

CITY PLANNING COMMISSION

May 24, 1995/Calendar No. 29

C 940309 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 200 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12a and 12b:

- 1) changing from a C6-4 District to a C6-2A District property bounded by:
 - a) Walker Street, Broadway, White Street, Franklin Place, Franklin Street, a line 150 feet west of Broadway, Worth Street, Church Street, Leonard Street, a line 150 feet west of Church Street, White Street, and Avenue of the Americas; and**
 - b) Thomas Street, Church Street, Duane Street, a line 150 feet west of Broadway, Reade Street, and a line 150 feet west of Church Street;****
- 2) changing from a C6-4 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street;**
- 3) changing from a C6-4 District to a C6-4A District property bounded by White Street, Lafayette Street, Worth Street, Broadway, Chambers Street, a line 150 feet west of Broadway, Franklin Street, and Franklin Place;**
- 4) changing from an MI-5 District to a C6-2A District property bounded by:
 - a) Warren Street, a line 150 feet west of Church Street, Murray Street, and a line perpendicular to the south street line of Warren Street distant 125 feet east of the intersection of the south street line of Warren Street and the east street line of Greenwich Street; and**
 - b) North Moore Street, West Broadway, Walker Street, Avenue of the Americas, White Street, a line 150 feet west of Church Street, Leonard Street, West Broadway, a line 125 feet north of Worth Street, a line 50 feet east of West Broadway, a line 100 feet north of Worth Street, a line 125 feet east of West Broadway, Worth Street, a line 150 feet west of Church Street, Reade Street, and Greenwich Street;****
- 5) changing from an MI-5 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Church Street, Warren Street, a line perpendicular to the south street line of Chambers Street distant 125 feet east of the intersection of the south street line of Chambers Street and the east street line of Greenwich Street, Chambers Street, a line perpendicular to the north street line of Chambers Street distant 100 feet east of the intersection of the north street line of Chambers Street and the east street line of Greenwich Street, a line midway between Chambers Street and Reade Street, and a line perpendicular to the south street line of Reade Street distant 125 feet east of the intersection of the south street line of Reade Street and the east street line of Greenwich Street; and**
- 6) establishing a Special Lower Manhattan Mixed Use District bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street;**

within the Special Lower Manhattan Mixed Use District, Borough of Manhattan, Community District I, as shown on a diagram (for illustrative purposes only) dated December 19, 1994 and subject to the conditions of CEQR Declarations E-60 and E-61.

The application for an amendment of the Zoning Map was filed by the Department of City Planning on December 30, 1993, to change from C6-4 and M1-5 districts to C6-4A, C6-3A and C6-2A districts in the area generally bounded by N. Moore, Walker and White streets on the north, Broadway and Lafayette Street on the east, Murray Street on the south and Greenwich Street on the west.

RELATED ACTION

In addition to the amendment to the Zoning Map, which is the subject of this report, implementation of the proposal requires action by the City Planning Commission on the following application which is being considered concurrently with this application:

N 940310 ZRM An application for amendments to the Zoning Resolution pertaining to the regulations of Article XI, Chapter 1, the Special Lower Manhattan Mixed Use District, including Section 111-02 (General Provisions), Section 111-03 (District Map), Section 111-10 (Special Use Regulations), Section 111-20 (Minor Modifications) and Appendix A (Special Lower Manhattan District Map).

BACKGROUND

The Department of City Planning is proposing to change the zoning district designations for a 45-block portion of the Tribeca and Civic Center areas of Lower Manhattan and amend the special zoning regulations and boundaries of the Special Lower Manhattan Mixed Use District (LMM). The proposed zoning changes incorporate recommendations developed with Manhattan Community Board 1 as part of the Planning Department's Lower Broadway/Lower Manhattan Mixed Use District Study. This study, which transpired through three Mayoral administrations, involved numerous workshops and briefings with community board members and neighborhood residents, as well as technical assistance provided by the staff of the Manhattan Borough President's Office. The rezoning proposal constitutes a comprehensive zoning strategy for the

Tribeca neighborhood south of N. Moore and Walker streets, which recognizes that this area has evolved into a vibrant mixed use community. This rezoning proposal seeks to guide future growth in a way that complements the area's land use trends, physical features and historic character.

The principal goals of the proposed rezoning are:

- to create a transition from the higher density Downtown Central Business District and Civic Center areas to the loft character of Tribeca and the LMM area;
- to reinforce existing building contexts by requiring street walls for new construction and complement the Landmarks Preservation Commission's individual and historic district designations within the area;
- to permit infill residential construction in the rezoned LMM area; and
- to promote a range of as-of-right uses which reflects the existing land use mix and trends toward a broad scope of business, artisan, and residential uses with supporting services.

The first and second goals pertain to the bulk and envelope of buildings within the rezoning area. Most of the area's structures are high lot coverage, street wall commercial buildings dating from the mid to late nineteenth century and early twentieth century. Owing to their historic materials and architectural character, a significant number of buildings have been included as part of the Tribeca West, Tribeca East and Tribeca South historic districts, which encompass all or portions of 28 blocks in the rezoning area. The rezoning proposal achieves the first two goals by utilizing a variety of contextual zoning designations which respond to the area's built fabric.

The third and fourth goals seek to reinforce a broad mix of uses which are an intrinsic part of the area's character. More than two-thirds of the land within the rezoning area is occupied by commercial office and residential uses, especially loft dwellings. Offices have traditionally been part of the area's mercantile mix, with some of the earliest office buildings being constructed by

consortiums of textile firms which once proliferated here; the return of residential uses to the area has been a more recent phenomenon. In 1970, 270 persons lived within the rezoning area. By 1990, this neighborhood contained more than 4,400 residents, many of whom invested generous amounts of sweat equity in creating dwellings in formerly non-residential buildings. In addition, as goods handling and other shipping-related uses relocated from the area, a new cast of entrepreneurial commercial uses, such as caterers, graphic designers and film production, found the neighborhood conducive to their needs. The rezoning proposal would support these new uses, as well as goods handling and production uses, by expanding the boundaries of the LMM District, amending the use regulations for the district and changing the underlying zoning in the southern portion of the district from M1 to C6.

The Department of City Planning's Lower Broadway/Lower Manhattan Mixed Use District Study report, issued in 1992, presented an extensive examination of land use, employment, demographic trends and built characteristics in the Lower Broadway/LMM area. The proposed zoning map and zoning text amendments build upon the analyses presented in the study report and embody zoning strategies for the particular needs of subareas within the rezoning area and these are described below.

The Lower Manhattan Mixed Use District: The LMM District south of N. Moore Street has undergone a tremendous transformation since the district regulations were enacted in 1976. Through provisions which allowed the conversion of non-residential buildings, loft dwellings now are the predominant use in this portion of the special district. Concurrently, industrial and warehousing uses have declined in the area and new creative and arts-oriented commercial uses have been attracted here. The study report noted that in the third quarter of 1989, uses in the southern portion of the LMM District classified as manufacturing establishments by Standard Industrial Classifications (SIC codes) consisted of 19 establishments with 164 employees. Conversely, the C6-4 district just to the east contained nearly 50 establishments with 836 employees.

In the LMM District, the proposed zoning map amendment would rezone two areas in the southern portion of the special district from an underlying M1-5 district to an underlying C6-2A

district. M1-5 is a light manufacturing district which allows commercial, semi-industrial and industrial uses. M1-5 zoning regulations allow a floor to area ratio (FAR) of 5 for new commercial or light manufacturing developments and up to 6.5 FAR for certain community facilities which require a City Planning Commission special permit. New residential buildings are not permitted in M1-5 zones, but conversion of upper floors of existing buildings to residential loft dwellings is possible within the LMM District. C6-2A is a contextual district designed to be mapped within areas of the city consisting of a mix of commercial and residential uses. The maximum FAR is 6.02 for residential uses, 6 for commercial uses and 6.5 for community facility uses. For the purposes of the C6-2A rezoning, new LMM regulations will set a maximum FAR at 5 for all uses.

The first rezoning area is bounded by Reade Street, Greenwich Street, North Moore Street, West Broadway, Walker Street, Avenue of the Americas (Sixth Avenue), White Street, a line 150 feet west of Church Street, Leonard Street, a line along West Broadway measuring 75 feet in length, a line drawn perpendicular measuring 50 feet in length, a line drawn perpendicular measuring 25 feet in length, a line drawn perpendicular measuring 75 feet in length, a line drawn perpendicular measuring 100 feet in length, Worth Street and a line 150 feet west of Church Street. The second area consists of portions of two blocks bounded by Warren Street, a line 150 feet west of Church Street, Murray Street and a line drawn perpendicular from a point on Warren Street 125 feet east of Greenwich Street.

The C6-2 A zoning designation more accurately reflects the existing mix of loft dwelling and entrepreneurial business uses and allows new as-of-right residential development. The rezoning would support and allow for the growth of a wide range of creative and arts-related enterprises, such as film production centers, art and dance studios, architecture and design offices, caterers, picture framers, custom upholsterers, etc. In addition, amendments to the LMM regulations, discussed later in this report, would allow certain new goods handling and light manufacturing uses, liberalize home occupation regulations, and eliminate zoning restrictions on loft dwelling and retail uses in certain ground and second floor locations.

Chambers Street Corridor: Chambers Street is the most important crosstown corridor within the southern LMM area. Traversing from the Municipal Building at its eastern end to the Hudson River Park at Battery Park City on its western end, it links traffic travelling across Lower Manhattan from the Brooklyn Bridge to Route 9A at West Street. It also serves as an important mass transit node, possessing four subway stations in the stretch between Centre Street and West Broadway. Given its location and transit infrastructure, Chambers Street acts as a transition area between the Civic Center and Downtown Central Business District (CBD) areas east and south of it and the LMM and Tribeca areas north of it. Current zoning, however, does not provide for a transition, but instead creates a dichotomy where the eastern end of Chambers Street between Broadway and a line 150 feet west of Church Street is designated C6-4 and allows new high rise tower developments of 10 FAR bonusable to 12 and the portion just to the west in the LMM District with underlying M1-5 zoning which allows 5 FAR of commercial or manufacturing use.

The western end of Chambers Street in the LMM District (at Greenwich Street) was rezoned in 1984 from an underlying M1-5 district to an underlying C6-3 district with a maximum FAR of 7.52 and contextual bulk controls in the LMM regulations. Since then four new residential developments with ground floor uses have been built along Greenwich Street in the C6-3 portion of the LMM, successfully integrating themselves into the neighborhood's fabric.

The proposed map amendment would build upon this earlier rezoning and unify Chambers Street by expanding the boundaries of the LMM District and mapping a C6-3A district in the area bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, a line 150 feet west of Church Street, Warren Street, a line drawn perpendicular from a point on Chambers Street 125 feet east of Greenwich Street, Chambers Street, a line drawn perpendicular from a point on Chambers Street 100 feet east of Greenwich Street, the center line of the block, and a line drawn perpendicular from a point on Reade Street 125 feet east of Greenwich Street. The C6-3A district would allow a maximum 7.52 FAR for residential, commercial or community facility uses and special bulk controls would mandate a minimum street wall height of 60 feet and set a maximum street wall height equivalent to either 85 feet or the height of an adjoining building with a height of at least 60 feet, whichever is less. The maximum building height would be 135 feet.

Upper Church Street Corridor: Over the past twenty years, Church Street between Reade and Walker streets and adjacent cross streets have experienced an appreciable upgrading of properties through either the conversion of loft spaces to dwelling units or the reuse of these spaces by an evolving mix of commercial enterprises. In December 1992, much of this area was included in the designations of the Tribeca East and Tribeca South historic districts.

The corridor's existing C6-4 zoning regulations allow a commercial FAR of 10.0, which is bonusable to an FAR of 12 if a large plaza or arcade is provided. Residential developments may also have an FAR of 10.0, bonusable to an FAR of 12 if a large plaza, arcade, or lower-income housing is provided. In 1991, a 52-story residential development with 440 apartments, known as Tribeca Tower, was completed at 105 Duane Street.

Similar to the zoning proposed for the LMM district, a C6-2A district would replace the C6-4 district in two areas along Church Street. The first rezoning area is bounded by Church Street, Leonard Street, a line 150 feet west of Church Street, White Street, Avenue of the Americas (Sixth Avenue), Walker Street, Broadway, White Street, a line 150 feet west of Broadway, and Worth Street. The second area is bounded by Reade Street, a line 150 feet west of Church Street, Thomas Street, Church Street, Duane Street, and a line 150 feet west of Broadway.

The rezoning of these portions of Church Street will reinforce the midrise street wall character of the area's loft buildings by requiring all new construction to provide a street wall of up to 85 feet; reduce the maximum bulk for residential and commercial development from 12 FAR to 6 FAR and for community facilities from 12 FAR to 6.5 FAR; and retain existing use controls which allow a mix of loft conversion and commercial uses.

Broadway Corridor: Broadway has traditionally functioned as Lower Manhattan's preeminent commercial thoroughfare. Although the buildings along Broadway evoke a variety of its commercial incarnations, ranging from its retail and dry goods trading preeminence in the mid-nineteenth century to its contemporary role as the western edge of the Civic Center area, late nineteenth century and early twentieth century office buildings predominate. These buildings, with their 130-foot to 250-foot high street walls and often prominent cornice lines, create a

notable physical context. The existing zoning along Broadway from Chambers Street to White Street is C6-4 which allows commercial or residential FARs of 10.0, bonusable to an FAR of 12 if a large plaza or arcade is provided, or, for residential developments, if lower-income housing is provided.

The proposed zoning map amendment would rezone the area bounded by Broadway, Chambers Street, a line 150 west of Broadway, White Street, Lafayette Street, and Worth Street from a C6-4 district to a C6-4A district. This zoning designation will reinforce the high rise street wall character of the area's buildings by requiring all new construction to provide a street wall with a maximum building height of 125 to 150 feet; reduce the maximum bulk for new commercial construction from 12 FAR to 10 FAR by eliminating the plaza bonus; and maintain existing use controls to support current land use trends, such as commercial office expansion related to the Civic Center area and the emergence of a residential community in the northern part of the Broadway Corridor.

Revised LMM Zoning Regulations: The LMM District is a special purpose district whose special regulations are set forth in Article XI, Chapter 1 of the Zoning Resolution. The LMM District regulations supplement or supersede those of the zoning districts on which it is superimposed. The LMM District was created in 1976 to regulate and guide the introduction of residential uses in the Tribeca area, and to legalize already converted units. Both loft dwellings and Joint Living-Work Quarters for Artists (JLWQAs) are allowable uses in conversions. Currently, the underlying zoning of much of the special district is M1-5, a light manufacturing district. Portions of the LMM are also zoned C6-3 and C6-4, both of which are general central commercial districts.

Under the proposed rezoning, the portion of the district below N. Moore Street would generally have its underlying zoning changed from M1-5 to C6-2A, with a two-block wide segment from Reade to Warren streets having underlying C6-3A zoning and the boundaries of the district being extended eastward to a line 150 feet west of Broadway between Reade and Murray streets. A corresponding set of revisions to the regulations of the LMM District are also proposed. The proposed amendments to the LMM regulations recognize the evolved character of the area since

the district was created and seek to support the mixed use community which residents and property owners have created in Tribeca. The proposed amendments will insure appropriate protections from inappropriate uses, while streamlining the regulatory environment of the area.

Among the proposed LMM text changes are the following, listed in sequential order:

- a) Section 111-02 contains new, more flexible home occupation regulations. Floor area limitations are removed; the number of non-resident employees is increased from one to three; and the range of home occupations is expanded to include any permitted commercial or manufacturing use, subject to the provision that the use shall not include the sale of merchandise produced elsewhere.
- b) Section 111-03 is amended to include a sixth subarea -- Area A4 -- to reflect the expanded Chambers Street portion of the LMM District.
- c) Section 111-101 is amended to remove regulations prohibiting loft dwellings, JLWQAs and other dwelling units from being located below the floor level of the second story in Areas A1, A2 and A3.
- d) Section 111-102 is amended to remove regulations in Area A1 for side street buildings (buildings not fronting on Chambers, Greenwich, Hudson or West Broadway) which limit ground floor uses to wholesale, business service, warehouse and light industrial uses (Use Groups 7, 9, 11, 16, 17A, 17B, 17C and 17E). New regulations will stipulate that ground floor spaces in separate buildings with side street locations in Areas A1 and A4 may not be combined for community facility, hotel and retail uses (Use Groups 3, 4, 5 and 6).
- e) Section 111-103 includes new text in paragraph (a)(1) to allow in Areas A1 and A4 new warehousing, semi-industrial and light industrial uses in Use Groups 16 and 17, with prohibitions on certain inappropriate uses. Paragraph (a)(2) contains new regulations that prohibit entertainment uses (including discos and theaters), department store and large retail uses, as well as prisons, from locating in side street buildings in Areas A1 and A4.

Paragraph (a)(3) further restricts retail uses in Areas A1 and A4 by imposing, for buildings fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, a 20,000 square foot maximum per zoning lot for retail uses (Use Groups 6A, 6C and 10A), including retail cellar space, unless allowed by City Planning Commission special permit in Section 111-40. In buildings fronting on other streets, the as-of-right maximum floor area for retail uses is 10,000 square feet per zoning lot. This paragraph also stipulates that separate buildings on separate zoning lots may not be combined for these retail uses.

- f) Section 111-103, paragraph (c), maintains the requirement that certain eating and drinking establishments, including those of any capacity with dancing, are allowed in the LMM only by the Board of Standards and Appeals (BSA) special permit provided in Section 73-244 of the Zoning Resolution. This paragraph is amended, however, to add two findings that the BSA must make in granting the special permit. The first finding is that primary ingress and egress may only be located on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway. The second finding is that no portion of the subject use may be located more than 100 feet from the listed streets.
- g) Section 111-104, paragraph (a), notes that the regulations applicable to a C6-2A district apply in Area A1 except that the maximum floor area ratio allowed on a zoning lot is 5.0 for all uses.
- h) Section 111-104, paragraph d, includes the special regulations for Area A4. This text sets the maximum floor area ratio allowed on a zoning lot at 7.52 for all uses and establishes street wall location and height regulations to complement the built fabric. New construction would generally have to provide a street wall at the street line rising to a minimum height of 60 feet along all frontages. The maximum street wall height would be 85 feet or the height of an adjacent building between 60-85 feet, whichever is less. Above this height, a setback of 10 feet on wide street frontages and 15 feet on narrow street frontages would have to be provided, and the maximum building height would be 135 feet.

- i) Section 111-105 is amended to remove the requirement that The City Planning Commission authorize museum and non-commercial art gallery uses in Area A1. These would now be allowed as-of-right pursuant to the regulations of the C6-2A district.
- j) Section 111-40 establishes a special permit mechanism through which the City Planning Commission may permit retail establishments to exceed 20,000 square feet of floor area per zoning lot in Areas A1 and A4. In granting this special permit, the Planning Commission must find that the use will not impair the essential character or future use of the surrounding area and that the streets will be able to handle the traffic generated by the subject use. These regulations are based upon the existing special permit in Section 74-922 of the Zoning Resolution whereby the Planning Commission may permit department stores and certain large retail uses to exceed 10,000 square feet in M1 districts.
- k) Appendix A (Special Lower Manhattan District Map) is amended to include revised boundaries for the LMM District and Areas A1, A4 and B2.

Lastly, the proposed zoning map amendment entails certain environmental considerations for site specific conditions. These would be noted on the zoning map as E designations. An E designation for underground storage tanks would be added to Block 140, Lot 5. Due to the possible presence of underground storage tanks containing petroleum products on this site, there is the potential for contamination of the soil and groundwater by existing or past leakage from the tanks. This E designation would require the fee owners of the property to determine if contamination exists and to perform any necessary remediation prior to developing the site, thus avoiding the potential for significant adverse hazardous materials impacts.

To protect future residents from high ambient noise levels in the vicinity of the projected and potential development sites, the proposed zoning map amendment incorporates several E designations for noise. The E designations would require future development at specific locations to provide window/wall attenuation and alternate means of ventilation. Pursuant to the E designations, future construction on Block 187, Lot 16 would be required to provide a closed

window condition with a minimum of 30 dB(A) window wall attenuation. Future construction of three parcels -- Block 140, Lot 5; Block 137, Lot 10; and Block 136, Lot 16 -- would be required to provide a minimum of 35 dB(A) window wall attenuation. Future development on Block 179, Lot 1 would be required to provide a minimum of 40 dB(A) window wall attenuation.

ENVIRONMENTAL REVIEW

This application (C 940309 ZMM), in conjunction with the application for the related zoning text amendment application, 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 95DCP010M. The lead agency is the City Planning Commission.

After a study of the potential environmental impact of the proposed actions, a negative declaration was issued on December 19, 1994.

UNIFORM LAND USE REVIEW PROCEDURE

This application (C 940309 ZMM), in conjunction with the application for the related zoning text amendment, was certified as complete by the Department of City Planning on December 19, 1994, and was duly referred to Community Board 1 and the Borough President in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 1 held a public hearing on this application (C 940309 ZMM), in conjunction with the application for the related zoning text amendment, on January 19, 1995, and, on February 21, 1995, by a vote of 28 to 3 with two abstentions, adopted a resolution recommending approval of the applications with certain modifications proposed for the LMM text amendment. In its resolution, the board made the following recommendations:

- "1. Certain uses inadvertently included in the new LMM district must be excluded: toxic dry cleaning plants (Use Group 16D), and prisons (UG 8D); all permitted retail uses over 10,000 square feet (UG 6, UG 10), and eating and drinking places

with dancing (UG 12A) should be removed from main streets as well as side streets; adult uses should not be permitted within 500 feet of a school (public or private) or a church.

2. Anywhere in the LMM, properties adjacent to, or directly or diagonally across the street from, an historic district shall be required to come under the jurisdiction of the Landmarks Preservation Commission to ensure fit with the historic nature of the neighborhood.
3. The maximum FAR available to a community facility should be restricted to 5 anywhere in the LMM, and overnight (bed) facilities should require a Special Permit.
4. In a C6-3A district, through-block development sites should have a minimum 60-foot street wall on all street fronts.
5. We urge the DCP to explore ways to allow the live-work conditions of loft dwellings to be created in new residential buildings."

Borough President Recommendation

This application (C 940309 ZMM), in conjunction with the application for the related zoning text amendment, was considered by the Borough President of Manhattan who, on March 27, 1995, issued a recommendation approving the applications subject to the following conditions:

1. That new construction in the C6-3A district for Chambers Street meets a "minimum street wall requirement of 60 feet on all through-block sites;"
2. That "the City Planning Commission require a follow-up traffic study of the Chambers Street area as a condition of its approval;"
3. That "the City Planning Commission reexamine the ability of superstores to locate on wide streets;"
4. That "the City Planning Commission reconsider the permitting of discos within the LMM at all;"
5. That "the allowable density of new community facilities in the LMM (be restricted) to 5 FAR;" and
6. That "dry cleaning plants (Use Group 16D) and prisons (Use Group 8D) should be excluded" from the LMM.

City Planning Commission Public Hearing

On April 12, 1995 (Calendar No. 6), the City Planning Commission scheduled April 26, 1995, for a public hearing on this application (C 940309 ZMM). The hearing was duly held on April 26, 1995 (Calendar No. 14), in conjunction with the public hearing on the application for the related zoning text amendment.

There were 22 speakers in favor of the applications, eight speakers in opposition, four persons who wished to be recognized in support of the applications but did not speak, and a representative of a New York State Senator who did not take an overall position on the applications. The hearing was closed.

Those speaking in opposition included a representative of a New York State Assemblymember, a former chairperson of Community Board 1, a consultant for the Tribeca Community Association, a co-operative apartment president and four area residents. The Assemblymember's representative read a statement which supported the "proposal to downzone parts of eastern Tribeca," but contended that changing "the LMM south of N. Moore Street to a commercial zone contradicts the original intentions of the special district..." Most of the other speakers in opposition expressed support for the rezoning in eastern Tribeca, but voiced concerns about rezoning in the LMM leading to increased commercial activity and displacement of manufacturing and art-related uses. One speaker read a letter prepared by her husband, an artist, who claimed that he already had to forgo renting a ground floor studio in the LMM because of rent increases. Another speaker noted that her husband, a computer software designer, was a successful Tribeca entrepreneur whose business began in their loft and has since relocated to Broadway.

The representative of a New York State Senator read a statement which did not take a final position on the rezoning, but applauded the collaborative process involved in developing the proposal, with input provided by a cross-section of community leaders and organizations and various elected officials. The statement raised "doubts" about the prospect of reducing the presence of manufacturing in the area, but moreover called for a maximum limit on retail uses of 5,000 square feet, "without amendments or loopholes."

Those speaking in favor included the Manhattan Borough President, a New York City Councilmember, the Chairperson of Community Board 1, a former chairperson of Community Board 1, several other community board members, a block association chairperson, a cooperative apartment president, two architects, as well as artists, property owners and neighborhood residents. In her comments, the Borough President reiterated her concerns about the size of retail uses in the LMM and retaining the ability to allow discos along primary streets in the LMM by BSA special permit, although she noted that the additional special permit findings should further limit the siting of new discos in Tribeca. Most of the other speakers in support of the rezoning also expressed concerns about retail size and felt that discos should be prohibited from locating in the LMM District. The City Councilmember proposed limiting retail uses to 10,000 square feet and not allowing larger retail uses by special permit. Many others concurred with this suggestion. One speaker requested that, if discos were to be banned in the LMM District, they should also be prohibited in eastern Tribeca. Another resident from eastern Tribeca contended that zoning linked to the scale of existing buildings would maintain the integrity of the neighborhood, and she added that her block had a successful mixed use character and a commercial (C6) zoning designation. Several residents in the LMM district noted the difficulty of obtaining mortgage financing under the current regulations.

CONSIDERATION

The Commission believes that this amendment of the zoning map is appropriate.

The Commission believes that the zoning map amendment and corresponding zoning text amendments represent a comprehensive and balanced zoning plan for the Tribeca neighborhood below N. Moore and Walker streets. These amendments respond to specific neighborhood conditions and concerns, which have arisen as the area has, over the last quarter century, undergone a gradual, yet dynamic transformation from a warehousing and distribution district to a vital mixed use community. The Commission notes that while an array of technological and economic factors have influenced these land use changes, zoning has, nonetheless, provided a regulatory framework. In considering the zoning map and text amendments, the Commission has reviewed the experience of the existing zoning controls.

The Commission notes that the current zoning splits the neighborhood in two, with the eastern half having a high density commercial and residential zoning designation of C6-4, and the western section being part of the Special Lower Manhattan Mixed Use District (LMM), with an underlying medium density commercial and manufacturing designation of M1-5. This dichotomy, however, is increasingly inconsistent with evolving land use patterns, particularly the well-established trend for loft conversions throughout the area. In the LMM District, neighborhood services, community facilities and various creative entrepreneurial enterprises are inhibited from contributing to the area's synergy, while certain potentially noxious and incompatible uses could set up operations. The current zoning split also fails to reflect the neighborhood's architecturally distinctive built fabric, dividing midblock areas within the boundaries of the Tribeca East and Tribeca South historic districts.

The Commission believes that the zoning map and text amendments appropriately and progressively revise the zoning framework in the area, providing opportunities for new development while maintaining and enhancing Tribeca's distinguishing qualities. The Commission finds that the contextual zoning designations suit the physical scale and form of the area's structures. Along Broadway, the C6-4A district will reinforce the corridor's role as the western edge of the Civic Center and the prominent, high street wall character of its office buildings. Elsewhere, the C6-3A and C6-2A districts will require new buildings to be built along the street line and provide loft-like street walls, with maximum heights of 60-85 feet. The Commission notes that most of the Tribeca West, Tribeca East and Tribeca South historic districts will be rezoned C6-2A.

The Commission recognizes the concerns that have been expressed about rezoning Chambers Street between Broadway and Greenwich Street to a C6-3A district, particularly the existing M1-5 segment. The Commission concurs that the street is heavily-utilized at peak hours by pedestrians and vehicles traversing crosstown, with trip generators and destinations generally located beyond the boundaries of the rezoning area. The Commission notes that the Chambers Street blocks between Broadway and Greenwich Street share similar characteristics, including close proximity to several subway transit stations. The proposed C6-3A rezoning eliminates the inconsistent split zoning along these blocks, and the Commission finds that the C6-3A district constitutes an

overall lowering of future development potential along this stretch of Chambers Street. The Environmental Assessment Statement for the proposed rezoning included an analysis of site specific and density-related environmental effects for several locations in the overall rezoning area, including a 100-car parking lot at Hudson, Reade and Chambers streets. This assessment concluded that the rezoning would not result in any significant adverse impacts, including traffic, and would generate fewer than 50 vehicular trips at any given intersection. The Commission further notes that the Transportation Division of the Department of City Planning recently received funding to initiate a targeted pedestrian and vehicular traffic study for the length of Chambers Street from Centre Street to its terminus at River Terrace in Battery Park City.

The Commission supports the proposed text amendments which will update and streamline the regulatory environment of the LMM District below N. Moore and Walker streets. The Commission believes these changes will remove inefficient mechanisms and apply appropriate protections against inappropriate uses. These changes will enhance the mixed use character of the area by allowing as-of-right loft dwelling, retailing, office and other business uses on the ground floors of buildings on side streets; providing more flexible regulations for home occupations; and continuing to allow new warehousing and light manufacturing uses. The Commission believes that these changes are in keeping with the entrepreneurial and mercantile spirit which has traditionally thrived in the area. In recognition of the increased residential presence in the area, the Commission finds that the proposed text amendments appropriately restrict certain potentially noxious and incompatible semi-industrial and manufacturing activities, as well as prohibiting from side street locations certain large retail and entertainment uses, such as department stores, theaters and discos.

The Commission acknowledges the discussions held with community leaders, elected officials and neighborhood residents, noting that a number of issues concerning the text amendments have been raised during the public review process. Community Board 1 and the Manhattan Borough President's Office shared a number of concerns. The Commission notes that, in response to these concerns, dry cleaning plants in Use Group 16D have been added to the list of potentially noxious uses prohibited in the LMM District, and the regulations for through-block sites in the C6-3A district have been clarified to stipulate a minimum 60-foot street wall for new

construction. Regulations regarding required setbacks for enlargements and special conditions for narrow buildings have also been clarified.

In response to Community Board 1's and the Manhattan Borough President's concerns about the scale of retail uses, the Commission notes that, in addition to side street prohibitions on large retail establishments in Use Group 10A and restrictions on combining the ground floors of side street buildings, the text amendment was modified to cap as-of-right retail use at 20,000 square feet per zoning lot, in buildings fronting on Chambers Street, Church Street, Greenwich Street, Hudson Street or West Broadway, and 10,000 square feet for buildings fronting on other streets. Retail uses above these amounts would be subject to discretionary approval of the Planning Commission by special permit. The text has been further modified to limit retail uses by prohibiting the combining of separate buildings on separate zoning lots. The Commission notes that heretofore the LMM District has had no size limit on retail uses in Use Group 6 and provided a special permit for Use Group 10A uses over 10,000 square feet. After reviewing the existing spectrum of retail conditions in this portion of the LMM District, the Commission concludes that the proposed array of zoning regulations will adequately restrict inappropriately large retail uses.

Regarding concerns about discos, the Commission notes that these uses were allowed as-of-right along primary streets in the LMM District until 1990. Since then a special permit from the Board of Standards and Appeals (BSA) has been required before any establishment with dancing, and none have been granted. While retaining the special permit requirement, two additional findings have been added, for a total of eight factors that will have to be satisfied in order for the BSA to grant the permit. The Commission believes that these additional two findings will appropriately regulate these establishments and minimize impacts on side streets, where they are prohibited.

Regarding community facilities, the Commission notes that these uses are appropriate in areas with sizable populations in order to support residents' needs. In the LMM District, the proposed amendments provide the same floor area ratio (FAR) for community facility and residential uses. In the C6-2A portion, both uses are allowed a maximum FAR of 5.0; in the C6-3A portion both uses are allowed up to 7.52 FAR. The Commission believes that these bulk regulations will

- 4) changing from an M1-5 District to a C6-2A District property bounded by:
 - a) Warren Street, a line 150 feet west of Church Street, Murray Street, and a line perpendicular to the south street line of Warren Street distant 125 feet east of the intersection of the south street line of Warren Street and the east street line of Greenwich Street; and
 - b) North Moore Street, West Broadway, Walker Street, Avenue of the Americas, White Street, a line 150 feet west of Church Street, Leonard Street, West Broadway, a line 125 feet north of Worth Street, a line 50 feet east of West Broadway, a line 100 feet north of Worth Street, a line 125 feet east of West Broadway, Worth Street, a line 150 feet west of Church Street, Reade Street, and Greenwich Street;

- 5) changing from an M1-5 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Church Street, Warren Street, a line perpendicular to the south street line of Chambers Street distant 125 feet east of the intersection of the south street line of Chambers Street and the east street line of Greenwich Street, Chambers Street, a line perpendicular to the north street line of Chambers Street distant 100 feet east of the intersection of the north street line of Chambers Street and the east street line of Greenwich Street, a line midway between Chambers Street and Reade Street, and a line perpendicular to the south street line of Reade Street distant 125 feet east of the intersection of the south street line of Reade Street and the east street line of Greenwich Street; and

- 6) establishing a Special Lower Manhattan Mixed Use District bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street;

within the Special Lower Manhattan Mixed Use District, Borough of Manhattan, Community District 1, as shown on a diagram (for illustrative purposes only) dated December 19, 1994 and subject to the conditions of CEQR Declarations E-60 and E-61.

Community/Borough Board
Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send a copy of the completed form with any attachments to the applicant's representative as indicated on the Notice of Certification, one copy to the Borough President, and one copy to the Borough Board, when applicable.

APPLICATION # C 940309 ZMM

DOCKET DESCRIPTION

SEE ATTACHED DOCKET

COMMUNITY BOARD NO. 1
BOROUGH Manhattan

BOROUGH BOARD Manhattan

DATE OF PUBLIC HEARING January 19, 1995
WAS QUORUM PRESENT? XX YES NO

LOCATION Tribeca Performing Arts Center
199 Chambers St., NYC

(A public hearing shall require a quorum of 20% of the appointed members of the board, but in no event fewer than seven such members.)

VOTE ADOPTING RECOMMENDATION TAKEN

DATE February 21, 1995

LOCATION ps 234, 290 Chambers St., NYC

RECOMMENDATION

 APPROVE XX APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE DISAPPROVE WITH MODIFICATIONS/CONDITIONS

EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

SEE RESOLUTION OF COMMUNITY BOARD #1 ATTACHED

VOTING

IN FAVOR 28 AGAINST 3 ABSTAINING 2

TOTAL MEMBERS APPOINTED TO BOARD 48

COMMUNITY/BOROUGH BOARD OFFICER



DATE February 23, 1995

TITLE Chairperson

The above resolution (C 940309 ZMM), duly adopted by the City Planning Commission on May 24, 1995 (Calendar No. 29), is filed with the Office of the Speaker, City Council and the Manhattan Borough President, in accordance with the requirements of Sections 197-c, 197-d and 200 of the New York City Charter.

Joseph B. Rose, Chairman
Victor G. Alicea, Vice-Chairman
Eugenie L. Birch, A.I.C.P., Amanda M. Burden, A.I.C.P., Alexander Garvin,
Anthony I. Giacobbe, Esq., William J. Grinker, Brenda Levin, Edward T. Rogowsky,
Jacob B. Ward, Esq., Commissioners

Ronald Shiffman, A.I.C.P., Commissioner Abstaining

provide for the beneficial interrelationship of these uses, and does not find a compelling need for a special permit mechanism for overnight or residential community facilities.

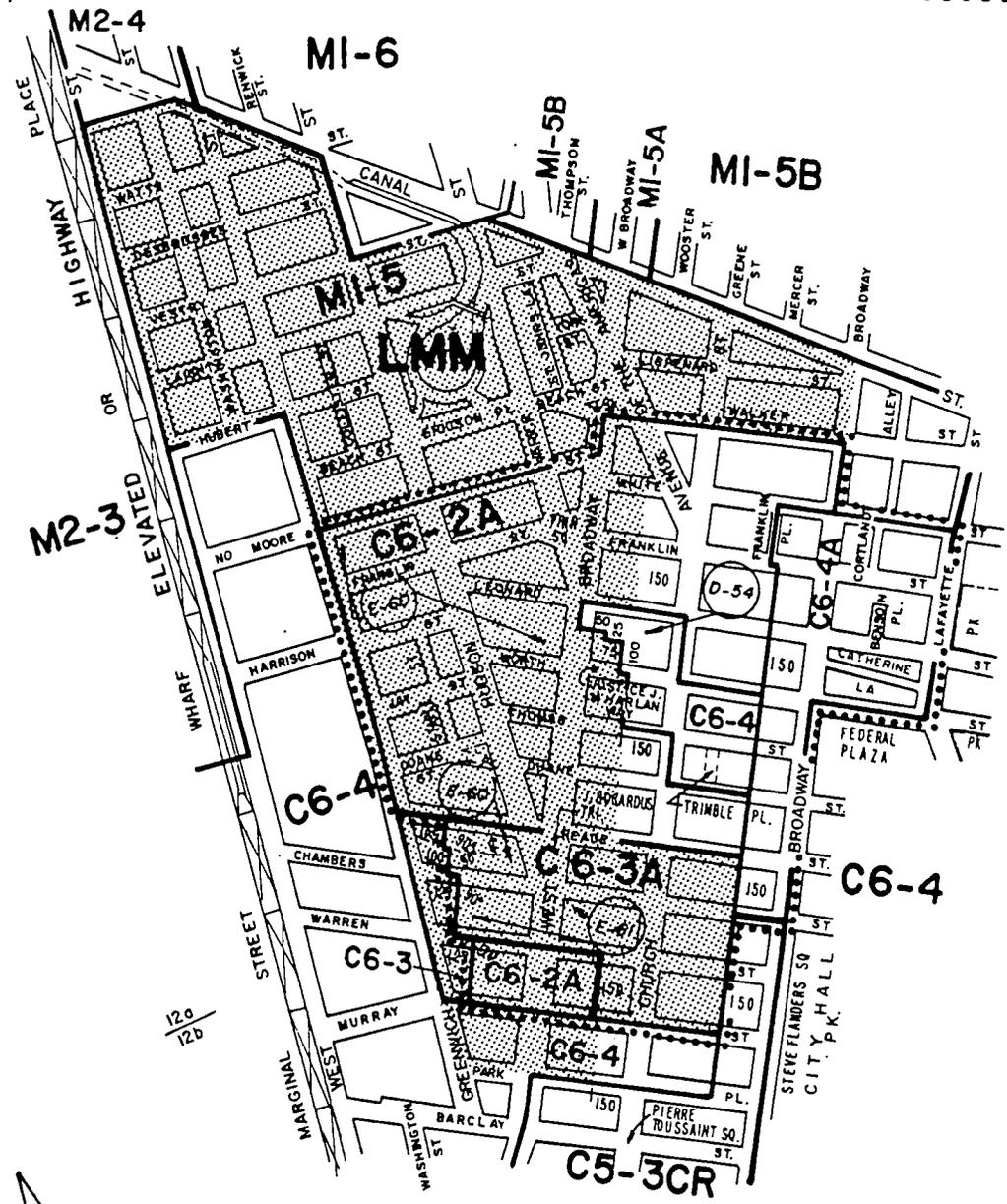
In conclusion, the Commission considers the zoning map and text amendments a comprehensive and progressive zoning framework for this portion of the Tribeca neighborhood. The Commission believes that these amendments will provide an important legacy for Tribeca, insuring its orderly growth, encouraging emerging uses, and reinforcing its notable physical fabric.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

RESOLVED, that the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, based on the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 12a and 12b:

- 1) changing from a C6-4 District to a C6-2A District property bounded by:
 - a) Walker Street, Broadway, White Street, Franklin Place, Franklin Street, a line 150 feet west of Broadway, Worth Street, Church Street, Leonard Street, a line 150 feet west of Church Street, White Street, and Avenue of the Americas; and
 - b) Thomas Street, Church Street, Duane Street, a line 150 feet west of Broadway, Reade Street, and a line 150 feet west of Church Street;
- 2) changing from a C6-4 District to a C6-3A District property bounded by Reade Street, a line 150 feet west of Broadway, Murray Street, and a line 150 feet west of Church Street;
- 3) changing from a C6-4 District to a C6-4A District property bounded by White Street, Lafayette Street, Worth Street, Broadway, Chambers Street, a line 150 west of Broadway, Franklin Street, and Franklin Place;



CITY PLANNING COMMISSION
CITY OF NEW YORK

**DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAPS
12a & 12b
BOROUGH OF
MANHATTAN**

New York, Certification Date
December 19, 1994

Ramon Pann
Director of Technical Review,
Land Use Review Division



NOTE:

-  Indicates Zoning District boundary.
-  The area enclosed by the fine dotted line is proposed to be changed from C6-4 and MI-5 to C6-2A, C6-3A and C6-4A and establish a Special Lower Manhattan Mixed Use District.
-  LMM
-  E Indicates a City Environmental Quality Review Declaration, refer to C.E.Q.R sheet.
-  D Indicates a Restrictive Declaration Area, refer to R.D. sheet.

THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.

COMMUNITY BOARD #1 MANHATTAN
RESOLUTION

DATE: FEBRUARY 21, 1995

COMMITTEE OF ORIGIN: TRIBECA/WASHINGTON MARKET

COMMITTEE VOTE:	7 IN FAVOR	1 OPPOSED	1 ABSTAINED
BOARD VOTE:	28 IN FAVOR	3 OPPOSED	2 ABSTAINED

RE: **Tribeca Rezoning**

WHEREAS: Over a period of some eight years CB #1 has worked to lower the allowed zoning density in eastern Tribeca, where massive buildings (e.g. the AT & T Building and 105 Duane St.) are permitted but a vigorous and distinctive loft district exists; and this loft area is not only compatible with the adjacent Lower Manhattan Mixed-Use District (LMM), but is itself part of two historic districts, and

WHEREAS: The Department of City Planning (DCP) responded with a plan that would reduce by half the permitted zoning density in some parts of eastern Tribeca, by 40% the density in the Chambers St. area and below, and would add contextual zoning to most of the district and along Broadway, effectively limiting the size of the most massive building to 21 stories, and

WHEREAS: Of the 235 loft buildings in the original CB #1 study area, 200 will have the protection of the 40% or large reduction in zoning density, and 27 protection of contextual zoning along Broadway, and

WHEREAS: The DCP coupled this sizeable reduction in zoning with a comprehensive rezoning plan for two-thirds of Tribeca, permitting contextual zoning, height caps on development, new residential construction, and removal of the ineffective minor modification process--a ministerial action with no community review--replacing same with specific prohibitions on many currently-permitted uses which are antithetical to a low-density residential neighborhood, and

WHEREAS: CB #1 asked DCP to prepare this rezoning proposal for the Tribeca area by a vote of 31-5-3 on April 20, 1993, and then voted to recommend that the proposal be certified by a margin of 22-1-2 on November 15, 1994, and

WHEREAS: The great majority of concerns expressed by others who commented dealt with future uses in the LMM, particularly relating to the possibility that mega-stores, entertainment uses, toxic uses, X-rated stores, and less desirable community facilities might be encouraged to locate in the LMM, and

WHEREAS: The current version of the proposal addresses many of these concerns: mega-stores are barred on side-streets, although they are today permitted (with a minor modification) on the ground floor and anywhere on higher floors; under the new zoning discos are not permitted on side streets, although they are today allowed anywhere by Special Permit; X-rated uses are permitted today with a minor modification, but may be restricted by legislation now before the City Council; and community facilities are being legalized in manufacturing zones for the first time as part of new citywide policy, and

WHEREAS: It is the purpose of CB #1 to maintain Tribeca, and particularly the LMM, as an area hospitable to the arts, and to protect its historic character, and to keep the neighborhood friendly to the new residential population, and

WHEREAS: Many arts-related uses are currently in violation of the zoning, which does not permit some art uses at all (e.g. non-profit art galleries like Franklin Furnace) and restricts others by the minor modification requirement (like galleries and film production offices), and

WHEREAS: The LPC has established three historic districts within Tribeca, but left sizeable areas unprotected; and the proposed contextual zoning will require developers to mimic the height and mass of existing buildings even where no historic district designation exists, forcing new construction to be compatible with what is here today, and

WHEREAS: The zoning changes endorsed by nearly all of those who commented were residential and arts-related uses and low-rise, landmark-friendly contextual zoning, and these are only obtainable through the rezoning of the LMM as a C-Zone, and

WHEREAS: There is currently NO community review for ANY ground floor use (the minor modification process is automatic for landlords who make an effort to qualify), and the new zoning would specifically forbid toxic uses, certain high-traffic uses, and restrict or make unlikely other uses which would be stressful to Tribeca's low-density residential neighborhood, all of which are or can be legal today, and

WHEREAS: In order to respond to the concerns of those who have testified on this zoning proposal, CB #1 makes the following recommendations, now

THEREFORE
BE IT
RESOLVED
THAT:

CB #1 recommends enactment of the Tribeca rezoning and strongly urges the following modifications:

1. Certain uses inadvertently included in the new LMM district must be excluded: toxic dry-cleaning plants (Use Group 16-D), and prisons (UG 8-D); all permitted retail uses over 10,000 square feet (UG 6 UG 10), and eating and drinking places with dancing (UG 12-A) should be removed from main streets as well as side streets; and adult uses should not be permitted within 500 feet of a school (public or private) or a church.
2. Anywhere in the LMM, properties adjacent to, or directly or diagonally across the street from, and historic district shall be required to come under the jurisdiction of the Landmarks Preservation Commission to ensure fit with the historic nature of the neighborhood.
3. The maximum F.A.R. available to a community facility should be restricted to 5 anywhere in the LMM, and overnight (bed) facilities should require a Special Permit.
4. In the C6-3A district, through-block development sites should have a minimum 60-foot streetwall on all street fronts.
5. We urge the DCP to explore ways to allow the live-work conditions of loft dwellings to be created in new residential buildings.

6res2.95

12



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
OF THE
BOROUGH OF MANHATTAN

MUNICIPAL BUILDING
NEW YORK, N.Y. 10007
(212) 669-8300

RECEIVED
MAR 31 1995
MANHATTAN OFFICE

RUTH W. MESSINGER
BOROUGH PRESIDENT

March 24, 1995

ULURP NOS.

C 940309 ZMM

N 940310 ZRM

*cc: L. Parnes
Manh. - DCP ✓
Status Office*

95 MAR 29 1:00:00
10007

APPLICANT

New York City Department of City Planning

REQUEST

C 940309 ZMM This is a request for certain zoning map changes and for the establishment of a Special Lower Manhattan Mixed Use District bounded by Reade Street, a line 150 feet west of Broadway, Murray Street and a line 150 feet west of Church Street.

C 940310 ZRM This is a request for a zoning text amendment to the Special Lower Manhattan Mixed Use District (LMM) that: creates a new subarea, Area A4; adds specialized bulk provisions for Areas A1 and A4; removes restrictions in Areas A1, A2 and A3 on locations for loft dwellings and joint living-work quarters for artists; allows an expanded range of home occupations; and refines the use regulations in Areas A1, A2, A3 and A4.

PROJECT BACKGROUND/DESCRIPTION

The Department of City Planning (DCP) is proposing two related zoning applications for Tribeca. The zoning applies to a 45-block area, from approximately North Moore Street to Murray Streets, and from Greenwich Street to Broadway. The first action is a series of zoning map changes to Tribeca. DCP also proposes to revise the regulations and expand the boundaries of a Special District within Tribeca, called the Special Lower Manhattan Mixed Use District (LMM).

Borough President Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX# (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.

2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

APPLICATION # N 940310 ZRM C 940309 ZMM

DOCKET DESCRIPTION

C 940310 ZRM -- A zoning text application that amends the regulations of the Special Lower Manhattan Mixed-Use District and creates a new subarea, Area A4; adds specialized bulk provisions for Areas A1 and A4; removes restrictions in Areas A1, A2 and A3 on locations for loft dwellings and joint living-work quarters for artists; allows an expanded range of home occupations; and refines the use regulations in Areas A1, A2, A3 and A4.

C 940310 ZRM -- (see attached)

COMMUNITY BOARD NO. 1

BOROUGH Manhattan

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATION/CONDITIONS (Attach additional sheets if necessary.)


BOROUGH PRESIDENT

3/27/95
DATE

The proposed zoning map changes are intended to achieve the following results:

- to create a transition from the higher density Downtown Central Business District and Civic Center areas to the loft character of Tribeca and the LMM area;
- to require building line street walls for new construction, in order to reinforce existing building contexts and complement the Landmarks Preservation Commission's individual and historic districts in the area; and
- to permit infill residential construction in the LMM area; and
- to promote a range of as-of-right uses which reflect the existing land use mix and trends toward a broad scope of business, artisan and residential uses with supporting services.

The proposed zoning map changes include discrete zoning districts. They are as follows:

Lower Broadway Corridor

This area would be rezoned from C6-4 to C6-4A. New residential construction could still have 12 FAR, but all developments would be subject to contextual bulk provisions, which set a maximum building height at 210 feet, rather than the more than 500-foot towers that can be built under existing zoning. Street wall requirements would range between 125 feet and 150 feet.

Upper Church Street

This area would be rezoned from C6-4 to C6-2A, which is a contextual commercial district designed to be mapped in areas of the city consisting of a mix of commercial and residential uses. The maximum FAR would be reduced from 12 FAR to 6 FAR. New developments would be subject to contextual bulk provisions. Building heights would be limited to 120 feet; street wall requirements would range between 60 feet and 85 feet.

Chambers Street

The LMM District would be extended eastward from a line 150 feet west of Church Street to a line 150 feet west of Broadway between Reade and Murray Streets. This area would be rezoned from C6-4 and M1-5 to a new contextual C6-3A zone with a maximum allowable FAR of 7.5 for residential, commercial and community facility uses. Building heights would be limited to 135 feet; street wall requirements would range between 60 feet and 85 feet and a match-up requirement would be mandated.

LMM District (South of North Moore Street)

This area would be rezoned from M1-5 to C6-2A. M1-5 is a light manufacturing district, which allows a range of commercial, semi-industrial and industrial uses and

has a maximum FAR of 5. Normally, the maximum FAR in a C6-2A district is 6; however, the maximum FAR would be maintained at 5. New developments would be subject to contextual bulk provisions. Building heights would be limited to 120 feet; street wall requirements would range between 60 feet and 85 feet.

In conjunction with these zoning map changes, DCP has proposed text changes to the LMM. The LMM is a Special District that was developed in the mid 1970's to protect existing manufacturing in Tribeca, and to provide limited new housing opportunities in loft-type buildings. In the years since the LMM was created, a vital mixed-use community has developed in Tribeca. To respond to these changes and to provide opportunities for new development consistent with the area's character, DCP has proposed several text changes to the LMM. Features of the text changes are:

- New regulations to prohibit entertainment and amusement uses, including discos, (Use Groups 8A and 12A) in buildings with side street locations. (Special permit requirements for discos on wide streets would be maintained.) This would increase restrictions on discos, since they are currently allowed on side streets by special permit.
- Elimination of administrative review requirements for ground floor locations of loft dwellings (Use Group 2) and joint living-work quarters for artists (Use Group 17D). This would make these uses as-of-right and eliminate an approval process that has operated on an entirely pro-forma basis.
- Elimination of administrative review requirements for side street retail uses and neighborhood services (Use Group 6).¹ Making retail uses as-of-right on the side streets would also eliminate what has functioned as a pro-forma approval process.
- New regulations to prohibit the combining of ground floor spaces in separate buildings for retail (Use Group 6), hotel (Use Group 5) and community facility uses (Use Groups 3 and 4) in side street locations. This would limit the size

¹ Use Group 6 includes a range of retail uses, some of which have size limitations and some of which do not. Stores with size limitations are as follows: variety stores, clothing stores, dry goods and fabric stores, furniture stores, television and radio stores, carpet stores and dry cleaners. There are capacity restrictions of 200 persons on restaurants and bars. Currently, these uses are restricted on side streets and require a minor modification from the Chairman of the CPC; they are as-of right on wide streets.

of ground floors of retail stores, hotels and community facilities.²

- Under the proposed zoning, large retail uses (Use Group 10A) would be prohibited on side streets and would be as-of right on wide streets.³
- Elimination of restrictions on allowable home occupation uses and on limits on floor area, and an increase in the permitted number of non-resident employees from one to three. This would make it easier for the work-at-home businesses that characterize much of Tribeca.

Also, to address concerns raised by the community that the industrial and manufacturing character of the LMM be maintained, certain industrial uses not normally allowed in C6 districts would still be permitted. Generally, these are light industrial uses that are not in conflict with residential or commercial development. These permitted uses are:

- Use Group 16A: Retail or Service Establishments (except for crematoriums, motorcycle rentals, poultry or rabbit killing);
- Use Group 16D: Heavy Service, Wholesale or Storage Establishments;
- Use Group 17A: Service or Wholesale Establishments;
- Use Group 17B: Manufacturing Establishments (except for the manufacture of aircraft, automobiles, trucks trailers, boats, motorcycles and chemicals); and
- Use Group 17C: Only agriculture uses, including nurseries.

SUMMARY OF BOROUGH PRESIDENT'S PUBLIC HEARING

On March 2, 1995, the Manhattan Borough President held a public hearing on the proposed Tribeca zoning map and text changes. The hearing began with opening remarks by the Borough President. Following her remarks, the applicant -- the Department of City Planning, represented by John Young -- made a presentation of the proposed zoning.

Following the applicant's presentation, Community Board 1 presented its response to the

² The upper floors of these buildings could still be combined -- as can occur under current regulations -- and can be as large as the Use Group regulations permit. (For example, toy stores, which are Use Group 6, have no size restriction and could be any size.)

³ Use Group 10A includes department stores and other large stores. Like Use Group 6, these uses are presently restricted on side streets, requiring a CPC special permit, and are as-of-right on wide streets.

rezoning. The panel presented the rationale for the Community Board's support with modifications for the proposed zoning. Speaking were: Anne Compocchia, chair of Community Board 1; Madeline Wils, former chair of the Tribeca/Washington Market Committee; and Nancy Owens, vice-chair of the Tribeca/Washington Market Committee. In addition, Nancy Owens presented 21 letters of support for DCP's proposals. The panel expressed the Community Board's longstanding involvement in these zoning proposals, and stressed the Board's comprehensive outreach to the greater Tribeca community. The panel described the Community Board's efforts to anticipate problems faced by the Tribeca community, including discos, toxic uses and illegal commercial uses. Positive aspects of the proposed zoning highlighted by the panel included the downzoning of the upper Church Street area, and the protections afforded Tribeca by the proposed contextual zoning.

Following the Community Board 1 presentation, there was a presentation by the Tribeca Task Force (TTF) and the Tribeca Community Association (TCA). This panel expressed support for the Tribeca downzoning and opposition to the changes to the LMM which would permit commercial uses as-of-right. The panel stated that the current zoning provides protection against new commercial uses and stressed the vitality of the existing industrial/manufacturing sector in the LMM. The panel also expressed opposition to commercial uses on side streets, new residential development throughout the LMM, and upzoning the Chambers Street area. The proposal to permit ground floor commercial uses as-of-right was of particular concern, because it would threaten the existing industrial/manufacturing ground floor uses. This panel was composed of: Nancy Page, co-chair of TTF; Janna Townsend, co-chair of TTF; and Carol DeSaram, president of TCA.

Elected officials presented testimony. New York City Councilmember Kathryn Freed and a representative of Congressman Jerrold Nadler spoke in support of the rezoning applications. Councilmember Freed disputed the position taken by opponents of the LMM rezoning that the current restrictions on ground floor retail uses protects the Tribeca community from commercial encroachment. Congressman Nadler supported the DCP proposals because he believes they would be more restrictive of superstores and discos than the current zoning, and would retain compatible manufacturing uses in the LMM but would exclude presently permitted undesirable uses.

A representative of New York State Assemblymember Deborah Glick spoke in opposition to the proposed map changes to the LMM, stating that they are in direct conflict with the goals that created it. She raised her concern that the change to a commercial zone would create more pressure to abandon manufacturing, and would derail the current growth of small manufacturing concerns, such as the visual industries.

Seventeen members of the public testified. Of these speakers, thirteen spoke in opposition, three spoke in support and one did not state a position. Of those speaking in opposition, most supported the downzoning of the portions of Tribeca outside the LMM, but opposed the rezoning of the LMM.

Additional comments by those opposed to the DCP proposals included the following:

- Many speakers commented that the LMM presently provides better protections against commercial encroachment than would DCP's proposed zoning.
- They also expressed concern about future uses that would be allowed in the LMM under the proposed zoning, including superstores, entertainment uses, toxic uses, adult entertainment uses and less desirable community facilities.
- Opponents stressed Tribeca's unique character, noting that the restrictions on allowable uses on side streets had enabled the arts to flourish in Tribeca.
- Loss of community character was a concern, including possible displacement of neighborhood businesses and development of "Soho-like" character.
- The remapping of the LMM to commercial zoning would send a message from the City that it valued commercial interests -- such as retail stores -- more than arts-related businesses.
- The concern was raised that the downzoning of the upper Church Street area was a trade off for upzoning the Chambers Street area.

The comments of speakers in support of the proposal, as well as comments in the 21 letters of support submitted for the record, included the following:

- Speakers indicated that the downzoning of the upper Church Street area and the remapping of the LMM were both part of one proposal, and that the link between the two was made clear to them by City Planning Chairman Joseph Rose and by City Hall. They consider the entire proposal to be appropriate, because it treats Tribeca comprehensively.
- Speakers commented that change in Tribeca was inevitable, and endorsed the direction proposed by DCP.
- Statements in support also noted that many of the arts-related uses that typified Tribeca were not as-of-right uses, although they were currently located in the LMM.
- There was support for contextual zoning as a means to develop new buildings compatible with the historic character of Tribeca.
- The rezoning of the LMM would permit economic development while preserving its historic architecture, as well as its character as a neighborhood.

- The rezoning of the LMM would represent an opportunity to retain control over the future of Tribeca, and to minimize detrimental changes to the neighborhood's character.

SUMMARY OF COMMUNITY BOARD ACTION

On January 19, 1995, Community Board 1 held a public hearing on the DCP Tribeca zoning map and text change applications. On February 21, 1995, Community Board 1 voted to approve the two applications with certain modifications, by a vote of 28 in favor, 3 opposed and 2 abstentions. The modifications are as follows:

1. Certain uses inadvertently included in the new LMM district must be excluded: toxic dry cleaning plants (Use Group 16D) and prisons (Use Group 8D); all permitted retail uses over 10,000 square feet (Use Groups 6 and 10) and eating and drinking establishments with dancing (Use Group 12A) should be removed from main streets as well as side streets; and adult uses should not be permitted within 500 feet of a school (public or private) or a church.
2. Anywhere in the LMM, properties adjacent to, or directly or diagonally across the street from, an historic district shall be required to come under the jurisdiction of the Landmarks Preservation Commission to ensure fit with the historic nature of the neighborhood.
3. The maximum FAR available to a community facility should be restricted to 5 anywhere in the LMM, and overnight (bed) facilities should require a special permit.
4. In the C6-3A district, through-block development sites should have minimum 60-foot streetwall on all street fronts.
5. DCP should explore ways to allow the live-work conditions of loft dwellings to be created in new residential buildings.

BOROUGH PRESIDENT ACTION

The Manhattan Borough President recommends approval.

The Manhattan Borough President recommends disapproval.

~~X~~ The Manhattan Borough President recommends approval, subject to the conditions detailed below.

The Manhattan Borough President recommends disapproval, unless the conditions detailed below are addressed as described.

COMMENTS

Tribeca is one of the city's most flourishing mixed-use communities. This thriving neighborhood has successfully combined residential, industrial, artistic and commercial uses through the adaptive reuse of its historic loft buildings. In recognition of the neighborhood's unique character, the City created a special zoning district in the mid-1970's, and recently designated four historic districts in Tribeca. These regulatory tools have done much to maintain and enhance Tribeca's distinctive qualities.

To ensure the continued preservation of Tribeca, Community Board 1 has worked to develop comprehensive zoning map and text proposals. These rezoning proposals are intended to protect the neighborhood from overdevelopment and to preserve its mixed-use character. Proposed by DCP, they were developed in conjunction with Community Board 1, with technical assistance from the Manhattan Borough President's Office, and incorporate many of the Community Board's recommendations.

The Community Board voted to support these rezoning applications, with recommended modifications. Despite the Board's support, the rezoning has generated some controversy within the community at-large. Some residents have expressed fears that the rezoning would result in the loss of the neighborhood's industrial character and the overdevelopment and commercialization of the Tribeca special district. While the Borough President recognizes the lack of consensus within the Tribeca community, she notes that both supporters and opponents share a common vision for the area: both wish to protect Tribeca from overdevelopment and commercialization.

Clearly, there are differing opinions as to the best strategy to preserve and enhance Tribeca. The Borough President believes that DCP's proposals, with certain modifications, represent the best means to protect Tribeca's mixed-use character, allow for its controlled growth and grant the residents protections in the future that are not afforded by the existing LMM zoning. In particular, the rezoning will permit the continued coexistence of industrial and residential uses that define this neighborhood.

The rezoning proposal has several aspects. The following comments address various features of the proposal.

Contextual Zoning and Density: The Borough President strongly endorses contextual zoning for Tribeca. DCP's plan to map contextual zoning within Tribeca (including the LMM and surrounding areas) has widespread support. Contextual zoning will reinforce the area's existing street wall character and scale. The building envelope that is mandated by contextual zoning is compatible with Tribeca's built form, including its historic districts. It

will both provide protection to the historic architecture and will create opportunities for new development that respects the existing context.

Additionally, contextual zoning helps to address Community Board 1's desire to protect those portions of the LMM not designated as historic districts. The Community Board requested expanded jurisdiction of the Landmarks Preservation Commission (LPC) within the LMM. The Borough President recognizes that historically significant portions of the LMM -- and Tribeca -- are not protected by landmark designation; she previously endorsed a larger, unified Tribeca historic district, and subsequently advocated on behalf of the four smaller historic districts designated by LPC. The entire Tribeca neighborhood has a unified historic character as a loft district, and merits renewed consideration by LPC. However, barring expanded designation, contextual zoning will do much to protect the historic but undesignated portions of Tribeca and will help ensure appropriate infill development.

In particular, the Borough President endorses several of the contextual district designations. The proposed contextual designation for the Upper Church Street area represents a significant downzoning in Tribeca. In addition, the proposed designation for most of the LMM, in limiting the bulk to that of the current built stock, will ensure that new buildings will be consistent with their surrounding context.

However, DCP's proposed designation for the Chambers Street area is of concern. Although it is contextual, its higher density would encourage structures out of scale with the area's surrounding buildings. To reduce this impact, Community Board 1 has recommended minimum streetwall requirements of 60 feet on all through-block sites to limit new building heights in this area. The Borough President supports this recommendation.

Traffic congestion in the Chambers Street area is already problematic. The cumulative impacts of the zoning for this area, and the future build-out of Battery Park City's North Residential Neighborhood will only exacerbate this situation. To address the current and proposed traffic impacts on this area, the Borough President recommends that the City Planning Commission require a follow-up traffic study of the Chambers Street area as a condition of its approval.

Use Regulations in the Lower Manhattan Mixed-use District: The proposed zoning change in the LMM from manufacturing to commercial would permit many uses as-of-right that are currently prohibited or require some discretionary action. They include new residential development, some arts-related uses, retail stores, and community facilities.

The proposed zoning would also permit selected industrial and manufacturing uses in the LMM. The permitting of these uses is an extremely important aspect of the rezoning proposal, because it will enable these uses to remain in Tribeca. The permitted industrial/manufacturing uses are compatible with the mixed-use character of the LMM, and were chosen in conjunction with the Community Board. In addition to including industrial uses that are appropriate to this neighborhood, the proposed zoning would make home

occupation regulations more flexible to help start-up businesses. Both of these tools will reinforce this vibrant neighborhood's mixed-use character.

There is general support for new residential development in Tribeca, provided it is at a scale consistent with the neighborhood's existing context and character. Opponents argue that the map changes from manufacturing to commercial use in the LMM are unnecessary, because residential development could be achieved via a text change. However, the LMM remapping to commercial use is necessary to establish contextual zoning in Tribeca. There is no contextual zoning for areas designated for manufacturing use; there is no mechanism to create contextual zoning via a text change in a manufacturing district. Commercial designation will ensure that contextual zoning is established to protect this neighborhood.

All segments of the Tribeca community recognize the importance of keeping Tribeca hospitable to the arts. In fact, some of the arts-related uses that now characterize Tribeca are in violation of the current zoning (e.g., non-profit art galleries). Other uses are restricted by the minor modification requirement (e.g., galleries and film production offices). Rezoning to commercial use will support this character by making these arts uses as-of-right.

With regard to retail uses, the proposed zoning would permit ground-floor commercial uses as-of-right throughout the LMM. However, the zoning would restrict retail uses to those that are compatible with this mixed-use community. The Borough President endorses this approach taken by the zoning.

The ability of "superstores"⁴ to locate in the LMM if it is rezoned to commercial use is a concern of both the community and the Borough President. Because DCP intends to permit superstores in manufacturing zones in the near future, the Borough President believes that the proposed commercial zoning -- *with additional restrictions* -- will best protect Tribeca from superstores over the long term.⁵

In the proposed zoning, superstores would be effectively prohibited from the side streets of the LMM.⁶ However, the rezoning would permit all superstores as-of-right on wide streets.

⁴ Superstores are generally defined as stores of more than 10,000 square feet.

⁵ DCP has recently proposed a comprehensive retail strategy to permit superstores as-of-right in certain manufacturing districts. Because it is not yet clear if this retail strategy would permit superstores in special districts zoned for manufacturing use, it is impossible to judge whether superstores will eventually be permitted in the LMM, were it to remain zoned for manufacturing use.

⁶ In the proposed rezoning, the size restrictions of ground-floor retail uses in the LMM will protect against superstores *on the side streets*, which generally require very large ground-floor spaces. Under the proposal, "superstores" will be effectively restricted from the side streets by prohibiting Use Group 10A (department stores and other large retail uses), and by forbidding combining of separate buildings' ground floor spaces for retail use. However, the rezoning would permit all

Such establishments are not in keeping with the existing scale and context of the Tribeca community. The Community Board has expressed similar concerns. The Borough President urges the City Planning Commission to reexamine the ability of superstores to locate on wide streets.

Regarding discos (Use Group 12A), the Borough President believes that the restrictions proposed by DCP represent an important step in reducing impacts of this use on the surrounding residential community.⁷ However, she concurs with Community Board 1 that these restrictions are not sufficient, and urges the City Planning Commission to reconsider the permitting of discos within the LMM at all.

Both Community Board 1 and opponents of the proposed LMM rezoning to commercial use have expressed concern that adult use establishments may locate in Tribeca. However, the text proposal regulating adult uses -- sponsored by the Administration and the City Council -- will likely prohibit them from the LMM, *under both the current and the proposed zoning*. Furthermore, it appears that the proposed expansion of the LMM may actually prohibit adult use establishments from more of Tribeca.

Community facilities would be permitted as-of-right under the proposed zoning. However, even if the area retained its present zoning it is likely that community facilities would be permitted as-of-right in the near future, given the citywide changes to manufacturing zoning that are presently under review by the Department of City Planning. DCP has proposed limiting the impacts of community facilities by forbidding the combining of ground floor spaces of separate buildings. Community Board 1 has recommended restricting the allowable density of new community facilities in the LMM to 5 FAR to help further reduce the impacts. The Borough President concurs with this recommendation, which will ensure that new community facilities will be consistent with the existing scale of the Tribeca neighborhood.

The Borough President also concurs with Community Board 1 that certain uses inadvertently permitted in the LMM should be excluded. Dry cleaning plants (Use Group 16D) and prisons (Use Group 8D) should be excluded.

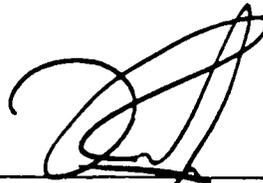
Conclusion: The applications proposed by DCP, both for the rezoning and for the LMM, collectively create a comprehensive vision for Tribeca. The Borough President believes that the DCP proposals -- viewed in their totality -- present a balanced approach between providing new development opportunities in Tribeca and preserving the neighborhood's existing scale and character.

"superstores" as-of-right (Both Use Groups 6 and 10A) on wide streets.

⁷ The proposed zoning would prohibit discos (Use Group 12A -- eating and drinking establishments with dancing) on narrow streets, but would continue to permit them by BSA special permit on wide streets.

Approval of these zoning map and text change applications, with the modifications described in this report, will enable Tribeca to continue to grow and prosper while at the same time maintain the character and spirit which makes it unique. Further, the Borough President hopes that the outstanding issues can be successfully resolved to produce a final package which will effectively address the future needs of the Tribeca community and the City.

Report and Recommendation Accepted:

A handwritten signature in black ink, appearing to read 'Ruth W. Messinger', written over a horizontal line.

Ruth W. Messinger
Manhattan Borough President