

CITY PLANNING COMMISSION

July 20, 1998/Calendar No. 4

C 980315 ZMM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12b and 12d:

- 1) changing from a C5-3CR District to a C5-3 District property bounded by:
 - a) Park Place, a line 150 feet west of Broadway, Chambers Street, Broadway, Fulton Street, Church Street, Vesey Street, and West Broadway; and
 - b) the center line of former Fulton Street, South Street, Pine Street, Front Street, Maiden Lane, and Water Street;
- 2) changing from a C5-3CR District to a C4-6 District property bounded by a line 910 feet easterly of the southerly prolongation of the westerly street line of Old Slip (southwest portion), the U. S. Pierhead Line of the East River, the southerly prolongation of the westerly street line of Old Slip (southwest portion), and South Street;
- 3) changing from a C5-5CR District to a C5-5 District property bounded by Church Street, Fulton Street, Broadway, Park Row, Beekman Street, a line 100 feet southeasterly of Nassau Street, John Street, Water Street, the former center line of Coenties Slip East, South Street, a line 110 feet northwesterly of the U.S. Bulkhead Line of the Upper Bay, the southerly boundary line of Battery Park, the easterly boundary line of Battery Park and the northerly prolongation of its straight portion, Battery Place, West Street and its southerly prolongation, Morris Street and its easterly prolongation, Greenwich Street, Liberty Street, Trinity Place, Morris Street, Broadway and its east fork, Beaver Street, Beaver Street/Wall Street Court, Pearl Street/Wall Street Court, Pearl Street, Maiden Lane, and Cortlandt Street;
- 4) changing from a C6-4CR District to a C6-9 District property bounded by Liberty Street, Greenwich Street, Morris Street and its easterly prolongation, and West Street;
- 5) changing from a C6-4 District to a C5-5 District property bounded by Battery Place, the northerly prolongation of the straight portion of the easterly boundary line of Battery Park, the northerly boundary line of Battery Park, and the southerly prolongation of West Street;
- 6) changing from a C6-9CR District to a C6-9 District property bounded by Maiden Lane, Front Street, Pine Street, South Street, the former center line of Coenties Slip East, and Water Street;

- 7) eliminating a Special Tribeca Mixed Use District (TMU)(formerly the Special Lower Manhattan Mixed Use District (LMM)) bounded by Murray Street, a line 150 feet west of Church Street, Park Place, and Greenwich Street;
- 8) eliminating a Special Greenwich Street Development District (G) bounded by Liberty Street, Church Street, Cortlandt Street, Broadway and its east fork, Whitehall Street, Bridge Street, State Street, Battery Place, and West Street;
- 9) eliminating a Special Manhattan Landing Development District (MLD) bounded by South Street, Pine Street, Front Street, Maiden Lane, Water Street, Pearl Street, Brooklyn Bridge. South Street and its westerly prolongation, the prolongation of the east street line of Pike Slip, the U.S. Pierhead Line of the East River, and the southerly boundary line of Battery Park;
- 10) eliminating a Special South Street Seaport District(S) bounded by Water Street, Pearl Street, Dover Street, South Street, a line 100 feet easterly of the southerly prolongation of the easterly street line of Beekman Street, the U.S. Pierhead Line of the East River, the southerly prolongation of the westerly street line of Old Slip (southwest portion), South Street, Pine Street, Front Street and Maiden Lane; and
- 11) establishing a Special Lower Manhattan District (LMD) bounded by Murray Street and its westerly prolongation, Broadway, Chambers Street, Centre Street and its southwesterly prolongation, the center line of the Brooklyn Bridge and its northwesterly prolongation, the U. S. Pierhead Lines of the East River, Upper Bay, and Hudson River, the southerly boundary line of George Soilan Park, and the U.S. Bulkhead Line of the Hudson River;

as shown on a diagram (for illustrative purposes only) dated February 9, 1998.

The application for an amendment of the Zoning Map was filed by Department of City Planning on February 4, 1998, to implement the Lower Manhattan Rezoning plan as described in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM).

RELATED ACTIONS

In addition to the amendment of the Zoning Map which is the subject of this report, implementation of the Department's proposal also requires action by the City Planning

Commission on the following applications which are being considered concurrently with this application:

N 980314 ZRM A zoning text amendment to amend various sections of the Zoning Resolution relating to the establishment of a Special Lower Manhattan District (Article IX, Chapter 1), the elimination of the Special Greenwich Street Development District (Article VIII, Chapter 6), the elimination of the Special South Street Seaport District (Article VIII, Chapter 8), the elimination of the Special Manhattan Landing Development District (Article IX, Chapter 8), and other related sections concerning the reorganization and relocation of certain provisions relating to pedestrian circulation and subway stair relocation requirements and subway improvements.

C 980316 HUM The eighth amendment to the Brooklyn Bridge Southeast Urban Renewal Plan.

BACKGROUND

A full background discussion and description of this project appears in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM).

SPECIAL DISTRICTS

The area proposed for the new Special Lower Manhattan District (LMD), which would be mapped as part of this action, contains within it the Special Manhattan Landing Development District (MLD), the Special Greenwich Street Development District (G) and the Special South Street Seaport District. The MLD and the G districts, as described in the related report on the amendment to the Zoning Resolution (N 980314 ZRM), are proposed to be

deleted. The Special South Street Seaport District is proposed to be incorporated into the new LMD as a subdistrict.

THE WATERFRONT C5-3CR DISTRICT

The existing zoning for the portion of the waterfront area that includes Piers 9, 11 and 13 is C5-3CR. This area is part of the MLD, which is proposed to be deleted and replaced by the controls of Waterfront Zoning of Article VI Chapter 2. This C5-3CR district allows development up to a maximum floor area ratio (FAR) of 18.0 by complying with the mandatory lot improvements of the MLD. An increase in FAR beyond 18.0 may be obtained by complying with the provisions of the South Street Seaport District. In no event, however, can the floor area ratio of a residential building exceed 9.0 FAR. Uses in the waterfront area would be determined by the regulations of Waterfront Zoning (Article VI Chapter 2). Pier 9 is vacant, pier 11 is being developed for transportation uses, and pier 13 is occupied by tennis courts in an air-supported structure on a month-to-month lease. Any long-term development on the piers would require a disposition subject to the Uniform Land Use Review Process. This area would be rezoned to C4-6.

DISTRICTS WITH A "CR" SUFFIX

Those districts (C6-4CR, C5-3CR, C5-5CR and C6-9CR) within the proposed area of the LMD that are denominated with a "CR" suffix are eligible to use the provisions of Section 35-70. This provision was designed to encourage the development of high-density mixed use buildings in zoning districts with a basic maximum allowable floor area ratio of 15 (or districts where the basic maximum floor area ratio may be increased to 15 as the adjusted basic maximum floor area ratio). Developments on lot sizes over 20,000 square feet are allowed a minimum average room size of 300 square feet for determining allowable density, rather than the standard lot area set-aside provisions. The standard lot area set-aside provisions result in a larger minimum unit size than the 300 square feet per room control. Section 35-70 also allows in mixed buildings an increase in the residential floor area ratio from 10.0 to 12.0 contingent upon the provision of tenant recreation space and other

bonusable amenities. This amendment would rezone these "CR" suffix districts to the comparable districts without the suffix. The density regulations of the new LMD as described in the zoning text amendment (N 980314 ZMM) would apply.

THE C6-4CR DISTRICT WITHIN THE G DISTRICT

The G district provisions including the requirements for the C6-4 district are discussed in the related zoning text report (N 980314 ZRM). This area would be rezoned to C6-9.

THE C6-4 DISTRICT ON BATTERY PLACE

This small pocket of C6-4 zoning lies entirely within the bed of streets bounded by Battery Place, the northern boundary of Battery Park and West Street. This area would be rezoned to the surrounding C5-5 zoning.

THE SPECIAL LOWER MANHATTAN MIXED-USE DISTRICT

A one and one-half block portion of the existing Special Lower Manhattan Mixed-Use District (LMM) is located within the area proposed for the new LMD. This amendment proposes to shift the southern boundary of the LMD one block northward, removing this area from the LMM. This would make the boundaries of the LMD coterminous with the boundaries for the economic incentive plan that was developed as part of the 1994 Lower Manhattan Revitalization Plan. In order to clarify the distinction between the abbreviations for the LMM and LMD districts, the name of the LMM is proposed to be changed to the Tribeca Mixed-Use District (TMU).

ENVIRONMENTAL REVIEW

This application (C 980315 ZMM), in conjunction with the applications for the related actions (N 980314 ZRM) and (C 980316 HUM), 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 98DCP037M. 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 February 9, 1998.

UNIFORM LAND USE REVIEW

This application (C 980315 ZMM), in conjunction with the application for the related action (C 980316 HUM), was certified as complete by the Department of City Planning on February 9, 1998, and was duly referred to Manhattan Community Boards 1 and 3, the Manhattan Borough President and the Manhattan Borough Board, along with the related non-ULURP text change application (N 980314 ZRM), which was sent to the Community Boards and the Manhattan Borough Board and the Manhattan Borough President for information and review, 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 on March 17, 1998 and on March 17, 1998, by a vote of 32 to 2 with 1 abstention, adopted a resolution recommending disapproval of the application.

A summary of the recommendation of Community Board 1 appears in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM).

Community Board 3 held a public hearing on this application on March 12, 1998 and on March 24, 1998 by a vote of 28 to 7 with 1 abstention, adopted a resolution recommending that the applications be tabled pending resolution of the issues raised by Community Board 1.

Borough Board Recommendation

This application was considered by the Borough Board, which issued a recommendation on May 14, 1998 in opposition to the application.

A summary of the Borough Board's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (C 980314 ZRM).

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation approving the application with conditions on May 20, 1998

A summary of the Borough President's recommendation appears in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM).

City Planning Commission Public Hearing

On June 3, 1998 (Calendar No. 3), the City Planning Commission scheduled June 17, 1998 for a public hearing on this application (C 980315 ZMM). The hearing was duly held on June 17, 1998 (Calendar No. 9), in conjunction with the public hearings on the applications for the related actions (N 980314 ZRM) and (C 980316 HUM). There were five speakers, as described in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM), and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with the applications for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), adopted by the Board of Estimate on September 30, 1982 (Calendar No. 17), pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is WRP 98-002.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that this amendment of the Zoning Map (C 980315 ZMM) is appropriate. Along with the related zoning text amendment (N 980314 ZMM) and amended urban renewal plan (C 980316 HUM) it will aid in the continued revitalization of Lower Manhattan. A full consideration and analysis of the issues, and the reasons for approving this application, appear in the report on the related application for an amendment of the Zoning Resolution (N 980314 ZRM).

THE SPECIAL LOWER MANHATTAN DISTRICT

The Commission determined that the mapping of the Special Lower Manhattan District (LMD) is necessary to facilitate the continued revitalization of lower Manhattan by consolidating all of the controls into one uniform and consistent special district. This district will allow the retail services that are desired by a growing residential community, permit development that is in keeping with the existing built environment and mandate specific pedestrian and other improvements. A full consideration of this issue appears in the related amendment of the Zoning Resolution N 980314 ZRM.

THE SPECIAL GREENWICH STREET DEVELOPMENT AND MANHATTAN LANDING DEVELOPMENT DISTRICTS

The Commission believes that it is appropriate to delete these two special districts and replace them with the regulations proposed for the LMD. The new district will supplant these existing districts and facilitate development that is in keeping with the existing character of the area. A full consideration of this issue appears in the related amendment of the Zoning Resolution N 980314 ZRM.

THE SPECIAL SOUTH STREET SEAPORT DISTRICT

The Commission believes that this special district should be incorporated into the new LMD. The Special South Street District will become a subdistrict of the LMD and provide for the same transferring and receiving sites for the Seaport development rights that are now available. A full consideration of this issue appears in the related amendment of the Zoning Resolution N 980314 ZRM.

REZONING THE C5-3CR DISTRICT ON THE EAST RIVER TO C4-6

In reviewing the existing underlying zoning along the waterfront, the Commission determined that the bulk regulations of the existing C5-3 CR district for piers 9 through 13 were not appropriate for this area and that a lower density district would be more appropriate. The area to the north and south is zoned C4-6 which allows for a maximum commercial floor area ratio of 3.4 and a maximum residential floor area ratio of 10.0. The Commission believes this C4-6 zoning district is more in keeping with the desired level of development for the area, more consistent with the provisions of waterfront zoning and should be mapped for the area. Furthermore, the Commission believes that the proposed maximum floor area ratio of 3.4 for the C4-6 districts mapped within the LMD is appropriate to preclude excessive development along the waterfront.

REZONING THE C6-4CR DISTRICT ON GREENWICH STREET TO C6-9

The Commission believes it is appropriate to change the C6-4CR zoning within the Special Greenwich Street Development District to C6-9. The current zoning district is the only one in New York City where a district with a floor area ratio of 10.0 may be increased to 18.0 and where the provisions of Section 35-70 (Special Provisions for Certain Mixed Buildings) apply. The Commission notes that the as-of-right increase from a maximum floor area ratio of 10.0 to an adjusted maximum floor area ratio of 15.0 can be accomplished through the provision of elective pedestrian circulation improvements or special lot improvements. The elective pedestrian circulation improvements are as-of-right improvements to the pedestrian circulation system in the district and are not limited to those on the site receiving the bonus.

Special lot improvements are as-of-right bonusable elements that relate to the provision of amenities on the development site. The Commission believes that the nature and development potential of this area is in keeping with the adjacent zoning districts with a maximum floor area ratio of 15.0, and that it will be developed over time to more closely resemble its surroundings. The Commission also notes that the achievable density will not be increased under this zoning change, and that pedestrian circulation space requirements and other urban design controls will become mandatory.

REZONING THE C6-4 DISTRICT ON BATTERY PLACE TO C5-5

The Commission has determined that this area, which lies entirely within the bed of mapped streets, should be rezoned so that it is consistent with the mapping of the surrounding area. The Commission believes that this change will make the zoning map more consistent by eliminating this small zoning district.

THE TRIBECA MIXED-USE DISTRICT

The Commission believes that the abbreviations used for the existing Lower Manhattan Mixed-Use District (LMM) and the proposed Lower Manhattan District (LMD) could be confused. Therefore, the Commission supports changing the name of the LMM to the Tribeca Mixed-Use District (TMU), to more accurately represent the location of the district. The Commission also believes it is appropriate to make coterminous the boundaries of the Lower Manhattan economic incentive program and the Lower Manhattan District. Therefore, the boundary of the TMU will be moved one block northward from Park Place to Murray Street.

DELETING THE "CR" SUFFIXES

Certain areas within the proposed LMD have an underlying zoning of C6-4CR, C5-3 CR, C5-5CR, C6-9CR. This suffix allows development in those districts to use the provisions of Section 35-70 (Special Provisions for Certain Mixed Buildings). The LMD contains density provisions based on the minimum average dwelling unit size that obviate the need for the

density provisions of Section 35-70. Additionally, the LMD contains requirements relating to the provision of non-bonusable tenant recreation space for buildings that increase the residential floor area ratio from 10.0 to 12.0. The Commission believes that the new density controls in conjunction with the requirements for tenant recreation space eliminate the need for the use of Section 35-70 in Lower Manhattan and that therefore the "CR" suffixes could be eliminated.

RESOLUTION

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

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

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

- 1) changing from a C5-3CR District to a C5-3 District property bounded by:
 - a) Park Place, a line 150 feet west of Broadway, Chambers Street, Broadway, Fulton Street, Church Street, Vesey Street, and West Broadway; and
 - b) the center line of former Fulton Street, South Street, Pine Street, Front Street, Maiden Lane, and Water Street;
- 2) changing from a C5-3CR District to a C4-6 District property bounded by a line 910

feet easterly of the southerly prolongation of the westerly street line of Old Slip (southwest portion), the U. S. Pierhead Line of the East River, the southerly prolongation of the westerly street line of Old Slip (southwest portion), and South Street;

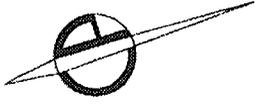
- 3) changing from a C5-5CR District to a C5-5 District property bounded by Church Street, Fulton Street, Broadway, Park Row, Beekman Street, a line 100 feet southeasterly of Nassau Street, John Street, Water Street, the former center line of Coenties Slip East, South Street, a line 110 feet northwesterly of the U.S. Bulkhead Line of the Upper Bay, the southerly boundary line of Battery Park, the easterly boundary line of Battery Park and the northerly prolongation of its straight portion, Battery Place, West Street and its southerly prolongation, Morris Street and its easterly prolongation, Greenwich Street, Liberty Street, Trinity Place, Morris Street, Broadway and its east fork, Beaver Street, Beaver Street/Wall Street Court, Pearl Street/Wall Street Court, Pearl Street, Maiden Lane, and Cortlandt Street;
- 4) changing from a C6-4CR District to a C6-9 District property bounded by Liberty Street, Greenwich Street, Morris Street and its easterly prolongation, and West Street;
- 5) changing from a C6-4 District to a C5-5 District property bounded by Battery Place, the northerly prolongation of the straight portion of the easterly boundary line of Battery Park, the northerly boundary line of Battery Park, and the southerly prolongation of West Street;
- 6) changing from a C6-9CR District to a C6-9 District property bounded by Maiden Lane, Front Street, Pine Street, South Street, the former center line of Coenties Slip East, and Water Street;

- 7) eliminating a Special Tribeca Mixed Use District (TMU)(formerly the Special Lower Manhattan Mixed Use District (LMM)) bounded by Murray Street, a line 150 feet west of Church Street, Park Place, and Greenwich Street;
- 8) eliminating a Special Greenwich Street Development District (G) bounded by Liberty Street, Church Street, Cortlandt Street, Broadway and its east fork, Whitehall Street, Bridge Street, State Street, Battery Place, and West Street;
- 9) eliminating a Special Manhattan Landing Development District (MLD) bounded by South Street, Pine Street, Front Street, Maiden Lane, Water Street, Pearl Street, Brooklyn Bridge, South Street and its westerly prolongation, the prolongation of the east street line of Pike Slip, the U.S. Pierhead Line of the East River, and the southerly boundary line of Battery Park;
- 10) eliminating a Special South Street Seaport District(S) bounded by Water Street, Pearl Street, Dover Street, South Street, a line 100 feet easterly of the southerly prolongation of the easterly street line of Beekman Street, the U.S. Pierhead Line of the East River, the southerly prolongation of the westerly street line of Old Slip (southwest portion), South Street, Pine Street, Front Street and Maiden Lane; and
- 11) establishing a Special Lower Manhattan District (LMD) bounded by Murray Street and its westerly prolongation, Broadway, Chambers Street, Centre Street and its southwesterly prolongation, the center line of the Brooklyn Bridge and its northwesterly prolongation, the U. S. Pierhead Lines of the East River, Upper Bay, and Hudson River, the southerly boundary line of George Soilan Park, and the U.S. Bulkhead Line of the Hudson River;

as shown on a diagram (for illustrative purposes only) dated February 9, 1998 (C 980315 ZMM), Borough of Manhattan, Community Districts 1 and 3.

The above resolution (C 980315 ZMM), duly adopted by the City Planning Commission on July 20, 1998 (Calendar No. 4), 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.

JOSEPH B. ROSE, Chairman
VICTOR G. ALICEA, Vice-Chairman
ALBERT ABNEY, IRWIN G. CANTOR, P.E.,
KATHY HIRATA CHIN, ESQ., ANTHONY I. GIACOBBE, ESQ.,
WILLIAM J. GRINKER, BRENDA LEVIN,
EDWARD T. ROGOWSKI, JACOB B. WARD, ESQ., Commissioners

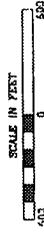


CITY PLANNING COMMISSION
CITY OF NEW YORK

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

[Signature]
Director of Technical Review

New York, Certification Date
February 9, 1998



- NOTE:**
- Indicates Zoning District boundary.
 - The area enclosed by the dotted line is proposed to be changed from C6-4, C5-3CR, C5-5CR, C6-4CR, C6-8CR Districts to C5-3, C4-6, C5-5 and C6-9 Districts, eliminating G, S, MLD and TMU Districts and establishing an LMD District
 - Indicates a Special Lower Manhattan District
 - Indicates a Special Tribeca Mixed Use District (formerly a Special Lower Manhattan Mixed Use District (LMM)).
 - Indicates a City Environmental Quality Review Declaration. refer to C.E.Q.R. sheet Restrictive Declaration For Detail refer to R D Sheet.

