



CITY PLANNING COMMISSION

September 19, 2007/Calendar No. 12

N 070394 ZRY

IN THE MATTER OF an application submitted by 150 Charles Street Holdings, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York relating to Article I, Chapter 5, Section 15-41 (Enlargements of Converted Buildings) to permit the modification of applicable open space and height factor requirements for enlargements of residential conversions of non-residential buildings.

This application for an amendment of the Zoning Resolution was filed by 150 Charles Street Holdings, LLC on March 20, 2007. The proposed text amendment would modify Section 15-41 to allow for a waiver of the open space requirements contained in Section 15-12 (Open Space Equivalent) for the portion of a building being converted to residential use; and to allow the maximum FAR to be achieved on the subject site irrespective of the site meeting its required height factor or open space requirements.

RELATED ACTION

In addition to the text amendment which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 070395ZAM Authorization pursuant to Section 15-41 to facilitate the enlargement and residential conversion of a non-residential building

This application was revised on September 17, 2007, to reduce the number of proposed units in the development, revise and reduce the amount of open space provided, and make additional miscellaneous corrections.

BACKGROUND

Zoning Text Amendment

The text amendment would modify Section 15-41 to allow for a waiver of the open space requirements contained in Section 15-12 (Open Space Equivalent) for the portion of the building being converted to residential use; and to allow the maximum FAR to be achieved on the subject site irrespective of the site meeting its required height factor or open space requirements.

Within Manhattan, CDs 1 - 6, Brooklyn, CDs 1, 2, 6, and 8, and Queens, CDs 1 and 2, conversions of non-residential buildings are subject to the provisions of Article 1, Chapter 5 of the Zoning Resolution. Within these community districts, the applicability of Article 1, Chapter 5 is further limited to non-residential buildings built prior to 1961 in residential or commercial districts other than C7 or C8. These regulations permit an open space equivalent to be placed on the roof of the building to be converted. Enlargements, however, must provide open space in compliance with the open space ratio provisions of height factor zoning which do not allow the open space to be located on the roof of a residential portion of a building. In the event of a building that is subject to provisions of Article 1, Chapter 5 and undergoing both a conversion *and* an enlargement, the enlarged and converted portions of the building are each required to provide a certain amount of on-site open space.

It may be difficult for many of the buildings which characterize the areas subject to the provisions of Article 1, Chapter 5, to provide the required open space. These buildings are typically full lot coverage structures which do not have available space at ground level to provide the required open space. At the same time, the open space required for the enlarged portion of the building may not be located on the roof of the converted portion of the building. The existing zoning provisions would therefore essentially require that a property owner demolish the underbuilt existing structure and construct a new building in order to utilize all of the available FAR and provide the required open space. The subject height factor zoning provisions would result in a slender tower set back from the street line, which, while being complying may be out of context with the surrounding area.

The proposed text amendment would allow the City Planning Commission to authorize the waiver of open space requirements for the portion of a building to be converted to residential use and the maximum floor area ratio permitted on a zoning lot without regard to the height factor and open space ratio requirements that would otherwise be required by the underlying district designations. As proposed, the Commission would be required to find that the open areas on the zoning lot are of sufficient size to serve the residents of the building, that the open areas are accessible to and usable by all residents of the building, and that the open areas have appropriate access, circulation, seating, lighting, and paving. In addition, the Commission must find that the site plan includes superior landscaping for all open areas, including the planting of street trees.

The proposed modifications would be limited to the zoning districts and community districts listed in Article 1, Chapter 5, and defined earlier in this report. In addition, the applicability of the proposed text would be restricted to existing buildings undergoing a residential conversion in conjunction with an enlargement. The text would therefore only pertain to the conversion of buildings which are underbuilt and would therefore have excess floor area available for the construction of an enlargement. In addition, the proposed text would not apply to buildings which are enlarged pursuant to the Quality Housing regulations since there are no height factor or open space ratio requirements in Quality Housing.

Requested Authorization (N 070395 ZAM)

The requested authorization would facilitate the conversion and enlargement of an existing four-story warehouse building located at 303 West 10th Street. The throughblock building is on a block bounded by West 10th Street, Charles Street, Washington Street, and West Street, and has 257 feet 9 inches of frontage on Charles Street and 237 feet 4 inches of frontage on West 10th Street. The 180,746 square foot, four-story building occupies the entire 47,493 square foot site and has a FAR of 3.8. The existing building at 303 West 10th Street is built to the lot line on all sides, without setbacks. The site is located in a C1-7 district which allows a maximum residential FAR of 6.02 and a maximum commercial FAR of 2.0.

The building is located in the Far West Village portion of lower Manhattan. The area's 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 more distant residential past. 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, and more recent, taller buildings, including the three 17-story glass and steel residential buildings on West Street between Charles and Perry streets designed by Richard Meier.

The Far West Village was the subject of a Department of City Planning-sponsored contextual downzoning in 2005 (C 060006 ZMM) to allow for the continued development of residential buildings, but at a density and form that would be more consistent with the existing scale of the neighborhood.

The proposed development would remove the portion of the fourth story of the existing building which faces onto West 10th and Charles streets and would construct two 11-story stepped towers atop the northeast and southeast portions of the existing building for a total of 15 stories that would be approximately 178 feet in height. These two towers would be joined by a nine-story connecting portion. Two five-story sections would be added on to the northwest and southwest portions of the existing building. Following this addition of the two towers and the internal configuration of the existing building, the proposed project would result in an enlargement of approximately 99,463 square feet of floor area, a total building floor area of approximately 280,209 square feet, and a FAR of 5.9.

The project would contain 97 residential units as follows: a row of ten four-story, single family maisonette units would be developed within the westerly portion of the existing warehouse structure along both Charles and West Streets and 87 apartment units would be developed within

the tower addition. The façade of the existing building would be altered to provide for individualized entries, stoops, and window boxes for the maisonette units. Above the third floor of the maisonettes, the streetwall would be set back to allow for the development of 7,318 square feet of private garden terraces. The two towers to be constructed on top of the eastern portion of the existing building would be set back thirty feet from the streetwall.

The two areas facing West 10th and Charles Streets would contain a total of 5,560 square feet of open space which would be planted and would be available to all residents of the building.

Behind the maisonette units approximately 43,304 square feet of floor area would be removed from the interior portion of the existing warehouse to create a common courtyard and open space of approximately 5,330 square feet that would also be available to all residents of the development. In total, the development would provide 18,208 square feet of open space, of which 10,890 square feet would be available to all residents of the development.

The building would contain a below-grade parking garage with 12 attended accessory parking spaces. The garage would be accessed by two new curb cuts which would be created midblock on West 10th and Charles streets. The West 10th Street curb cut would have a width of 32 feet, excluding splays, and the Charles Street curb cut would have a width of 29 feet 6 inches, excluding splays.

ENVIRONMENTAL REVIEW

This application (N 070394 ZRY) 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 07DCP059M. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 25, 2007.

PUBLIC REVIEW

On April 25, 2007, this application was referred to Manhattan Community Boards 1 through 6, Brooklyn Community Boards 2 and 8, Queens Community Boards 1 and 2, the Manhattan Borough President, the Brooklyn Borough President, the Queens Borough President and the Manhattan, Brooklyn, and Queens Borough Boards for information and review in accordance with the procedure for referring non-ULURP matters.

Community Board Review

Manhattan Community Board 1: On June 12, 2007 Community Board 1 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 25 in favor and 0 opposed and 0 abstentions.

Manhattan Community Board 2: On June 21, 2007 Community Board 1 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 36 in favor and 0 opposed and 0 abstentions.

Manhattan Community Board 3: On June 26, 2007 Community Board 3 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 39 in favor and 0 opposed and 1 abstention on condition that:

DCP will closely scrutinize the modification to ensure that (1) it will be consistent with contextual zoning and (2) it will not have any currently unforeseen adverse effects

Manhattan Community Board 4: On June 6 2007 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 39 in favor 0 opposed and 0 abstentions.

Manhattan Community Board 5: On June 14, 2007 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 36 in favor, 0 opposed and 0 abstentions.

Manhattan Community Board 6: On June 13, 2007 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 43 in favor, 0 opposed and 0 abstentions.

Brooklyn Community Board 2: On June 13, 2007 failed to adopt a resolution in favor of the proposed text amendment by a vote of 9 in favor, 16 opposed and 5 abstentions.

Brooklyn Community Board 8: On June 14, 2007 adopted a resolution unanimously in favor of the proposed text amendment by a vote of 36 in favor, 0 opposed and 2 abstentions.

Queens Community Board 1: Community Board 1 did not submit a recommendation.

Queens Community Board 2: Community Board 2 did not submit a recommendation.

Borough President Reviews

The Borough President of Brooklyn issued a recommendation approving the application on June 26, 2007. The recommendation included the following comment:

While the proposed text provides wonderful opportunities for developers and communities for non-contextual zoning districts, it is unfortunate that such Authorization would not be applicable to contextual districts as well. Greenpoint, Williamsburg and Prospect Heights have its share of contextual districts that contain such buildings. It is possible that DUMBO and Gowanus may contain such contextual districts should they be rezoned to permit housing. Therefore should the Department of City Planning pursue contextual rezonings for these neighborhoods, it should give consideration as to whether modification of this Authorization be made applicable to contextual districts that serve these communities.

The Borough Presidents of Manhattan and Queens did not submit recommendations.

Borough Board Reviews

The Brooklyn, Manhattan and Queens Borough Boards did not submit recommendations.

City Planning Commission Public Hearing

On July 25, 2007 (Calendar No. 9), the City Planning Commission scheduled August 8, 2007 for a public hearing on this application (N 070394 ZRY). The hearing was duly held on August 8, 2007 (Calendar No. 36) and was continued to August 22, 2007 (Calendar No. 16). On August 8, 2007, there were three speakers in favor and none opposed.

The applicant's representative briefly described the project. The architect for the project described the process which led to the design and massing of the proposed building. The speaker described the building's open space concept and noted that the intention had been to provide 'green' terraces throughout the building.

A representative of the Manhattan Borough President expressed the Borough President's general support for the proposed text amendment and provided several comments on the application. He

expressed concern that the proposed text would replace what had been a quantitative assessment with a qualitative assessment. The representative also expressed the Borough President's comment that the applicability of the waiver should be limited to fifty percent of the required open space and to limit the waiver to buildings in excess of 5,000 sf. In addition, the Borough President requested that a planting requirement be added to the text, that the subject area be referred to rooftop recreation space rather than open space and that the City Council be allowed to call-up such authorizations.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed amendment to Section 15-41 (Enlargements of Converted Buildings) to permit the modification of applicable open space and height factor requirements for enlargements of residential conversions of non-residential buildings is appropriate.

The Commission believes that the Authorization permitted by Section 15-41 would act as a significant preservation tool by allowing greater flexibility in the conversion and enlargement of non-residential buildings in non-contextual districts that are R6 to R9 equivalents, which are subject to height factor zoning and are currently governed by Article I, Chapter 5. These buildings are typically high lot coverage, high streetwall buildings which are characteristic of the formerly industrial neighborhoods in which they are located.

The Commission notes that the existing provisions implicitly create conflicts in areas developed with full lot coverage buildings such as those which are located in many of the areas subject to Article 1, Chapter 5. A property owner would be unable to construct a complying residential enlargement of an underbuilt full-lot coverage building undergoing conversion since there is no

possibility of providing the required open space on the zoning lot. Instead, an owner could choose to demolish the structure and develop a height-factor building which would likely be out of context in the areas subject to these provisions. The Commission believes that proposed text amendment would provide an alternative means of development on applicable sites by allowing for the preservation of underbuilt buildings seeking to enlarge.

The Commission notes that the text includes a finding pertaining to there being sufficient open space on the site. The Commission believes that this requirement would ensure that proposals which would apply for the proposed open space waiver would continue to meet the open space needs of the subject development.

Requested Authorization

The Commission believes that the requested authorization is appropriate. The Commission notes that, in contrast to the current proposal which retains the existing full lot coverage building while utilizing the permitted floor area, the as-of-right alternative would need to comply with the height factor and open space requirements of Section 23-142 of the Zoning Resolution (Open Space and Floor Area Regulations in R6, R7, R8 or R9 Districts). In order to maximize the available FAR, the existing building would need to be demolished and replaced by a tall, narrow tower with a small footprint and a large amount of open area. A complying building could be as tall as 321 feet in height, or 31 stories, could be set back from the streetline, and could meet the open space requirements of Section 23-142 through the provision of at-grade plazas.

While there is no predominant building form within the immediate neighborhood, the area is characterized by the presence of a streetwall at the street line. The townhouses, loft buildings, and mid-rise residential buildings which comprise the overwhelming majority of buildings in this area all contribute to this strongly identifiable area characteristic. The Commission believes that height factor regulations which encourage the construction of tall, slender buildings surrounded by open space would result in a building form which would be incompatible with the character and configuration of this portion of the Far West Village. The Commission finds that that the

building form which would result from the utilization of the proposed authorization at this site would result in a building far more in context than an as-of-right tower constructed pursuant to height factor regulations.

The Commission finds that the total amount of open area to be provided in the proposed building, 18,408 square feet, would serve the residents of the building. The Commission notes that the proposed spaces would be distributed throughout the building, ensuring easy access to open space to all residents of the development. The Commission notes that the central courtyard area, as well as the recreation spaces on the rooftop terraces on the north and south ends of the building would be wheelchair accessible and will comply with New York City and New York State requirements on access for persons with disabilities. In addition, the Commission notes that landscape lighting would allow the use of the courtyard in the evening hours. The Commission further notes that the seating areas which would be distributed throughout the open areas would be designed to accommodate large or small groups and support privacy and quiet or social interaction. The Commission notes that the pathways would be paved with materials designed to reduce slipperiness in all weather and that these pathways would be lit so as to reduce glare and “light pollution” at night.

The Commission finds that the site plan includes superior landscaping throughout the development, including the planting of street trees. The Commission notes that the central courtyard would be planted with native trees, lawn areas and perennial flower gardens and would include a reflecting pool. The building lobby would contain a large glass wall facing onto the central courtyard which would allow the courtyard to be enjoyed from the lobby sitting areas during periods of inclement or cold weather. Similar to the courtyard, the recreation spaces on the rooftop terraces on the north and south ends of the building would also be planted with trees, perennial gardens as well as trellised plantings. The Commission notes that planted areas, including terraces on multiple levels, would account for more than fifty percent of the site area, and will provide more than a half acre of new green space on the block. In addition, the Commission notes that thirteen street trees would be planted; including six trees on Charles

Street and seven trees on West 10th Street. The difference in the number of trees is due to the difference in the length of the project's frontage on the two streets.

The Commission finds that the enlarged building will not adversely affect structures or open space in the vicinity in terms of scale, location, and access to light and air. As stated above, the Commission notes that the surrounding area consists of a mix of building types and heights. The Commission believes that the enlarged building, which retains the existing streetwall while enlarging the building through the addition of two towers designed to minimize their visual impact through a series of setbacks, would be in context with the surrounding area and as such, would not adversely affect structures or open space in the vicinity in terms of scale, and location. The Commission notes that the stepped design of the two towers minimizes possible impacts from the building in terms of access to light and air. Further, the Commission notes that the shadows that would be cast by the project would be minimal and of short duration. In addition, the Commission notes that existing taller buildings nearby on West Street and Washington Street cast shadows that are greater than what would be cast by the proposed building.

The Commission acknowledges that revisions have been submitted that would revise the layout and reduce the amount of the open space provided. The Commission believes that the proposed changes do not substantively alter its findings related to the compatibility of the proposed building with the surrounding area; the sufficiency of the open areas for the residents of the building; the superior nature of the proposed landscaping, including the planting of street trees; or the effect of the proposed building on structures or open space in the vicinity in terms of scale, location, and access to light and air. The Commission notes that several additional corrections were made to reflect further refinement of the building design and interior layout and that these changes do not affect the massing of the proposed building and do not affect any height or setback diagrams included in the application for authorization.

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 ~~strike out~~ is old, to be deleted;

Matter within # # is defined in Section 12-10 (DEFINITIONS)

*** indicates where unchanged text appears in the Resolution

Chapter 5

Residential Conversion of Existing Non-Residential Buildings

15-00

GENERAL PURPOSES

* * *

15-01

Applicability

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the conversion to #dwelling units# of non-#residential buildings# or portions thereof, erected prior to December 15, 1961, shall be subject to the provisions of this Chapter. In addition, in Manhattan Community District 1, in the area south of Murray Street and its easterly prolongation and the Brooklyn Bridge, the conversion to #dwelling units# of non-#residential buildings#, or portion thereof, erected prior to January 1, 1977 shall be subject to the provisions of this Chapter. Existing floor space used for mechanical equipment and not counted as #floor area# in non-#residential buildings# built prior to January 1, 1977 may be converted to #dwelling units# under the provisions of this Chapter.

However, the conversion to #dwelling units# of non-#residential buildings# that meet all the

requirements for new #residential development# of Article II (Residence District Regulations) and are located in R4, R5, R6, R7, R8, R9, R10, C1, C2, C3, C4, C5 or C6 Districts is exempt from the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the applicable zoning districts remain in effect.

New #developments# or #enlargements# shall be in accordance with the applicable requirements of Article II and ArticleII, except as provided by authorization pursuant to Section 15-41 (Enlargements of Converted Buildings).

* * *

15-02
General Provisions

15-021
Special use regulations

* * *

(c) In M1-5 and M1-6 Districts...

* * *

Where the Chairperson of the City Planning Commission has determined that #floor area# was occupied as #dwelling units# on September 1, 1980, and where such #dwelling units# are located in a #building# which, on the date of application to the Department of City Planning under the provisions of this Section, also has #floor area# which is occupied by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), the Chairperson may permit that any #floor area# in the #building# be used for #dwelling units# provided that:

* * *

- (2) any #use# listed in Section ~~15-50~~ 15-60 which is located on #floor area# to be used for #dwelling units# has been offered a new or amended lease within the #building#, with a minimum term of 2 years from the date of application, at a fair market rental for the same amount of #floor area# previously occupied, and such lease is not subject to cancellation by the landlord;

* * *

15-025

Double glazed windows

All #dwelling units# in #buildings# which contain one or more #uses# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES) and converted under the provisions of this Chapter shall be required to have double glazing on all windows. However, #dwelling units# occupied by #residential# tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

* * *

15-10

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

* * *

15-12

Open Space Equivalent

At least 30 percent of the gross roof area of a #building# containing 15 #dwelling units# shall be developed for recreational use. For each additional #dwelling unit#, 100 square feet of additional roof area shall be developed for recreational use, up to a maximum of 50 percent of the gross roof area. This recreational area shall be accessible to all the occupants of said #building# and their guests. No fees shall be charged to the occupants or their guests. The provisions of this Section may be modified pursuant to Section 15-30.

* * *

15-20

REGULATIONS GOVERNING CONVERSIONS TO DWELLING UNITS OF NON-RESIDENTIAL BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

* * *

15-21

Use Regulations - Transfer of Preservation Obligations and Conversion Rights

* * *

15-211

Floor area preservation

The amount or configuration of #floor area# to be preserved may be modified in accordance with the provisions of Section 15-215 (Modification for existing dwelling units).

The amount of #floor area# to be preserved for permitted #commercial# or permitted #manufacturing uses# shall be in accordance with Table I of this Section, if the #floor area# to be converted is located in a C6-2M or C6-4M District, and in accordance with Table II of this Section, if the #floor area# to be converted is located in a M1-5M or M1-6M District, unless modified by the City Planning Commission pursuant to Section ~~15-44~~ 15-51. Such #floor area# shall be comparable to the #floor area# to be converted, as required by Section 15-213.

* * *

15-212

Reduced floor area preservation

Notwithstanding the provisions of Section 15-211, Table I as set forth in this Section may be substituted for Table I in Section 15-211, and Table II in this Section may be substituted for Table II in Section 15-211 governing the amount of #floor area# to be preserved, provided that such preserved #floor area# will be occupied by a #commercial# or #manufacturing use# that has been in occupancy for two years prior to the application for a certification under the provisions of Section 15-21 or by a #use# listed in Section ~~15-50~~ 15-60(REFERENCED COMMERCIAL AND MANUFACTURING USES), and subject to the following conditions:

- (a) Where the preserved #floor area# is occupied by an existing #commercial# or #manufacturing use# for two years immediately preceding the date of application for a certification under Section 15-21, or where the preserved #floor area# is occupied by a #use# listed in Section ~~15-50~~ 15-60, the landlord shall present a lease, signed by both the landlord and such tenant, and certified as recorded by the Office of the City Register of

New York County.

* * *

- (b) Where the preserved #floor area# is occupied by any such #use# for two years immediately preceding the date of application under Section 15-21, and such occupant is the owner of said #floor area#, the Chairperson of the City Planning Commission shall require that the certificate of occupancy designate the preserved #floor area# for a #use# listed in Section ~~15-50~~ 15-60 for a period of 5 years from the date of such certification.
- (c) Where the preserved #floor area# will be occupied by a #use# listed in Section ~~15-50~~ 15-60 but no such tenant is yet occupying the #floor area#, the owner shall covenant to preserve such #floor area# for a #use# listed in Section ~~15-50~~ 15-60, in the legal commitment required pursuant to Section 15-214.

* * *

15-30
MINOR MODIFICATIONS

* * *

15-40
AUTHORIZATION

15-41
Enlargements of Converted Buildings

In all #commercial# and #residence districts#, for #enlargements# of non-#residential buildings# converted to #dwelling units#, the City Planning Commission may authorize the following:

- (a) A waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# converted to #dwelling units#; and
- (b) The maximum #floor area ratio# permitted pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements.

In order to grant such authorization, the Commission shall find that:

- (1) The #enlarged building# is compatible with the scale of the surrounding area;
- (2) Open areas are provided on the #zoning lot# that are of sufficient size to serve the residents of the #building#. Such open areas, which may be located on rooftops, courtyards, or other areas on the #zoning lot# shall be accessible to and usable by all residents of the #building#, and have appropriate access, circulation, seating, lighting and paving;
- (3) The site plan includes superior landscaping for all open areas on the #zoning lot#, including the planting of #street trees#, and
- (3) The #enlarged building# will not adversely effect structures or #open space# in the vicinity in terms of scale, location and access to light and air.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

~~15-40~~ 15-50
SPECIAL PERMIT

~~15-41~~ 15-51
Residential Conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts

In C6-1G, C6-2G, C6-2M, C6-4M, M1-5M and M1-6M Districts, the City Planning Commission may permit modification of the requirements of Sections 15-021 paragraph (e), or 15-21 in accordance with the provisions of Sections 74-711 (Landmark preservation in all districts) or 74-782 (Residential conversion in C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

~~15-50~~ 15-60
REFERENCED COMMERCIAL AND MANUFACTURING USES

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The above resolution (M 070394 ZRY), duly adopted by the City Planning Commission on September 19, 2007 (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 G. CANTOR, P.E., ANGELA CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, BETTY CHEN, RICHARD W. EADDY, LISA A.GOMEZ,
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