



## CITY PLANNING COMMISSION

July 12, 2006 / Calendar No. 11

C 040543 ZMM

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

1. changing from an M1-5 District to a C6-2A District property bounded by Watts Street, Washington Street, Hubert Street, and a line 85 feet westerly of Washington Street; and
2. changing from an M1-5 District to a C6-3A District property bounded by Watts Street, a line 85 feet westerly of Washington Street, Hubert Street, and West Street;

within the Special Tribeca Mixed Use District, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 6, 2006, and subject to conditions of CEQR Declaration E-162.

The application for a zoning map amendment was filed Truffles LLC on June 25, 2004, to rezone four blocks in North Tribeca, bounded by West Street, Hubert Street, Washington Street, and Watts Street, in Community Board 1, Borough of Manhattan.

### RELATED ACTIONS

In addition to the amendment of the Zoning Map 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) N 040544 ZRM **Zoning Text Amendment** to the Special Tribeca Mixed Use District, Zoning Resolution Section 111-00, to establish a new Area A4 and to establish use and bulk regulations within the new Area A4; 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**

### **North Tribeca**

The neighborhood of North Tribeca is located in Lower Manhattan, generally bounded by Walker and Beach Streets on the south, Broadway on the east, Canal Street on the north, and the Hudson River on the west. The area of rezoning which is the subject of this report is located at the western edge of the community. Surrounding neighborhoods include Tribeca South, Chinatown to the east, and Hudson Square to the north. The Hudson River Park is located on the west side of West Street, a six-lane divided highway, and extends from Battery Park City to West 59<sup>th</sup> Street.

North Tribeca has a long history as a mixed-use area with industrial, warehouse, and automotive uses co-existing with some residential uses. Many food-related warehouses and distribution businesses located in the area to be near the Washington Market wholesale food market which has since moved to Hunts Point in the Bronx. As the warehousing and industrial uses declined and disappeared from the area, the vacant spaces attracted new residential and commercial uses. In 1976, to address the emergence of non-industrial uses in Tribeca, the City established a zoning special district for the area called the “Special Tribeca Mixed Use District.” Since then, the transformation of Tribeca to a residential community has accelerated and today, Tribeca is one of the most desirable and successful residential communities in the City.

The built character of North Tribeca is defined in large part by late 19<sup>th</sup> and early 20<sup>th</sup> century loft buildings ranging in height from about six to twelve stories and approximately 80 to 160 feet tall. The loft style buildings generally have high lot coverage and no setbacks. In general, the largest buildings in North Tribeca are located around the Holland Tunnel rotary. Vacant or underutilized buildings and parcels are concentrated mostly along West Street.

The area of the rezoning comprises four waterfront blocks (Blocks 217, 218, 223 and 224) bounded by Hubert Street to the south, Washington Street to the east, Watts Street to the north, and West Street to the west. The blocks are slightly trapezoidal in shape and range in width from

208 feet to 230 feet in the east-west dimension. The blocks are each approximately 175 feet in the north-south dimension.

The blocks in the rezoning area are characterized by a mix of uses. Currently, approximately 18% of the rezoning area is used for residential uses, 31% for commercial and office, 18% for auto-related, 6% for industrial-related, and 22% is vacant or under construction.

The two northern blocks (Blocks 223 and 224) in the area of proposed to be rezoned are predominantly vacant and underbuilt properties. The northernmost block of the rezoning area, Block 224, between Watts and Debrosses Streets, contains low-rise (two and five-stories) buildings which were previously used for parking and automotive-related uses but are now mostly vacant. The southwestern corner is used as a parking lot. Block 224 is owned by the applicant who proposes to construct a new residential building pending approval of this rezoning. Block 223, between Debrosses and Vestry Streets, is also relatively low-rise and underdeveloped. The block contains a restaurant, auto-related uses, a warehouse, and two buildings with live-work loft space.

In contrast to the two northern blocks of the rezoning area, the two southern blocks (Blocks 217 and 218) are already developed or in the process of being developed. Block 218, between Vestry and Laight Streets, contains a nine-story residential building on the northwest corner. Much of the remainder of the block is occupied by a new residential building, 256 West Street, also known as “River Lofts,” which was built pursuant to a BSA use variance (#180-95 BZ, November 14, 2000 and amendments). 88 Laight Street, a former two-story building recently expanded to nine, also sits on the block. A small parking lot occupies the southeastern corner of Washington and Laight Streets. The southernmost block, Block 217, between Laight and Hubert Streets, is occupied by a ten-story building converted to residential use and by an 11-story office building owned and occupied by Citigroup which also occupies the 40-story tower immediately south of the area of proposed rezoning.

The Tribeca North Historic District, designated by the New York City Landmarks Preservation Commission, covers several blocks northwest of the Holland Tunnel Rotary and affects two of

the blocks in the area of rezoning. The entire southernmost block in the area of the rezoning (Block 217), between Hubert and Laight Streets, is located within the historic district. The eastern portion of the block to the north (Block 218), bounded by Laight and Vestry Streets, is located within the historic district. No portion of Blocks 223 or 224 are within the historic district. There are no individual landmarks located within the area of the proposed rezoning. The nearest individual landmark is the Fleming Smith Warehouse, located at the southeast corner of Washington and Watts Street.

### **Special Tribeca Mixed Use District (TMU)**

The area of the rezoning is located within the Special Tribeca Mixed Use District (TMU). The TMU was created in 1976 in order to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting limited residential use to co-exist where such use was deemed compatible with existing light manufacturing and warehousing. The boundaries of the TMU are generally Canal Street on the north, West and Greenwich Street on the west, Murray Street on the south, and Broadway and Church on the east.

The TMU contains subareas: Areas A1, A2, and A3 in South Tribeca, south of the Holland Tunnel Rotary, and Areas B1 and B2 in North Tribeca. “A” Areas are generally more permissive for residential use than “B” Areas, but prescribe a number of use regulations to ensure an appropriate mix and size of uses to protect the character of Tribeca. Areas A1 and A3 control the size of ground floor uses and limits the size of retail except on wide streets: Chambers, Church, Greenwich, Hudson Streets and West Broadway.

The proposed rezoning is located in Area B2. In Area B2, new residential development is prohibited. New construction is allowed only for commercial or manufacturing uses. Conversion to residential use is allowed in Area B2, but with restrictions. Small buildings (buildings with less than 5,000 sf lot coverage) are allowed to convert as-of-right. Larger buildings may convert only by discretionary action from the City Planning Commission or, for landmarks or buildings within a historic district, the Landmarks Preservation Commission

In 1995, South Tribeca was rezoned from an M1-5 district to mostly C6-2A and C6-3A districts to allow for as-of-right residential construction. The TMU regulations for South Tribeca limit the density of the C6-2A to 5.0 FAR. North Tribeca is zoned M1-5, a light manufacturing district that allows a maximum FAR of 5.0 and a range of manufacturing and commercial uses. Other nearby zoning districts include the C6-4 (10 FAR) to the south along West Street, C6-2A (5 FAR) and C6-3A (7.5 FAR) to the southeast in the South Tribeca neighborhood, C6-2A (6 FAR) to the north and east (in Hudson Square and Chinatown) and M2-4 (5.0 FAR) in Hudson Square West.

## **REQUESTED ACTIONS**

### **Zoning Map Amendment**

The applicant is proposing to rezone the four blocks to better reflect the current mixed use character of the neighborhood by allowing new residential development. The proposed rezoning would change the current M1-5 (5.0 FAR) to C6-2A (6.0 FAR) and C6-3A (7.5 FAR). The four blocks would remain in the Special Tribeca Mixed Use District, though the special area designation would be changed from Area B2 to a newly created Area A4, and certain bulk and use regulations would apply.

The M1-5 district permits a wide range of light manufacturing and commercial uses, to a maximum of 5.0 FAR. The M1-5 is not a contextual district, and does not impose a limit on building heights. However, in the TMU, the M1-5 is required to follow regulations of the M2-4 district (also 5 FAR) which limit maximum streetwall height to 85 feet or six stories, whichever is less, and requires setbacks of fifteen feet on a wide street and twenty feet on a narrow street.

The proposed C6-2A and C6-3A districts are medium-density (contextual commercial zones equivalent to R8A and R9A districts) that allow for a range commercial, residential, retail and community facility uses. As certified, the applicant proposes that a C6-2A be mapped on the eastern end of the four blocks, for a depth of 85 feet from Washington Street, and that a C6-3A be mapped on the remainder of the blocks, to the western end fronting West Street. The C6-2A permits 6 FAR for commercial use, 6.02 for residential, and 6.5 for community facility. The C6-

3A allows an FAR of 6 for commercial use, 7.52 for residential use, and 7.5 FAR for community facility. Any existing uses not allowed in the proposed districts would be grandfathered and allowed to continue.

Both proposed districts require compliance with the bulk regulations of the Quality Housing program. In a typical C6-2A district, a building is required to have a streetwall between 60 feet to 85 feet in height, and a maximum building height of 120 feet. In a typical C6-3A, a building is required to have a streetwall height from 60 feet to either 95 feet on a narrow street or 102 feet on a wide street. The maximum building height in a C6-3A is 135 feet on a narrow street or 145 feet on a wide street. In both C6-2A and C6-3A districts, setbacks above the base are required: a minimum of 15 feet on a narrow street, and minimum of ten feet on a wide street. As described in the proposed text amendment below, the applicant is proposing a slightly enlarged bulk envelope for the C6-3A district.

By legalizing all existing residential uses, the proposed rezoning will achieve 100% use conformance. With respect to bulk, the proposed rezoning would double the rate of compliance from 21% to 41%. Presently, three of the older buildings along with the new residential condominium at 256 West Street do not comply with the 5.0 FAR maximum of the M1-5 district. The three older buildings will continue to be non-complying, but 256 West Street will be brought into compliance under the rezoning. The new building constructed at 88 Laight Street, which complies with existing bulk regulations in the M1-5 will be non-complying, as it will exceed the height limit for buildings on a narrow street.

### **Zoning Text Amendment**

In conjunction with the map amendment, the applicant requests amendments to Zoning Resolution Section 111-00, the Special Tribeca Mixed Used District (TMU). The text amendment would replace the existing Area B2 designation for the four blocks in the area of rezoning with a new Area A4, and would amend various sections of 111-00 to establish use and bulk regulations in the area of rezoning.

The proposed text amendment modifies the underlying bulk regulations to:

- Allow the streetwall of a building on West Street, a wide street, to reach a maximum height of 150 feet. (A typical C6-3A allows a maximum streetwall of 102 feet along a wide street.)
- Allow the height of a building on West Street to reach a maximum of 160 feet. (A typical C6-3A limits maximum overall building height to 145 feet along a wide street.)
- Allow, for zoning lots larger than 30,000 square feet, floor area and dwelling units to be distributed without regard to the C6-2A and C6-3A zoning district boundaries in order to encourage bulk to be located from Washington Street to West Street, a wider street.

The proposed text also extends the current use restrictions in Areas A1 and A3 of South Tribeca to this new Area A4. Where uses are allowed for wide streets in South Tribeca, they would be allowed on West Street in the rezoning area. Existing TMU regulations to be extended to Area A4 include:

- Use Groups 16 and 17 automotive and manufacturing uses will continue to be permitted, but certain such uses such as unenclosed car, boat, motorcycle and trailer sales and service stations will be prohibited.
- Certain large-scale entertainment uses such as movie theaters, bowling alleys, billiard halls, and larger retail establishments are also prohibited except for buildings which front on West Street.
- Ground floor spaces would not be able to be combined for retail use except in buildings that have frontage on West Street.
- Retail size will be limited to 10,000 square feet except in buildings fronting on West Street, where retail will be limited to 20,000 square feet.
- Eating and drinking establishments with entertainment and a capacity of more than 200 persons or any capacity with dancing are not allowed except on West Street, and in those cases only by special permit granted by the BSA.

### **Special Permit for Parking Garage**

The applicant also requests a special permit under Zoning Resolution Sections 13-562 and 74-52 to permit a 180-space public parking garage in a proposed new residential building to be

developed on Block 224, between Watts and Debrosses Streets. The development is intended to contain approximately 260,000 square feet of residential floor area and approximately 1,500 square feet of ground floor retail. The building would be constructed as-of-right, pending approval of the proposed rezoning and text amendment.

The garage is proposed to be located in the cellar, with ingress/egress provided by a 23-foot curb cut on Debrosses Street, on the southern side of the zoning lot, approximately 51 feet from West Street. Debrosses Street is a one-way, westbound street that feeds directly into a northbound lane of West Street. All 180 spaces would be provided in the cellar. Fifty-two of the 180 parking spaces would be conventional at-grade spaces, 128 spaces would be in two-car stackers, and ten spaces would be reservoir spaces. The proposed garage would be fully attended and operate 24 hours daily.

Cars accessing the garage from the south would exit West Street at Vestry Street (one block south of the site), travel one block and turn left onto Debrosses Street. From the north, cars would exit West Street at Watts Street (one block north of the site), travel two blocks eastwards, turn south on Greenwich Street, then turn west on Debrosses Street.

The proposed parking garage replaces a 43-space parking lot which serves a restaurant located on the block to the south, across Debrosses Street, and a variety of auto-related uses.

In order to approve the special permit, the City Planning Commission must make findings that the public parking garage will not be incompatible with or adversely affect growth and development of uses in the area; that the garage will not create or contribute to serious traffic congestion and will not duly inhibit surface traffic and pedestrian flow; that the garage is located in a way to draw the minimum of vehicular traffic to and through local streets and nearby residential areas; that such use has adequate reservoir space at the vehicular entrances; and that the streets providing access to the garage are adequate to handle traffic generated by the garage.



## **ENVIRONMENTAL REVIEW**

This application (C 040543 ZMM), in conjunction with the related applications (N 040544 ZRM 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.

The four blocks in this proposed rezoning and related text amendment were subject to an earlier version of the application submitted by the same applicant in 2004 which was subsequently revised in 2006. The 2004 application requested a rezoning of the four blocks from an M1-5 district to a C6-3A district. The 2004 application for text amendment, to the Special Tribeca Mixed Use District, would have allowed, among other things, a maximum building height of 210 feet along West Street. After a study of the potential environmental impacts of the subject application, a Positive Declaration was issued on February 24, 2004, which stated that the proposed action may result in significant adverse impacts related to urban design and visual resources, neighborhood character, and other aspects in the vicinity of the affected area.

In January 2006, the applicant revised the 2004 applications, proposing C6-2A (6 FAR) and C6-3A (7.5 FAR) districts for the four blocks and a reduced maximum building height of 160 feet along a wide street in the C6-3A portion. After a study of the potential environmental impact of the subject application (C 040543 ZMM), a Negative Declaration was issued on February 6, 2006, which included a restrictive declaration for hazardous materials and “E” designations for hazardous materials and noise.

To avoid the potential presence for hazardous materials impacts due to the presence of hazardous materials on the properties controlled by the applicant the full block property bounded by West, Washington, Debrosses, and Watts Street (Block 224, Lots 1, 3, 7, 8, 13, and 16) and 264-271/58-74 Vestry Street (Block 223, Lots 3, 5, 7, 9, 11, 12, 15, and 20) the applicant has agreed

via restrictive declarations to prepare hazardous materials sampling protocols including health and safety plans, which would be submitted to the DEP for approval.

To avoid the potential for hazardous materials impacts, the proposed map amendment includes “E” designations for hazardous materials on the following properties:

- Block 218, Lot 14 (414 Washington Street)
- Block 223, Lot 16 (428 Washington Street)
- Block 217, Lot 1 (250 West Street)

This “E” designation would require that the fee owner of such a site conduct testing and sampling protocol, and remediation where appropriate, to the satisfaction of the Department of Environmental Protection (DEP) before the issuance of a building permit by the Department of Buildings (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 be approved by DEP.

To avoid potential impacts associated with noise, as part of the proposed rezoning, “E” designation for noise will be placed on the following properties:

- Block 224, Lots 1, 3, 7, 8, 13 and 16 (full block property bounded by West, Washington, Debrosses and Watts Streets)
- Block 223, Lots 3, 5, 7, 9, 11, 12, 15, and 20 (property located at 264-271 West Street/58-74 Vestry Street)
- Block 217, Lot 1 (250 West Street)

In order to ensure an acceptable interior noise environment, this “E” designation requires that future residential uses on the above referenced properties must provide a closed window condition with a minimum of 40 dB (A) window/wall attenuation on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves

containing air conditioners or HUD-approved fans.

To avoid potential impacts associated with noise, as part of the proposed rezoning, “E” designation for noise will be placed on the following properties:

- Block 218, Lot 14 (414 Washington Street)

In order to ensure an acceptable interior noise environment, this “E” designation requires that future residential uses on the above referenced properties must provide a closed window condition with a minimum of 30 dB (A) window/wall attenuation on all facades 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 would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

A Technical Memorandum dated July 10, 2006, was prepared in connection with modifications to the applications for zoning and text amendments (C 040543 ZMM and N 040544 ZRM), discussed herein, and a Revised Negative Declaration was issued on July 10, 2006. The Technical Memorandum also considers whether the conversion of 250 West Street from office to residential use, which would be enabled by the Proposed Action, would affect the conclusions of the EAS. At the time the EAS was prepared, 250 West Street, which is owned and used by Citigroup, was not considered a potential development site. Recently, however, Citigroup has announced that it has entered into a contract to sell the building to a developer who intends to convert it to residential use. The proposed rezoning would allow this conversion to occur on an as-of-right basis so the Technical Memorandum analyzes the projected residential conversion of this building under the proposed rezoning. As indicated above, as part of the proposed rezoning, (E) designations for hazardous materials and noise will be placed on 250 West Street (Block 217, Lot 1). The Technical Memorandum confirms the conclusion of the EAS that the proposed actions would not result in any significant adverse impact.

## **UNIFORM LAND USE REVIEW**

This application for rezoning (C 040543 ZMM) and the related application for a special permit for a public parking garage (C 040545 ZSM), were certified as complete by the Department of City Planning on February 6, 2006, and duly referred to Community Board 1 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules. The application for the related text amendment (N 040544 ZRM) was referred for review and comment.

### **Community Board Public Hearing**

Community Board 1 held a public hearing on the application (C 040543 ZMM) and related applications (C 040545 ZSM and N 040544 ZRM) on March 21, 2006, and on that date, by a vote of 42 in favor, 0 opposed, and 0 abstaining, adopted a resolution recommending disapproval with the following comments:

“THEREFORE BE IT RESOLVED THAT: CB #1 strongly and unequivocally opposes the Parker Application (ULURP application) on the grounds that it is inappropriate for the area and untimely in light of the proposed rezoning of the entire northern portion of the Special Tribeca Mixed Use District, especially since this area will continue to undergo the cumulative impact of significant traffic, noise and other environmental effects of all the Lower Manhattan redevelopment projects (including the Route 9A project which will directly interact with the Parker site) and these effects should have been taken into account by City Planning in evaluating whether or not to issue a negative declaration, and

BE IT FURTHER RESOLVED THAT: If the Parker Application is not rejected at this time or postponed until after action is taken on the current proposed rezoning, we strongly recommend the following:

1) An EIS should be required to consider geo-technical and other environmental impact and to enable CB#1, City Planning Commission and elected officials an opportunity to reasonably consider the potential environmental impacts of the proposed increase in the number of permitted residential units due to the change of use and any increase in FAR, including but not limited to effects on the social infrastructure..., the physical infrastructure..., and traffic of the surrounding community as well as the potential negative environmental impact of demolition, pile driving, digging foundations, and other construction activities due to poor soil conditions and the shallow water table in the area proposed for rezoning, including dewatering and other potential damage to adjacent historical structures, and

- 2) The FAR for both the newly proposed C6-3A and C6-2A should be the same as the FAR applicable to the rest of the Tribeca Special Mixed Use District (namely 5.0) based on the precedent for a lower FAR than the standard C6-2A FAR established by the TMU in the southern part of the district, and
- 3) The applicant should not be permitted to (a) redistribute permitted floor area without regard to the district boundaries, (b) merge bulk in the C6-2A district bulk in the C6-3A building, or (c) to vary the standard set-back and height regulations for each district, and
- 4) The boundary line between the C6-3A and the C6-2A districts should be MID-BLOCK in order to bring more light and air to the narrow streets, and
- 5) The standard height limit of the C6-3A district should be maintained as is and not increased to the height requested by the Parker Application, and
- 6) The characteristics of the neighborhood context for deciding the bulk of the proposed area should be the surrounding historically designated Tribeca neighborhood and the former manufacturing buildings to the east and north and not the non-contextual Urban Renewal area to the south..., and
- 7) DCP should explain to CB#1 and elected officials how a 7.5 FAR was determined, considering that the entire C6-2A district in the Tribeca Special Mixed Use District is a 5.0, the current M1-5 Manufacturing FAR is 5.0 and all of the waterfront land northward up to the 14<sup>th</sup> Street is currently a 5.0 or 6.0, which even includes recently approved zoning changes in Hudson Square and the West Village, and
- 8) No “Large Scale Development” Zoning regulations should be permitted within the Tribeca Mixed Use Special District in this new area A4 and developers should not be permitted to merge development rights across any streets from one block to another, and
- 9) The Community Facility FAR should be equal to the Residential FAR in the Special District, and
- 10) Any changes to North Tribeca’s use groups proposed within the Parker Application would affect the Quality of Life of the neighborhood and must be studied carefully before any decisions are implemented, and

BE IT FURTHER RESOLVED THAT: CB#1 is very concerned about potential adverse traffic, environmental and quality of life impacts of any large scale destination commercial/retail establishment that would be permitted on the ground floor in the A4 area and opposes the proposed 20,000 square foot maximum per zoning lot as too large for the wide street and the 10,000 square foot maximum as too large for the side streets under the Parker Application, and

BE IT FURTHER RESOLVED THAT: CB #1 strongly urges that the New York City Landmarks Preservation Commission (LPC) review the Parker Application with a view to protecting all the historic structures within and 90 feet adjacent to the proposed rezoning area under the Parker Application, and

BE IT FURTHER RESOLVED THAT: CB#1 urges that LPC review and recommend modifications to the protection and monitoring plan proposed under the Parker

Application to comply in all respects with “Technical Policy & Procedure #10/88” of the DOB to reduce the risk of construction related damage to any such historic buildings, and

BE IT FINALLY RESOLVED THAT: CB#1 strongly opposes the application for Special Permit for a 180-car parking garage in the absence of an EIS covering the entire Study Area in which residential *uses* would be permitted under the proposed comprehensive rezoning proposal because the segmented scope of the traffic study and analysis of potential congestion does not reflect what will actually occur if residential *uses* are permitted or if a destination retail establishment is created on the ground floor of the four blocks that are the subject of the Parker Application.”

### **Borough President Recommendation**

This application (C 040543 ZMM) and related applications (C 040545 ZSM and N 040544 ZRM), were considered by the Borough President, who on May 17, 2006, issued a recommendation disapproving the applications with the following comment:

“The application represents a piecemeal proposal for an area that deserves comprehensive planning with meaningful input from the community. The subject properties should be rezoned as part of a comprehensive neighborhood-wide rezoning that includes the community in the planning process and fully and fairly evaluates potential environmental impacts.

It is appropriate to rezone Tribeca North to allow mixed use development. However, viewed on their own, and outside of the context of a larger rezoning, the proposed map and text changes permit and inappropriate development rights transfer mechanism, fail to plan adequately for the waterfront, permit uses that are potentially inappropriate for the area, and may have negative impacts on environmental conditions.”

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

On May 10, 2006 (Calendar No. 12), the City Planning Commission scheduled May 24, 2006, for a public hearing on the application for the rezoning (C 040543 ZMM), in conjunction with the related application for a zoning text amendment and special permit (N 040544 ZRM and C 040545 ZSM).

The public hearing was duly held on May 24, 2006 (Calendar No. 20), and at the hearing, there was one speaker, a representative of Manhattan Community Board 1, who requested a continuation of the public hearing to June 7, 2006, due to a lapse in internal board communications that resulted in inadequate notification of the City Planning Commission hearing to community board members and the general public. The request was granted by the

Commission and the hearing was continued on June 7, 2006 (Calendar No. 16). At the hearing held on June 7, 2006, there were 27 speakers in favor of and 31 speakers in opposition to the applications.

Speakers in favor of the proposal included representatives from the applicant, the Real Estate Board of New York (REBNY), nearby property owners, and several neighborhood residents and business owners.

The first speaker in favor, an attorney for the applicant, outlined the requested zoning actions and described the actions as a reasonable proposal that reflected existing built densities and building heights. He referred to certain buildings in the rezoning area built to 147 and 155 feet in height, and to densities greater than 6 FAR. He stressed that the applicant's proposal to allow transfer of floor area between zoning districts would result in bulk shifted away from Washington Street, a narrow street, to West Street, a very wide street.

A second representative for the applicant addressed the concern raised by the Community Board 1 and the Borough President that questioned the appropriateness of this private application for rezoning when the Department of City Planning was underway with a rezoning study of the greater North Tribeca neighborhood, covering the entire M1-5 district in the TMU. The representative stated that at the time the developer purchased the property in 2002, there was no rezoning study underway, and that instead of seeking a "piecemeal" discretionary action at the CPC or BSA to build residential on a single property as in the case of other developments in the area, this developer opted for a rezoning of four blocks that would update the zoning to reflect the neighborhood's current conditions in the neighborhood. He stated that the developer had worked four years without income on the property, to arrive at this proposal which it believed to reflect the general guidelines for the broader North Tribeca rezoning that Department of City Planning staff discussed with the Community Board in the fall of 2005. He pointed out that the developer had originally planned to seek a rezoning that would allow much larger buildings of 10 FAR and 210 feet tall along West Street. He concluded that the proposed text amendment would impose a height limit in an area that currently does not have such a restriction.

An attorney for a developer who is proposing a new building on the northwest corner of Washington and Laight Streets, within the area of rezoning, stated support for the rezoning applications, also referring to existing buildings in the neighborhood built at 6 FAR and greater. He stated that, without the subject rezoning, the project he represents would seek a variance at the BSA for 6 FAR, citing hardship due to subgrade conditions. He added that the project had been positively received by the Landmarks Committee of Community Board 1 and the Landmarks Preservation Commission.

An attorney for another developer who is in contract to purchase 250 West Street, the southernmost building in the proposed rezoning area owned and occupied by Citigroup, testified in support for a rezoning that would facilitate residential development in North Tribeca. In his testimony, the representative stated his client's intent to convert the approximately 300,000 square foot building from office use to residential condominiums. Under the proposed rezoning that conversion would be as-of-right, whereas conversion under the existing M1-5 TMU regulations requires a zoning special permit.

A representative for a long time property owner in North Tribeca, Ponte Equities, stated that it believed the proposed rezoning to be consistent with the uses and character of the neighborhood. Another representative of the same property owner expressed support and submitted letters of support from other Tribeca businesses.

The representative from REBNY testified that a rezoning of North Tribeca to allow for as-of-right residential development was long overdue and that the rezoning of these four blocks should be viewed as a precursor to a larger neighborhood-wide rezoning. He added that it was appropriate that these four blocks be treated differently than the rest of the neighborhood due to their location along the waterfront. He also stressed the importance of the City and the development community to deliver more residential units for the City's growing housing demand.

Many speakers in favor of the application were local residents and business owners, several identifying themselves as decades-long Tribecans. Several of these speakers expressed relief that



the transformation from manufacturing to residential use was finally reaching the westernmost blocks of Tribeca, and that new residential development would provide for a better connection to the waterfront than the current conditions. Some speakers spoke of the seemingly derelict and unsafe conditions on the waterfront, and of their hope to see increased levels of street life, retail, and public safety in a relatively unpopulated part of the neighborhood. One local resident expressed support for the applications while urging the Commission and builders to have more dialogue with the Landmarks Preservation Commission when discussing zoning and bulk envelopes.

Speakers in opposition to the proposal included the Manhattan Borough President, the Chairperson and other representatives of Manhattan Community Board 1, representatives for the Councilmember for the 1<sup>st</sup> District and the Assemblymember for the 66<sup>th</sup> Assembly District, representatives of local neighborhood groups, and several local residents and business owners.

The Manhattan Borough President acknowledged that the basic idea of allowing for residential construction in North Tribeca was correct. However, he opposed the applications on several grounds: that the rezoning of four blocks represented a “piecemeal” approach to planning since the Department was still underway in its own study and discussion with the community on a rezoning of the North Tribeca, that the applicant’s proposed as-of-right transfer of floor area between zoning districts would allow for lopsided distribution of floor area, and that the use regulations proposed for the area of rezoning would result in oversized establishments in the neighborhood.

The Chairperson of Community Board 1 testified in opposition to the applications, reiterating a number of concerns raised in the Board’s recommendation. She concurred with the Borough President that the area should be rezoned, but strongly objected to the proposed bulk and density, stating the maximum allowed density in the area should be limited to 5 FAR. She also objected to the timing of a private application moving in advance of the City’s comprehensive rezoning study and to the lack of an EIS for the applications. She questioned the potential impact of the increment of residential units on neighborhood services such as schools. She stated that the applicant painted an inaccurate picture of the area by referring to buildings that are outside the

immediate vicinity or the Special Tribeca Mixed Use. The Chairperson concluded with the Board's objection to the applicant's request for a special permit 180-space parking garage, citing unknown impacts on traffic in the neighborhood.

Another representative of the Community Board, the chair of the landmarks committee, testified that the size of the development proposed by the applicant was inappropriate given the sensitive historic nature of the area. He stated that while only portions of the area were within the Tribeca North Historic District, the entire area merited inclusion in the district. He added that the rezoning failed to give special consideration to the Fleming Smith Warehouse, an individual landmark located directly across the street from the rezoning area at Washington and Watts Streets. An occupant and owner of a restaurant located in the Fleming Smith Warehouse also spoke in opposition at the hearing, presenting material documenting the historic sensitivity of the building and his concern of effects of new development across the street.

A representative from The Tribeca Community Association testified that it did not oppose a rezoning, but that it wanted new buildings to be contextual with the neighborhood. It also reiterated calls for coordinated planning efforts between the private and public sectors. A traffic consultant retained by the community association questioned the findings in the applicant's EAS.

Representatives for the local Councilmember and Assemblymember opposed the rezoning on the basis that the area should have been part of a comprehensive rezoning proposal of the greater North Tribeca neighborhood, and echoed concerns raised by the Community Board and Borough President on the proposed bulk, density, and the as-of-right transfer of floor area across zoning district boundaries. The Chair of Manhattan Community Board 2 testified in support of CB 1's recommendation.

Many of the speakers in opposition identified themselves as residents and business owners of North Tribeca, several decades-long, and spoke about the special quality of the neighborhood, the historic loft buildings, adjacency to the river, and the relatively unobstructed visual access to the waterfront and to light and air afforded by the existing low-rise buildings on the waterfront blocks. A number of speakers described potential new development under the rezoning as a

“wall” on the waterfront. One local resident stated that a newly constructed building within the area of rezoning was built pursuant to a use variance granted by the Board of Standards and Appeals that allowed a building of 140 feet and questioned the applicant’s decision to exceed that height.

There were no other speakers and the hearing was closed.

## **WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW**

This application, in conjunction with those for 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, January 19, 2006.

## **CONSIDERATION**

The Commission believes that the proposed map amendment (C 040543 ZMM), as modified herein, to rezone a four block area of North Tribeca from an M1-5 to C6-2A and C6-3A districts, in conjunction with the related proposed text amendment, as modified herein, and the related special permit for a 180-space parking garage, are appropriate.

The Commission shares the belief, broadly held by the community board, local residents, business owners, and the real estate development community, that this area is ready for a rezoning. Manufacturing has been for decades on the wane in Tribeca. The current M district designation that prohibits new residential construction is obsolete. Today much of Tribeca is

home to residents, shops, restaurants, and offices, with only a scant presence of wholesalers and manufacturing uses.

The Commission believes that this rezoning and text amendment provide a critical opportunity to ensure that new development complements and enhances the built character of North Tribeca. Having carefully considered the applicant's proposal, testimony throughout the public review process, and recommendations from Department of City Planning staff, the Commission believes that while the basic thrust of the rezoning proposal is appropriate, some aspects of the proposal as set forth in the application could result in inappropriately shaped and scaled development and for that reason the application should be modified in certain respects. The Commission is confident that the applicant's proposal as modified herein will result in development that will both enhance the existing North Tribeca neighborhood and its stretch of the Hudson River waterfront.

### **Zoning Map Amendment**

The Commission believes that the proposed zoning map amendment, as modified, in conjunction with the related text amendment, also modified, is appropriate.

The Commission believes that the existing M1-5 zoning district, a manufacturing district, is obsolete and no longer reflects actual or best uses for the area. The M1-5 was mapped in 1961, at a time when there was still sizable presence of light manufacturing, warehousing, and truck distribution activities. The decline of these uses and other trends that established Tribeca as a loft-style residential area has been ongoing since the 1970s and has accelerated in the past decade. In addition to the land use mismatch of the existing zoning to current conditions, the M1-5 does not provide certain bulk controls that would help assure appropriately shaped and scaled buildings in the area. While the Special Tribeca Mixed Used District (TMU) regulations require that the M1-5 follow streetwall and setback regulations of the M2-4 district, it does not control the maximum height of buildings.

The Commission believes that a rezoning to medium density contextual districts that allows commercial and residential development and that prescribe specific bulk controls is appropriate.

The applicant has proposed a C6-2A district on the eastern portion of the blocks, mapped to a depth of 85 feet west of Washington Street, and a C6-3A district on the remaining portion of the block. In the related application for text changes to the TMU regulations, the applicant has proposed some variation from the standard C6-3A regulations that would allow for an increase in the maximum building height on a wide street from 145 feet to 160 feet, and an increase in the maximum streetwall height on a wide street from 102 feet to 150 feet. The applicant has further proposed, for zoning lots of at least 30,000 square feet, (such as the block it controls between Debrosses and Watts Streets), that floor area and dwelling units be allowed to be distributed as-of-right without regard to the zoning district boundary line.

The Commission heard from many speakers in opposition that the proposed rezoning and text change would result in oversized development that would obstruct views and light and air from the side streets towards the waterfront. The speakers also spoke out against what they believed would be a “wall” of development along the waterfront. The Commission agrees that maintaining open view corridors from the inland areas of the neighborhood towards the waterfront is critical. In its review of the applications, the Commission concluded that the application, as proposed, would not result in the best possible massing and urban design outcome in that new development could potentially overwhelm the side streets. The Commission believes that an adjustment of the size of development in the proposed C6-3A district in particular is necessary and is hereby making four modifications to the application.

The four modifications are: (1) a shift in location of the zoning district boundary, (2) a reduction in maximum allowed FAR in the C6-3A, (3) reduction in the maximum height of the streetwall in the C6-3A, and (4) elimination of the as-of-right transfer of floor area and dwelling units between the C6-2A and C6-3A zoning districts. The first modification is made to the map amendment while the remaining three are made to the text amendment.

#### Zoning District Boundary

The Commission heard testimony that in order to protect light and air on the side streets, the zoning district boundary between the proposed C6-2A and the C6-3A should be located at midblock rather than at 85 feet west of Washington Street. The Commission agrees that more

distance between the C6-3A and Washington Street is necessary to provide for more light and air. Moving the line to the midblock line as requested by the Community Board is not realistic given the slightly irregularly shaped trapezoidal blocks that range in width from 218 to 230 feet. The Commission believes that moving the line an additional 15 feet westward provides adequate distance between larger buildings proposed for West Street and those for Washington Street. The Commission herein modifies the map amendment to change the location of the zoning district boundary between the C6-2A and C6-3A from 85 feet west of Washington Street to 100 feet west of Washington Street.

### **Zoning Text Amendment**

The Commission believes that the proposed zoning text amendment (C 040534 ZRM), as modified herein, is appropriate.

### Density

The Commission heard testimony that the proposed 7.5 FAR and 6 FAR are too dense for any portion of North Tribeca and that the FAR should be limited to 5 FAR as in the case of the C6-2A mapped in South Tribeca. During its consideration of this issue, the Commission took into account the densities of the existing buildings in the rezoning area and vicinity, and the location of these blocks fronting onto a street that is wider than 200 feet and the waterfront. Several buildings on the two southern blocks of rezoning were built at densities above 6 FAR including 250 West Street, The Sugar Building at 79 Laight Street, and River Lofts at 256 West Street. Both the east and west sides of Washington Street include buildings built at densities greater than 5 FAR and even 6 FAR. The Commission also notes that a 6 FAR building has been proposed for the northwest corner of Laight and Washington Streets, within the rezoning area, and that the project was positively received by the Landmarks Preservation Commission and the Landmarks Committee of Community Board 1, and received a letter of support from the local council member. A representative for the developer of this building stated that it would be seeking a BSA Variance due to hardship imposed by subgrade conditions. Given these facts, the Commission believes that these four blocks of rezoning can and should accommodate more than 5 FAR.

In assessing what would be the appropriate density for these blocks, the Commission also looked to densities in nearby waterfront areas, other C6-3A areas in South Tribeca, and examined whether the urban design massing resulting from the proposal would be appropriate for these blocks. The Commission notes that other zoning districts that allow residential use along the Hudson River waterfront south of West 14<sup>th</sup> Street, namely the C1-6A and C1-7 districts, have maximum FAR of 6 FAR. The Commission acknowledges that a C6-4 (10 FAR) zoning district is contiguous with the southern boundary of the proposed rezoning area, but that that district and the high-rise developments in it were part of the Washington Market Park Urban Renewal Plan that targeted specific sites for large scale development. The Commission also notes that the other C6-3A district in South Tribeca is located around the intersection of Chambers Street and Broadway which is more heavily trafficked and better served by public transit. Based on these considerations, the Commission believes that the requested 7.5 FAR in the C6-3A district is too high.

The Commission came to the same conclusion when reviewing the requested FAR in terms of massing and urban design. The Commission shares the concern with the several speakers in opposition that a “boxy,” block-long building on West Street, and perhaps two such buildings, would be an undesirable massing for the waterfront. In order to allow for increased flexibility in massing and to prevent the bulky form on these blocks, the Commission believes that the maximum density for developments in the C6-3A portion should not be the full 7.5 FAR as normally allowed in a C6-3A district. The Commission is confident that a reduced FAR, in conjunction with two bulk modifications described below, will result in appropriately shaped and scaled development. The Commission herein modifies the text amendment to change the maximum density in the C6-3A district from 7.5 FAR to 6.5 FAR.

### Bulk

The Commission is concerned that a streetwall of 150 feet in height along West Street, which would be permitted to wrap around the side streets for a depth of 100 feet, obstructs too much of the view corridors along the side streets towards the waterfront. The Commission believes that requested variation in the maximum height of the streetwall in the C6-3A is not warranted. The typical maximum streetwall height in a C6-3A along a wide street is 102 feet. In order to protect

views and allow for increased light and air on the side streets, the Commission herein modifies the text amendment to change the maximum streetwall height in the C6-3A district from 150 feet to 102 feet.

With respect to the maximum building height along West Street, the Commission is satisfied that the maximum building height of 160 feet, only 15 feet taller than the standard maximum building height in a C6-3A district along a wide street, is appropriate. The 160 feet height limit is approximate to the height of The River Lofts building at 256 West Street, which was built pursuant to a BSA variance to a height of 159 feet, and which the Commission and others in the community believe fits well within the neighborhood. The Commission notes that the requested additional 15 feet increase in height is modest and would allow slightly increased flexibility for architectural expression to prevent the potential “wall” effect along West Street.

The Commission believes that the proposed C6-2A zoning district and the standard 60 to 85 feet high streetwall and 120 feet maximum building height are appropriate for the area of rezoning fronting on Washington Street and does not recommend any modification to the C6-2A bulk envelope.

#### Transfer across zoning district boundary

The Commission heard concerns expressed by the Community Board Chairperson and the Borough President that the as-of-right ability for zoning lots greater than 30,000 square feet to transfer floor area across a zoning district boundary would result in oversized developments on West Street. While the Commission understands that the intent of the transfer was to move density away from the narrow, lower-scaled Washington Street to a much wider West Street, it believes that the FAR and bulk envelope prescribed by the modifications discussed above reflect the appropriate maximum level of development on the east and west portions of the blocks. To ensure that appropriate densities and bulk configurations of the C6-2A and C6-3A district will remain on respective portions of the blocks, the Commission herein modifies the text amendment to eliminate the as-of-right ability to transfer floor area and dwelling units without regard to the zoning district boundary.



The Commission is confident that the four modifications described above will result in development that is appropriately shaped and scaled for these waterfront blocks in North Tribeca.

### Use Regulations

During the public review process, the Commission heard testimony in opposition to the applications that the proposed use regulations that allow larger retail and restaurant establishments (up to maximum of 20,000 square feet on a wide street) is inappropriate in that those establishments would be too large, out of character, and create quality of life concerns for North Tribeca.

First, the Commission notes that currently there is no size restriction for retail uses along West Street in the area of rezoning, and that the proposed text introduces a cap on size. Second, the Commission notes that the proposed A4 use regulations are the same that apply to existing areas A1 and A3 in South Tribeca and that those use regulations have not inhibited the development of a strong presence of smaller scaled shops and restaurants, and that these places exist not only on the side streets, but also on the wide streets where the more liberal, though still capped, size regulations apply. South Tribeca is a premier destination for shopping and dining in establishments of a variety of sizes. Finally, the Commission notes that eating and drinking establishments with entertainment for 200 persons or more, or any establishment with dancing would continue to be restricted and allowed only by special permit of the Board and Standard and Appeals. Based on these considerations, that Commission believes the proposed use regulations for the new Area A4 are appropriate.

### **Planning Process and Environmental Review**

During the review process, the Commission heard testimony from several speakers including the Borough President and the Chairperson of Community Board 1 that this private application for rezoning of four blocks represented a “piecemeal” and improper approach to planning given that the Department of City Planning had not yet concluded its rezoning study and discussions with the community. Some speakers challenged the legality of the private application, alleging a case of “spot zoning.”

The Commission does not believe that the advancement of this private application separate from a City proposal for a broader area anticipated at a later date is inappropriate. The Commission believes that a rezoning of these four blocks has merit and a clear planning purpose distinct from the considerations that will guide a future rezoning of the larger surrounding area. The Commission notes that these four blocks are clearly unique within the greater North Tribeca neighborhood in that they make up almost the entire waterfront of the Special Tribeca Mixed Use District. (Only five blocks out of the sixty blocks in the TMU front onto West Street and the waterfront. The fifth block, between Watts and Canal Streets, is different in that it fronts onto the Holland Tunnel exit from West Street.) Two out of the four rezoning blocks are underutilized or vacant, conditions which are incongruous with the Hudson River waterfront south of 14<sup>th</sup> Street which is experiencing a surge of renewal with new buildings in Tribeca, Hudson Square, and in the Village, and with the major renovations and improvements to the Hudson River Park. In the Department's discussions with the Community Board in the fall of 2005, it had been acknowledged that the proposed zoning districts for the waterfront blocks would likely be different than the inland blocks given their location and frontage on a wide street. Moreover, the Commission has been advised by Department staff that while it is still in discussions with the community on a zoning framework for the North Tribeca neighborhood, it has closely examined the urban design and planning effects of this private application vis-à-vis its own detailed study of the area and believes that the application as modified would not undermine the direction or objectives of a future rezoning of the larger area.

As to the claim of spot zoning, the Commission notes that the proposed rezoning of four M1-5 blocks to C6-2A and C6-3A is consistent with zoning patterns along the waterfront to north and to the south, in areas where residential use is appropriate. The proposed districts provide transition from the existing C6-4 immediately to the south of the rezoning area to the existing C1-6A, C1-7, and C1-7A districts located further north along the waterfront edge of the Village. (Hudson Square, still active with a range of light manufacturing uses, is zoned M2-4 and M1-5, though a part of that neighborhood was recently rezoned to C6-2A.) The Commission notes that the rezoning affects almost the full length of waterfront blocks in the TMU, and that the map and

text amendments impose the same regulations on each of the four blocks within the area of rezoning and affect a number of properties and owners.

During the public review process, the Commission heard testimony that the application was advancing “illegitimately” since the application should have required an Environmental Impact Statement rather than an Environmental Assessment Statement. Some speakers questioned the “substitution” of a Positive Declaration issued by the Department of City Planning in 2004 with a Negative Declaration in January 2006.

The Commission notes that the Positive Declaration was issued primarily on the basis that the original proposed maximum building height on West Street of 210 feet was significantly taller than other buildings in the area. The application was later revised. When the applicant submitted a new application in 2006, it reduced the overall FAR across the four blocks and reduced the maximum height of buildings on West Street by 50 feet, to a maximum of 160 feet. Given that the new maximum building height was nearly the same height as an existing building in the area of rezoning (256 West Street), the previously identified potential impact on urban design and neighborhood character was eliminated. All required reviews of the EAS were completed by relevant agencies and no potential negative environmental impacts were identified in any category of the EAS including historic resources, urban design and visual resources, community facilities and services, and traffic. Hence, a Negative Declaration was issued.

At the Public Hearing, the Commission heard testimony that a building within the area of rezoning, 250 West Street, an approximately 300,000 square feet building owned and occupied by Citigroup was currently undergoing a sales transaction, and that the new owner planned to convert the building from office to residential use. At the time the EAS was prepared for these applications, this information was not known and 250 West Street had not been identified as a projected site for residential development. The number of projected residential units in the EAS had indicated a total of 623 units. (The Commission notes that this is a conservative number, meaning far more units are projected in the EAS than will likely be delivered since the standard dwelling unit size of 850 square feet per unit for new construction and 1,000 square feet per unit for conversions used for environmental review purposes is significantly smaller than actual and

expected size of apartments in Tribeca.) Using the 1,000 square feet per unit rate for conversion, the conversion of 250 West Street would result in an additional 287 units. Coupled with Commission's modification to reduce FAR in the C6-3A district from 7.5 to 6.5 FAR as discussed above, the total number of additional residential units in the rezoning area with the action is now projected to be 836 units. A Technical Memorandum on the EAS, dated July 10, 2006, considers the CPC modifications and the probable conversion of 250 West Street and confirms the conclusion of the EAS and the Negative Declaration that the proposed actions would not result in any significant adverse impacts.

### **Zoning Special Permit – Public Parking Garage**

The Commission believes that the special permit (C 040545 ZSM) to allow a 180-space public parking garage is appropriate.

The site of the parking garage is located in the northwest corner of Tribeca, adjacent to West Street, a major north-south artery serving the west side of Manhattan. The site currently contains several low-rise buildings and a 43-space surface parking lot. The public parking garage would be developed as part of a proposed 308-unit residential building, to be built as-of-right replacing the existing uses, pending approval of the related map and text amendments. The rezoning would allow a range of commercial and residential uses, at medium density. The Commission notes that the proposed garage will provide public parking for residents and workers in the area as well as for visitors to the stores and restaurants in the Tribeca neighborhood. The Commission also notes that the parking garage will significantly increase the supply of off-street parking and help meet the demand from existing and future residents.

The Commission notes that the access to and from parking garage would be via a 23-foot curb cut located approximately 51 feet east of West Street. Since the principal entrance to the building and retail space is proposed front on Washington Street, access to and from the garage will not likely interfere with pedestrian traffic to the building. The surrounding streets are presently not heavily used by pedestrians and currently operate at the Level of Service A. The EAS prepared for this application examined that potential impact of the related zoning changes and found that there would be no significant increase in the pedestrian flow on these blocks or a decrease in the

level of service. The Commission also notes given the sites proximity to West and Canal Streets, that all traffic traveling to and from the garage will travel short distances on the local side streets.

According to the EAS, the incremental increase in traffic resulting in the new parking garage would not significantly alter the traffic conditions on surrounding streets. The EAS concluded that there would be a maximum of 44 additional trips occurring the morning peak hours between 8 and 9 am. Finally, the Commission notes that required 10 spaces of reservoir parking has been provided, and that cars will be able to queue off-street.

In conclusion, the Commission believes that the applicant's proposal for map and text amendments, as modified above, and the special permit parking garage, is appropriate and will result in development that will enhance the western edge of the North Tribeca neighborhood.

## **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 Sections 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 No.12a,

1. changing from an M1-5 District to a C6-2A District property bounded by Watts Street, Washington Street, Hubert Street, and a line 100 feet westerly of Washington Street; and

2. changing from an M1-5 District to a C6-3A District property bounded by Watts Street, a line 100 feet westerly of Washington Street, Hubert Street, and West Street;

within the Special Tribeca Mixed Use District, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated February 6, 2006, modified by the City Planning Commission, on July 12, 2006, and subject to CEQR Designation E-162.

The above resolution (C 040543 ZMM), duly adopted by the City Planning Commission on July 12, 2006 (Calendar No. 11), 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**