

TECHNICAL MEMORANDUM -- TM 001
Special Garment Center Text Amendment
CEQR No. 17DCP149M
December 19, 2018

A. INTRODUCTION

On June 8, 2018, the New York City Department of City Planning (DCP), acting as lead agency for the City Planning Commission (CPC), issued a Negative Declaration for the Garment Center Text Amendment Environmental Assessment Statement (EAS). The EAS considered a series of discretionary actions proposed by DCP, together with the NYC Economic Development Corporation (EDC), to the New York City Zoning Resolution (ZR), Article XII, Chapter 1, Special Garment Center District (SGCD) which is intended to meet the City's goal of preserving the Garment Center as both a hub for the fashion industry as well as a center for a variety of types of office space for a diversity of businesses across an array of industries. One of these zoning text changes would apply to the entire SGCD and others would only affect a portion of the SGCD. The SGCD, established in 1987, encompasses eight full blocks and five partial blocks located within the area generally bounded by W. 40th Street, Broadway, W. 35th Street, and a line extending 100 feet east of Ninth Avenue.

These discretionary actions are intended to: (1) remove restrictions on conversion of floor area from manufacturing and warehousing to office use which now exist on sites in SGCD Preservation Areas P1 and P2; (2) in the C6-4M portion of the SGCD prohibit conversion of manufacturing and warehousing space in existing buildings of 70,000 square feet or larger to residential or dormitory community facilities; (3) establish a special permit to allow new hotel uses in the SGCD, i.e. hotel uses would not be allowed as-of-right; (4) change height and setback regulations in the M1-6 portion of the SGCD to create a more contextual envelope for new buildings; (5) subject the M1-6 portion of the SGCD to C6-4 sign regulations and prohibiting flashing signs in the C6-4M district; and (6) prohibit Use Group 18 in the M1-6 portion of the SGCD.

Following the publication of the EAS, modifications to the proposed actions were made by the CPC, as noted in the CPC Report (ULURP No. N180373 ZRM). The proposed amendment to the ZR, as modified by the CPC, differs from the Proposed Modified Zoning Text included in the EAS. These modifications were comprised of editorial and formatting changes for clarity purposes and do not alter the analysis or conclusions presented in the EAS. The CPC adopted the proposed actions (with modifications, the "Approved Actions") on October 31, 2018 and referred the application to the City Council.

Since the CPC's adoption of the Approved Actions, potential modifications have been identified as under consideration by the City Council. The potential City Council modifications (the "Potential Modifications") are summarized below.

This technical memorandum examines whether the Potential Modifications would result in any new significant adverse environmental impacts that were not identified in the EAS and Negative Declaration. As set forth below, this technical memorandum concludes that the Potential Modifications by the City Council would not result in any new or different significant adverse impacts and would not alter the conclusions of the EAS or Negative Declaration.

B. DESCRIPTION OF THE POTENTIAL MODIFICATIONS

The Potential Modifications consist of clarifying the proposal by removing the special permit requirements for transient hotels for buildings where the following four criteria are met:

- The building is subject to anti-harassment and demolition regulations in Subdistrict A-2;
- The New York City Department of Housing Preservation and Development (HPD) issued a certification of no harassment for such building, that was in effect on June 11, 2018;
- The building is enlarged and a portion of the building's enlargement is subsequently converted to residences, provided all new hotel rooms are located in the enlarged portion of the building, and
- The non-enlarged portion of the building contains only permanently affordable residences pursuant to a regulatory agreement enforceable by HPD, except for hotel lobbies and accessory uses located below the second story.

The zoning text associated with the Potential Modifications is contained in Appendix 1.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL MODIFICATION

The Potential Modifications exclude sites that meet the four above-referenced criteria from the affected area, so that the special permit requirements for transient hotels would no longer apply to them. The Potential Modification is development neutral (i.e. it would not be expected to induce or preclude development that would be expected to otherwise occur on an as-of-right basis).

Neither the three Projected Development Sites nor the two Potential Development Sites considered in the EAS would meet the four criteria described above, and the Potential Modifications would not facilitate or preclude development of additional sites not already considered in the EAS. Accordingly, the Potential Modifications would not alter the assumptions established to determine the With Action Condition assessed prototypically or in the conceptual analysis in the EAS; and would not result in any changes to the analyses presented in the EAS in connection with the Approved Actions.

D. CONCLUSION

The Potential Modifications by the City Council would not be expected to result in any new significant adverse impacts, or alter the conclusions identified in the EAS and Negative Declaration.

APPENDIX 1

POTENTIAL CITY COUNCIL MODIFICATIONS



THE COUNCIL
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December 18, 2018

Honorable Marisa Lago, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: Application No.: N 180373 ZRM (L.U. No. 269)

Special Garment Center Text Amendment

Dear Chair Lago:

On December 18, 2018, the Land Use Committee of the City Council, by a vote 17-0-0 for Application N 180373 ZRM, recommended modifications of the City Planning Commission's decision in the above-referenced matter.

Pursuant to Section 197-d(d) of the City Charter and Section 11.70 of the Rules of the Council, I hereby file the proposed modifications with the Commission:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 3
Special Hudson Yards District

* * *

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Definitions

* * *

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Area P-2 Subdistrict A-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the center line of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, the area bounded by the westerly side of Eleventh Avenue, the southerly side of West 43rd Street, the westerly side of Twelfth Avenue and the northerly side of West 33rd Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use. Furthermore, the #Hudson Yards Redevelopment Area# shall not include any underground connections from a subway station to any #use# located on such excluded #blocks# or between any such #uses#.

* * *

93-23 **Modifications of Inclusionary Housing Program**

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P-2 Subdistrict A-2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

* * *

93-232 **Floor area increase in Subdistricts B, C, D and E, and Preservation Area P-2 Special Garment Center District Subdistrict A-2**

Within Subdistricts B, C, D and E, and Preservation Area P-2 Subdistrict A-2 of the #Special

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Garment Center District#, the provisions of Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

* * *

93-31
District Improvement Fund Bonus

In Area P-2 Subdistrict A-2 of the #Special Garment Center District# and in the #Special Hudson Yards District#, except in Subdistrict F, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Sections 93-21, 93-22 or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed and recorded and that, thereafter, a contribution has been deposited in the #Hudson Yards District Improvement Fund#. The execution and recording of such instruments and the payment of such non-refundable contribution shall be a precondition to the filing for or issuing of any building permit allowing more than the basic maximum #floor area# for such #development# or #enlargement#.

* * *

93-80
OFF-STREET PARKING REGULATIONS

* * *

93-81
Definitions

Hudson Yards parking regulations applicability area

The “Hudson Yards parking regulations applicability area” is comprised of Subdistricts A, B, C, D and E of the #Special Hudson Yards District#, the 42nd Street Perimeter Area of the #Special Clinton District# and Area P-2 Subdistrict A-2 of the #Special Garment Center District#.

* * *

93-90

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HARASSMENT

(a) Definitions

(1) Anti-harassment area

“Anti-harassment area” shall mean the #Special Hudson Yards District# and Area P-2 Subdistrict A-2 of the #Special Garment Center District#.

* * *

93-91 **Demolition**

The Department of Buildings shall not issue a permit for the demolition of a #multiple dwelling#, as defined in Section 93-90 (HARASSMENT), paragraph (a)(14), located within Subareas D4 or D5 in the Hell’s Kitchen Subdistrict D or within Area P-2 Subdistrict A-2 of the #Special Garment Center District#, or an alteration permit for the partial demolition of a #multiple dwelling# located within Subareas D4 and D5 or within Preservation Area P-2 Subdistrict A-2 of the #Special Garment Center District#, where such partial demolition would decrease the amount of #residential floor area# in such #multiple dwelling# by 20 percent or more, unless:

* * *

ARTICLE XII **SPECIAL PURPOSE DISTRICTS**

Chapter 1 **Special Garment Center District**

121-00 **GENERAL PURPOSES**

The “Special Garment Center District” established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes, to:

- (a) retain adequate wage and job-producing industries within the Garment Center;
- (b) to preserve provide an opportunity for apparel production and showroom space in

~~designated areas of the Garment Center;~~

- (c) ~~to limit conversion of manufacturing space to office use in designated areas of the Garment Center;~~
~~to preserve a variety of types of space for a diversity of businesses that service the Garment Center and the City;~~
- (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent Special Hudson Yards District;
- (e) to establish an appropriate urban scale and visual character ~~for wide streets~~ within the Garment Center; and
- (f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

121-01 **General Provisions**

~~In harmony with the general purposes of the #Special Garment Center District# the signage requirements of this Chapter shall apply to any #development#, #enlargement#, alteration, #extension#, #conversion# or change of #use#. The #use# regulations of this Chapter shall apply to any #conversion#, change of #use# and #extension#. Special #bulk# regulations apply within Preservation Area P 2. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.~~

The provisions of this Chapter shall apply within the #Special Garment Center District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

121-02 **District Plan (Appendix A)**

~~The District Plan (Appendix A) for the #Special Garment Center District# shows Preservation Areas, indicated by "P 1" and "P 2." Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.~~

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The regulations of this Chapter are designed to implement the #Special Garment Center District# Plan. The District Plan includes the following map:

Special Garment Center District and Subdistricts

The map is located in Appendix A of this Chapter and is hereby incorporated and made an integral part of this Resolution. It is incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

121-03
Subdistricts

In order to carry out the purposes and provisions of this Chapter, two Subdistricts, A-1 and A-2, are established within the #Special Garment Center District#. The location of the Subdistricts are shown on the map (Special Garment Center District and Subdistricts) in Appendix A of this Chapter.

121-10
PRESERVATION AREA SPECIAL USE REGULATIONS

The #use# regulations of the applicable underlying district shall apply except as set forth in this Section.

121-11
Special Use Regulations Transient Hotels and Offices

- (a) In Preservation Area P 1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change of #use# to a Use Group 6B #use# is permitted, subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).
- (b) In Preservation Area P 2, for #buildings# with less than 70,000 square feet of #floor area# on January 19, 2005, the underlying #use# regulations shall apply, except that the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the #conversion# to #dwelling units# of #non-residential buildings#.

(e) ~~In Preservation Area P 2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, permitted #uses# are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, a change to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113. For portions of such #buildings converted# to #dwelling units#, the provisions of Sections 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such #conversions#. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.~~

In the #Special Garment Center District#, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission pursuant to Section 121-70 (Special Permit for Transient Hotels).

However, a special permit shall not be required for a #transient hotel# operated exclusively for a the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.

Furthermore, for a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

Any #transient hotel# existing prior to [date of adoption] within the #Special Garment Center#, shall be considered a conforming #use#. Any #enlargement# or #extension# of such existing conforming #use# shall not require a special permit. In the event a casualty damages or destroys a #building# within the #Special Garment Center District# that was used as a #transient hotel# as of [date of adoption], such #building# may be reconstructed and continue as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the #floor area# permitted pursuant to the provisions of Section 121-31 (Maximum

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Permitted Floor Area Within Subdistrict A-1) or Section 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), as applicable.

(d) In Preservation Area P- Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section 32-15 (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

121-111
Use Group A

~~Changes of #use# to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P 1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P 2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.~~

In Use Group 6A:

~~All #uses#~~

In Use Group 6C:

~~All #uses# except loan offices, telegraph offices and travel bureaus~~

In Use Group 6D:

~~All #uses#~~

In Use Group 9A:

~~Blueprinting or photostatting establishments~~

~~Musical instrument repair shops~~

~~Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production~~

~~Typewriter or other small business machine sales, rentals or repairs~~

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In Use Group 12B:

All #uses#
Additional #uses#:

#Accessory uses#

Automobile-rental establishments

~~#Public parking lots# and #public parking garages#, pursuant to the provisions of Article I, Chapter 3 (Comprehensive Off Street Parking and Loading Regulations in the Manhattan Core)~~

~~Wholesale establishments, with a minimum of 15 percent of #accessory# storage~~

~~Wholesale showrooms~~

121-112

Use Group B

~~Changes of #use# to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113. In Preservation Area P 1, in the case of a change of #use# of #floor area# to a Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the #floor area# preservation requirements. In Preservation Area P 2, in the case of a change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.~~

In Use Group 11A:

~~Art needlework, hand weaving or tapestries~~

~~Books, hand binding or tooling~~

~~Ceramic products, custom manufacturing~~

~~Clothing, custom manufacturing or altering for retail~~

~~Hair products, custom manufacturing~~

~~Jewelry manufacturing from precious metals~~

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In Use Group 16A:

~~Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units~~

~~Tool, die, or pattern making establishments or similar small machine shops~~

In Use Group 16D:

~~Packing or crating establishments~~

~~Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment~~

~~Warehouses~~

In Use Group 17B:

~~All #uses#~~

Additional #Uses#:

~~#Accessory uses#~~

121-113

Floor area preservation

~~In Preservation Area P 1, the change of #use# of #floor area# to Use Group 6B #use# after March 26, 1987, and, in Preservation Area P 2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations is permitted only by certification of the Chairperson of the City Planning Commission that #floor area# has been preserved subject to the provisions of Section 121-115 (Certification and other requirements of preservation and conversion) for #uses# specified in Section 121-112 (Use Group B).~~

~~The amount of #floor area# to be preserved shall be equal to the amount of #floor area# changed to a Use Group 6B #use# or any #use# permitted by the underlying #use# regulations, as applicable. Such #floor area# may be preserved in the same #building# or in any other comparable #building# in Preservation Areas P 1 or P 2, subject to the provisions of Section 121-114 (Comparability).~~

#Floor area# may not be preserved on portions of floors. If the #floor area# to be preserved includes a fraction of a floor, the next highest number of full floors must be preserved for a permitted #use# in Use Group B. At the time of such change of #use#, #floor area# to be preserved must either be vacant or occupied by a #use# in Use Group B.

121-114

Comparability

Where the #floor area# to be preserved is not located within the same #building# where the #use# will be changed, such #floor area# must be comparable to #floor area# in the #building# where the #use# will be changed. Comparability, shown by an affidavit from a professional engineer or a registered architect, licensed under the laws of the State of New York, shall exist where the #floor area# to be preserved meets the following criteria:

(a) Elevators: Load and number

(1) Load

Each elevator shall have a minimum load of 2,000 pounds. The total load of all elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

Total load	is greater than or equal to 90% of	Total load
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be occupied by the change of #use#

(2) Number

There shall be a minimum of two elevators. The number of elevators servicing the #floor area# to be preserved shall be in accordance with the following ratio:

Number of elevators	is greater than or equal to 90% of	Number of elevators
Gross #floor area# of #building# to be preserved		Gross #floor area# of #building# that will be

occupied by the change of
#use#

~~Notwithstanding the above, where there is only one elevator servicing the #floor area# to be occupied by the change of #use#, there may be one elevator servicing the #floor area# to be preserved if the following exist:~~

- (i) ~~the #floor area# to be serviced by the elevator in the #building# to be preserved does not exceed the #floor area# serviced by the elevator in the #building# to be occupied by the change of #use# by more than 10 percent; and~~
- (ii) ~~the ratio of the volume of the elevator servicing the #floor area# to be preserved to the #floor area# to be preserved is at least 90 percent of the ratio of the volume of the elevator servicing the #floor area# to be occupied by the change of #use# to the #floor area# to be occupied by the change of #use#. If the number of elevators required pursuant to the above ratio includes a fraction of an elevator, this fraction shall be rounded to the nearest whole number.~~

(b) ~~Floor load~~

~~The floors shall have a minimum live load capacity of 100 pounds per square foot (100 psf).~~

(c) ~~Size of floors~~

~~The #floor area# shall be located on floors of not less than 3,000 square feet or 50 percent of the size of the floors in the #building# to be occupied by the change of #use#, whichever is greater. #Floor area# may not be preserved on portions of floors.~~

(d) ~~Loading facilities~~

~~The loading facilities shall be at least equal in number to those in the #building# to be occupied by the change of #use#. In addition, if such #building# has an off street loading dock, the #building# containing the #floor area# to be preserved must have such off street loading facilities.~~

(e) ~~Column spacing~~

~~There shall be a minimum distance between columns of 16 feet, measured on center. In addition, the average distance between columns shall not be less than 90 percent of the average distance between columns in the #building# to be occupied by the change of #use#.~~

(f) ~~Height of #stories#~~

The #stories# shall have an average minimum height of ten feet.

121-115

Certification and other requirements of preservation and conversion

- (a) Prior to the issuance of an alteration permit for the change of #use# of #floor area# to Use Group 6B #use# in Preservation Area P 1, or the change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations in Preservation Area P 2, the Chairperson of the City Planning Commission shall certify compliance with the requirements of Section 121-113 (Floor area preservation), upon proof of a legal commitment to preserve and maintain the required #floor area# for a permitted #use# in Use Group B. Such legal commitment shall be executed by all parties having any interest in the #floor area# to be preserved as shown by a certificate issued by a title insurance company licensed to do business in the State of New York showing all such parties in interest.

A "party in interest" in the tract of land shall include only (W) the fee owner thereof, (X) the holder of any enforceable recorded interest superior to that of the fee owner and which could

result in such holder obtaining possession of all or substantially all of such tract of land, (Y) the holder of any enforceable recorded interest in all or substantially all of such tract of land which would be adversely affected by the preservation as required herein, and (Z) the holder of any unrecorded interest in all or substantially all of such tract of land which would be superior to and adversely affected by the preservation required herein and which would be disclosed by a physical inspection of the tract of land.

A copy of the legal commitment required herein shall be recorded in the Conveyances Section of the Office of the City Register of New York County upon certification.

- (b) The amount of #floor area# required to be preserved in any #building# pursuant to Section 121-113 shall not be reduced by the existence of a previously issued legal commitment for preservation on a portion of the #floor area# in the #building#.
- (c) If any #floor area# to be preserved for a #use# in Use Group B pursuant to Section 121-113 is damaged, destroyed or becomes unusable, it shall be repaired or reconstructed only in accordance with the conditions and restrictions set forth in the certification granted by the City Planning Commission and the legal commitment constituting part of such certification. Failure to comply with any other conditions and restrictions or failure to rebuild such preserved #floor area# set forth above shall constitute a violation of the certification and may constitute a basis for denial or revocation of the building permit or

certificate of occupancy issued for the #building# containing preserved #floor area#.

121-12

Conditions for Application of Preservation Area Regulations to Entire Zoning Lot C6-4M Districts in Subdistrict A-2

For the purposes of this Chapter, the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries) are hereby made inapplicable. In lieu thereof, #zoning lots# existing on March 26, 1987, divided by the boundary of the Preservation Area as shown in Appendix A shall be subject to the #use# regulations applicable to the district in which more than 50 percent of the #lot area# is located. However, #zoning lots# fronting on a #wide street# shall not be subject to the preservation requirements of this Chapter.

In the C6-4M District located within Subdistrict A-2, for #buildings# existing on January 19, 2005, the #use# regulations of the underlying district shall be modified as follows:

- (a) for #buildings# with less than 70,000 square feet of #floor area#, the provisions of Section 15-20 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS), inclusive, shall not apply to the #conversion# of non-#residential floor area# to #residences#. In lieu thereof, Section 15-10 (REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENCE AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS), inclusive, shall apply; and
- (b) for #buildings# with 70,000 square feet or more of #floor area#, the #conversion# of non-#residential floor area# to #residences#, or to college or school student dormitories and fraternity or sorority student houses shall not be permitted.
- (c) the following #uses# and #uses accessory# to such #uses# shall be allowed:

- (1) From Use Group 16A:

Household or office equipment or machinery repair shops, such as refrigerators, washing machines, stoves, deep freezers or air conditioning units

Tool, die or pattern making establishments or similar small machine shops

- (2) From Use Group 16D:

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Packing or crating establishments

Trucking terminals or motor freight stations, limited to 20,000 square feet of #lot area# per establishment

Warehouses

Wholesale establishments, with no limitation on #accessory# storage

(3) From Use Group 17B:

All #uses#

121-13

Authorization for Waiver of Floor Area Preservation Requirements M1-6 District in Subdistrict

A-1

~~In Preservation Area P 2, for #buildings# with 70,000 square feet or more of #floor area# existing on January 19, 2005, the City Planning Commission may authorize the #conversion# or change of #use# of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:~~

- (a) ~~the #floor area# to be occupied by the change of #use# has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to the date that a complete application has been filed with the Department of City Planning;~~
- (b) ~~the #conversion# or change of #use# will not harm the commercial and manufacturing sectors of the City's economy;~~
- (c) ~~the #conversion# or change of #use# will not harm the commercial and manufacturing character of the surrounding area;~~
- (d) ~~the process of #conversion# or a change of #use# will not unduly burden #commercial# and #manufacturing uses# in the #building#; and~~
- (e) ~~the neighborhood in which the #conversion# or change of #use# is taking place will not be excessively burdened by increased #residential# activity.~~

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In the M1-6 District located within Subdistrict A-1, #uses# listed in Use Group 18 shall not be permitted.

121-20
SIGN REGULATIONS

The following provisions apply on #wide streets# within the #Special Garment Center District#:

- (a) no #sign# shall project across the #street line# of a #wide street# more than 18 inches for double or multifaceted #signs# or 12 inches for other #signs#;
- (b) no canopies, marquees, or awnings shall be permitted on the exterior of any #building# with the exception of theaters or hotels;
- (c) where a permit is issued by the Department of Highways for the temporary display of banners/pennants across a #street# (or sidewalk) such banners/pennants shall be removed after 30 days of the issuance of the permit; and
- (d) no banners or pennants shall be permanently displayed from the exterior of any #building# unless the design of such banners or pennants has been approved by the Mayor's Fashion Industry Advisory Council.

For the purpose of this Section, any #signs# including canopies, marquees, awnings, banners or pennants which do not conform to the above regulations may be continued for one year after March 26, 1987, provided that after expiration of that period such #non conforming signs#, including canopies, marquees, awnings, banners or pennants shall terminate.

In the #Special Garment Center District#, all #signs# shall be subject to the regulations applicable in C6-4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS). However, in Subdistrict A-2, #flashing signs# shall not be permitted.

121-30
**SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2 WITHIN
SUBDISTRICT A-1**

The following special #bulk# regulations shall apply within Preservation Area P-2 Subdistrict A-1.

121-31

Maximum Permitted Floor Area Within Subdistrict A-1

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23, provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

The basic maximum #floor area ratio# of a #zoning lot# shall be as specified for the underlying district in Section 43-12 (Maximum Floor Area Ratio) and may be increased only pursuant to Section 43-13 (Floor Area Bonus for Public Plazas). No #public plaza#, or any part thereof, shall be permitted on or within 100 feet of a #wide street#. The provisions of Section 43-14 (Floor Area Bonus for Arcades) shall not apply.

121-32

Height of Street Walls and Maximum Building Height Within Subdistrict A-1

In Subdistrict A-1, the underlying height and setback regulations set forth in Sections 43-43 (Maximum Height of Front Wall and Required Front Setbacks) and 43-44 (Alternate Front Setbacks) shall not apply. In lieu thereof, the following provisions shall apply:

(a) **Height of #street walls# Street wall# location**

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent

#street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph, (a), provided that no #building# on the #zoning lot# exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph, (a).

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the maximum base height specified in paragraph (b) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#. In addition, the #street wall# location provision of this paragraph shall not apply along such #street line# occupied by a #public plaza# as set forth in Section 37-70 (PUBLIC PLAZAS).

(b) Maximum #building# height Base height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special

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~~Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and~~

- (2) ~~permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621, may penetrate the #sky exposure plane#.~~

~~On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.~~

(1) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and may rise to a maximum base height of 155 feet.

However, where the height of an existing adjacent #street wall# fronting on the same #street line# rises to a height exceeding 155 feet before setback, the maximum base height may be increased to the height of such existing adjacent #street wall# but shall not exceed a base height of 205 feet. In addition, where existing adjacent #street walls# on both sides of the #building# rise to a height exceeding 155 feet before setback, the maximum base height of such #building# may be increased to the higher of the two existing adjacent #street walls#, except in no instance shall the base height of such #building# exceed 205 feet.

(2) Along #narrow streets#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet and may rise to a maximum base height of 135 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may be applied along a #narrow street# beyond 50 feet of a #wide street#, up to a maximum of 100 feet from such #wide street#.

(c) Required setbacks

- (1) Along #wide streets#
For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(1) of this Section, shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”
- (2) Along #narrow streets#
For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, the portion of such #building# above the applicable maximum base height set forth in paragraph (b)(2) of this Section shall be set back from the #street wall# of the #building# at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. Above such required setback, any portion of a #building# on the #zoning lot# shall be considered a “tower.”
- (d) Tower Regulations
Each #story# of a tower above the required setback shall not exceed a maximum #lot coverage# of 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percent of #lot coverage# set forth in Section 43-451 (Towers on small lots).
- (e) Maximum #building# height
No height limit shall apply to towers.

121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

The following special #bulk# regulations shall apply within Subdistrict A-2, as shown on the map in Appendix A of this Chapter.

121-31-121-41
Maximum Permitted Floor Area Within Subdistrict A-2

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are

not #enlarged# after such date. For #zoning lots# containing #residences# within a #building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

121-32-121-42

Height of Street Walls and Maximum Building Height Within Subdistrict A-2

(a) **Height of #street walls#**

The #street wall# of any #building# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a minimum base height of 80 feet and a maximum base height of 90 feet before setback. However, if the height of an adjacent #street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet.

For #zoning lots#, or portions thereof, with #street# frontage of 25 feet or less and existing on June 29, 2010, a minimum base height lower than 80 feet shall be permitted along such #street# frontage in accordance with the following provisions:

- (1) where the height of an adjacent #street wall# fronting on the same #street line# is at least 60 feet and less than 80 feet, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#; or
- (2) where the height of an adjacent #street wall# fronting on the same #street line# is less than 60 feet, the #street wall# of the new or #enlarged building# may rise without setback to a minimum #street wall# height of 60 feet.

The #street wall# of any #building# may rise to a height less than the minimum base height required pursuant to this paragraph (a), provided that no #building# on the #zoning lot#

exceeds such height, except where such #building# is located on a #zoning lot# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding the minimum base height required pursuant to this paragraph (a).

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64 (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (2) permitted obstructions, as listed in Section 33-42, may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts), may penetrate the #sky exposure plane#.

On a #zoning lot# with frontage of at least 200 feet along at least one #street#, up to 20 percent of the #aggregate width of the street wall# facing such #street#, for a maximum width of 50 feet, may be recessed to a maximum depth of 15 feet from the #street line#, provided the recessed area is located a minimum of 20 feet from an adjacent #building# and that a minimum of 60 percent of such area is planted with any combination of grass, ground cover, shrubs, trees or other living plant material in the ground or in planters permanently affixed to the ground.

121-40 121-50
PARKING PROVISIONS FOR PRESERVATION AREA P-2 SUBDISTRICT A-2

Within Preservation Area P-2 Subdistrict A-2, as shown on the map in Appendix A of this Chapter, the underlying parking provisions shall not apply. In lieu thereof, the parking regulations of the #Special Hudson Yards District#, as set forth in Section 93-80 (OFF-STREET PARKING REGULATIONS) shall apply.

121-50-121-60

SUPPLEMENTAL REGULATIONS IN PRESERVATION AREA P-2 ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2

In Preservation Area P-2 Subdistrict A-2, the provisions of Section 93-90 (HARASSMENT) and Section 93-91 (Demolition), inclusive, shall apply.

121-70

SPECIAL PERMIT FOR TRANSIENT HOTELS

In the #Special Garment Center District#, the City Planning Commission may permit a #transient hotel# as listed in Use Group 5, including #motels#, #tourist cabins# or #boatels# as listed in Use Group 7, that is not otherwise permitted pursuant to Section 121-10 (SPECIAL USE REGULATIONS), provided that:

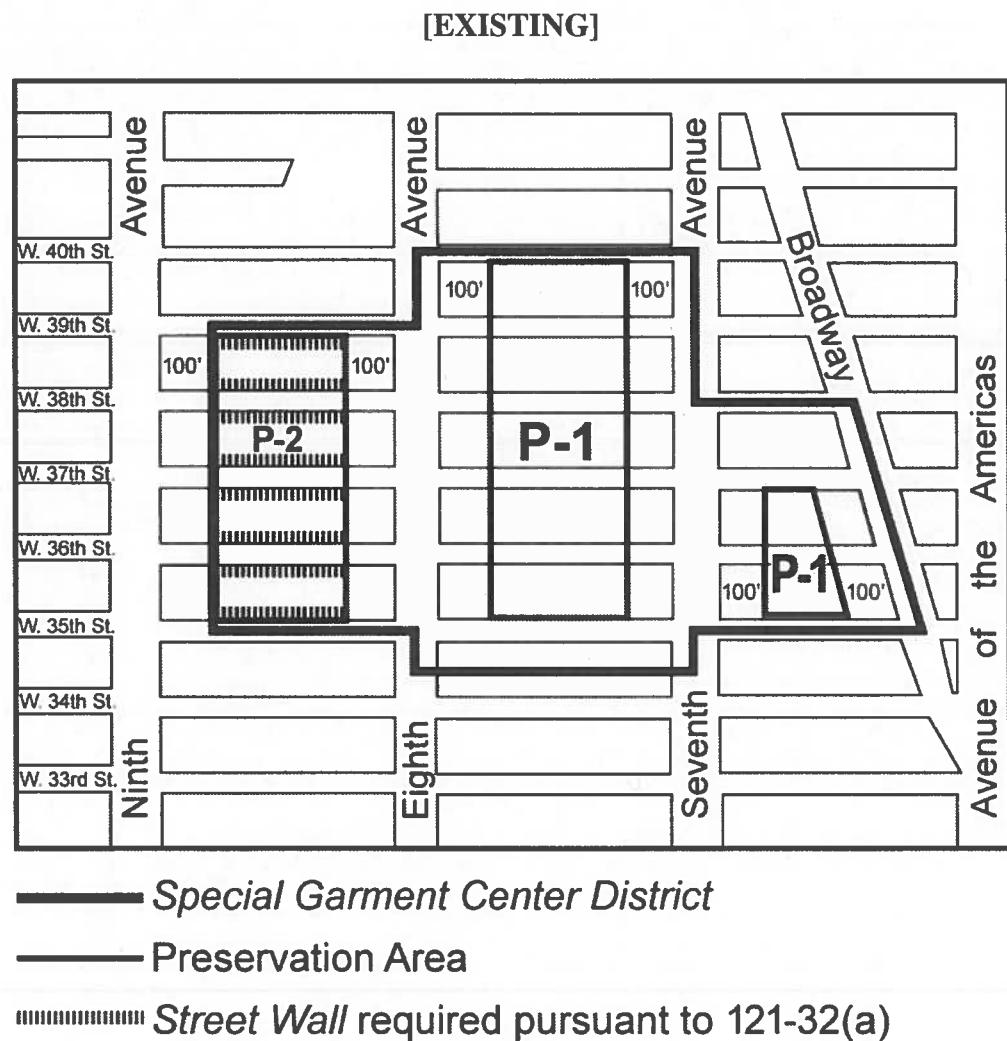
- (a) the location of such #transient hotel# within the Special District will not impair the achievement of a diverse and harmonious mix of #commercial#, #manufacturing# and #community facility uses# within Subdistrict A-1 and of #residential#, #commercial#, #manufacturing# and #community facility uses# in Subdistrict A-2, consistent with the applicable district regulations;
- (b) the site plan for such #transient hotel# demonstrates that the design is appropriate, does not impair the character of the area and incorporates elements that are necessary to address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the orientation of the #building# and landscaping;
- (c) such #transient hotel use# will not cause undue vehicular or pedestrian congestion on local #streets; and
- (d) such #transient hotel use# is consistent with the planning objectives of the Special District;

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

Appendix A

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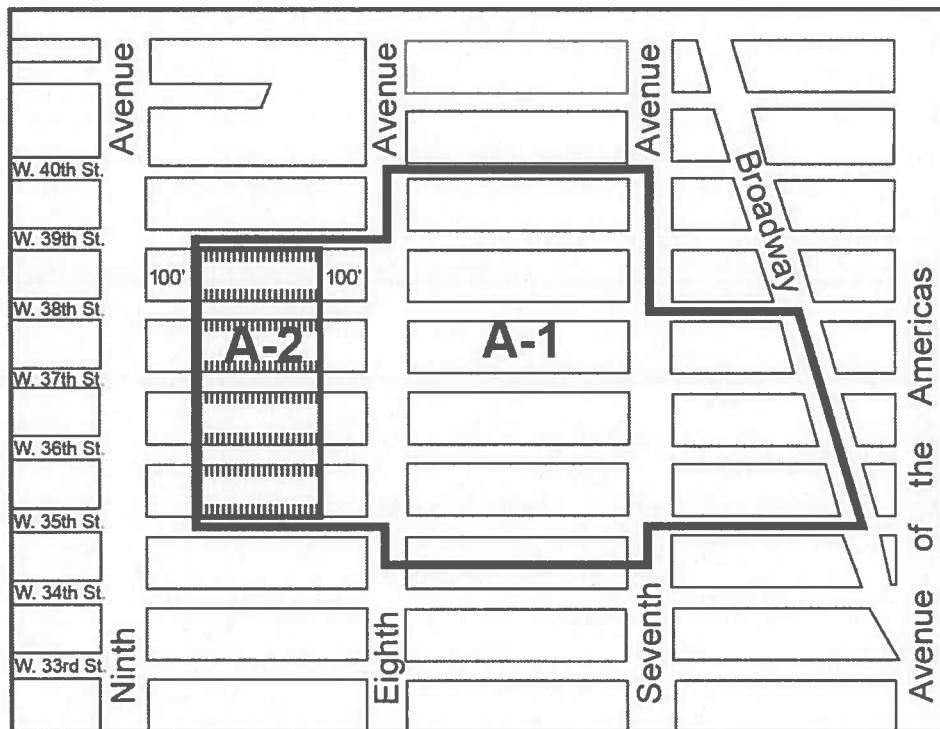
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Special Garment Center District and Subdistricts

[PROPOSED]



— #Special Garment Center District#

A-1 Garment Center Subdistrict A-1

A-2 Garment Center Subdistrict A-2

*****#Street Wall# required pursuant to 121-42 (a)

* * *

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Please feel free to contact me at (212) 482-5185 if you or your staff have any questions in this regard.

Sincerely,



Julie Lubin
General Counsel

JL:mcs

RECEIVED BY: _____

DATE: _____

TIME: _____

C: Members, City Planning Commission
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