 ZRM), duly adopted by the City Planning Commission on September 24, 2008 (Calendar No. 5), 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
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