

APPENDIX A

**PROPOSED SPECIAL ZONING DISTRICT TEXT
AND CONCEPTUAL ANALYSIS**

APPENDIX A.1

SPECIAL ZONING DISTRICT TEXT

Proposed Special Manhattanville Mixed Use District

Matter in Graytone or Underlined is new, to be added;

Matter in ~~Strikeout~~ is old, to be deleted;

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

* * * indicate where unchanged text appears in the Zoning Resolution

[5 18 07]

11-12

Establishment of Districts

* * *

Establishment of the Special Madison Avenue Preservation District

* * *

Establishment of the Special Manhattanville Mixed Use District

In order to carry out the special purposes of this Resolution as set forth in Article X, Chapter 4, the #Special Manhattanville Mixed Use District# is hereby established.

* * *

12-10

Definitions

* * *

Special Madison Ave Preservation District

* * *

The “Special Manhattanville Mixed Use District” is a Special Purpose District designated with the letters “MMU” in which regulations set forth in Article X, Chapter 4, apply. The #Special Manhattanville Mixed Use District# appears on #zoning maps# superimposed on other districts and, where indicated, its regulations supplement, modify and supersede those of the districts on which it is superimposed.

* * *

14-44

Special Zoning Districts Where Certain Sidewalk Cafes are Permitted

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes#, however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
Manhattan		
Battery Park City District	Yes	Yes
Clinton District	Yes	Yes
Limited Commercial District	No	No*
Lincoln Square District	No	Yes
Little Italy District	No	Yes
Lower Manhattan District	No	Yes**
<u>Manhattanville Mixed Use District</u>	<u>No***</u>	<u>Yes</u>
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

* #Unenclosed sidewalk cafes# are allowed on Greenwich Avenue

** #Unenclosed sidewalk cafes# are not allowed on State, Whitehall or Chambers Streets or Broadway

*** #Enclosed sidewalk cafes# are allowed in Subdistrict B only.

* * *

ALL TEXT IN ARTICLE X, CHAPTER 4, IS NEW

Article X: SPECIAL PURPOSE DISTRICTS

Chapter 4

Special Manhattanville Mixed Use District

104-00

GENERAL PURPOSES

The “Special Manhattanville Mixed Use 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) encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) support a variety of community facility, commercial and manufacturing uses;
- (c) provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;
- (e) facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) expand local employment opportunities;
- (i) recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

104-01

Definitions

Definitions specifically applicable to this Chapter are set forth in this Section. The definitions of other defined terms are set forth in Section 12-10 (DEFINITIONS).

Lower street wall

“Lower street wall” is that portion of the #street wall# of a #building# that extends from grade to a minimum prescribed height above the highest elevation of the #street# frontage of the #building# on each #street#.

Mandatory widened sidewalk

A “mandatory widened sidewalk” is a paved area along the #front lot line# of a #zoning lot# at the same elevation as the adjoining sidewalk and directly accessible to the public at all times. Mandatory widened sidewalks are shown on Map 3 (Widened Sidewalk Lines) in Appendix A to this Chapter.

Mandatory widened sidewalk line

A “mandatory widened sidewalk line” is the boundary line of the #mandatory widened sidewalk# shown on Map 3 in Appendix A of this Chapter.

Upper street wall

“Upper street wall” is that portion of the #street wall# of a #building# that extends from the #lower street wall# to the maximum #building# height set forth for each Parcel in the Base Plane and Building Height Table in Appendix B of this Chapter, or the height of the #building#, whichever is less.

104-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #use# within the #Special Manhattanville Mixed Use 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.

104-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Manhattanville Mixed Use District# Plan.

The District Plan includes the following maps and illustrative diagrams in Appendix A of this Chapter:

- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Street Wall Types and Locations
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas

The District Plan includes the following table in Appendix B of this Chapter:

Base Plane and Building Height Table

These maps, diagrams and table are hereby incorporated and made part of this Resolution for the purpose of illustrating requirements or specifying locations where the special regulations and requirements set forth in the text of this Chapter apply.

104-04

Subdistricts

In order to carry out the provisions of this Chapter, three subdistricts are established, as follows:

Subdistrict A – Academic Mixed Use Area

Subdistrict B – Waterfront Area

Subdistrict C – Mixed-Use Development Area

The location of the Subdistricts of the #Special Manhattanville Mixed Use Special District# are specified on Map 1 in Appendix A of this Chapter.

104-05

Applicability of Article I, Chapter 1

Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:

- (a) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
- (b) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.

104-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive:

104-11

Residential Use Modifications

The #residential use# regulations of the underlying C6-1 District are modified as follows:

- (a) In Subdistrict A, a #residential use# may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) only in accordance with the certification provisions of Section 104-14; and
- (b) In Subdistrict B, no #residential use# shall be permitted.

104-12

Community Facility Use Modifications

The #community facility use# regulations of the underlying C6-1 District are modified as follows:

- (a) In Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in, or share a common wall with, a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:

College or school student dormitories or fraternity or sorority student houses

Domiciliary care facilities for adults

Nursing homes and health-related facilities

Philanthropic or non-profit institutions with sleeping accommodations

Monasteries, convents or novitiates

Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#

Non-profit or voluntary hospitals and related facilities;

- (b) In Subdistrict B, #uses# listed in Use Groups 3 and 4 are limited to 5,000 square feet of #floor area# per establishment.

104-13

Commercial and Manufacturing Use Modifications

In Subdistricts A, B and C, the #commercial# and #manufacturing use# regulations of the underlying C6 Districts are modified as set forth in Sections 104-131 (Use Group 14) and 104-132 (Use Groups 16, 17 and 18):

104-131

Use Group 14

In Subdistrict B, #uses# listed in Use Group 14 are permitted.

104-132

Use Groups 16, 17 and 18

In Subdistricts A, B and C, the following #uses# in Use Groups 16, 17 and 18 are permitted, subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS).

Such #uses# may locate in, or share a common wall with, a #building# containing a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications), only in accordance with the certification provisions of Section 104-14:

From Use Group 16A:

Animal hospitals or kennels

Automobile, motorcycle, trailer or boat sales, enclosed only

Carpentry, custom woodworking or custom furniture making shops

Motorcycle or motor scooter rental establishments, enclosed only

Trade schools for adults

From Use Group 16B:

Automobile, truck, motorcycle or #trailer# repairs

Automobile laundries, provided that the #zoning lot# contains reservoir space for not less than ten automobiles per washing lane

#Automotive service stations#, open or enclosed, provided that facilities for lubrication, minor repairs or washing are permitted only if located within a completely enclosed building

From Use Group 16C:

Commercial or public utility vehicle storage, open or enclosed, including accessory motor fuel pumps

Public transit yards, open or enclosed, including accessory motor fuel pumps

From Use Group 16D:

Moving or storage offices, with no limitation as to storage or #floor area# per establishment
Warehouses

Wholesale establishments, with no limitation on #accessory# storage

From Use Group 17A:

Produce or meat markets

From Use Group 17B:

Advertising displays

Apparel or other textile products, from textiles or other materials, including hat bodies or similar products

Ceramic products, including pottery, small glazed tile or similar products
Food products, except slaughtering of meat or preparation of fish for packing
Leather products, including shoes, machine belting or similar products
Luggage
Musical instruments, including pianos or organs
Optical equipment, clocks or similar precision instruments
Perfumes or perfumed soaps, compounding only
Printing or publishing, with no limitation on #floor area# per establishment
Scenery construction
Textiles, spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread or cordage
Toys
Wood products, including furniture, boxes, crates, baskets, pencils, cooperage works or similar products

From Use Group 17C:

Public transit, railroad or electric utility substations, open or enclosed, with no limitation as to size

From Use Group 18A:

Manufacturing of beverages, alcoholic or breweries

104-14

Certification Requirements

In Subdistrict A, a #use# listed in Section 104-132 (Use Groups 16, 17 and 18) and a #residential use# or a #community facility use# with sleeping accommodations listed in Section 104-12 (Community Facility Use Modifications) may locate in the same #building# or share a common building wall only upon certification by a licensed architect or a professional engineer to the Department of Buildings stating that the #commercial# or #manufacturing use#:

- (a) does not have a New York City or New York State environmental rating of “A,” “B” or “C” under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

104-15

Ground Floor Use and Frontage Regulations

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development#

or change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level measured to a depth of at least 30 feet, or the depth of the #building#, whichever is less, shall be limited to #uses# listed in Section 104-16 (Use Group MMU). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

All such #developments#, #enlargements# and changes of #use# on the ground floor of a #building or other structure# (other than a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 in Appendix A) shall comply with the transparency requirements of Section 104-41.

104-16

Use Group MMU

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

From Use Group 3
Libraries, museums or non-commercial art galleries

From Use Group 4A
Community centers or settlement houses
Ambulatory diagnostic or treatment health care facilities
Non-commercial recreation centers

From Use Group 6A
Bakeries, provided that #floor area# used for production shall be limited to 750 square feet per establishment
Barber shops
Beauty parlors
Drug stores
Dry cleaning or clothes pressing establishments or receiving stations dealing directly with ultimate consumers, limited to 2,000 square feet of #floor area# per establishment, and provided that only solvents with a flash point of not less than 138.2 degrees Fahrenheit shall be used, and total aggregate dry load capacity of machines shall not exceed 60 pounds
Eating or drinking establishments, including those which provide outdoor table service or have music for which there is no cover charge and no specified show time
Food stores, including supermarkets, grocery stores, meat markets or delicatessen stores
Hardware stores
Laundry establishments, hand or automatic self-service
Liquor stores, package

Post offices
Shoe or hat repair shops
Stationery stores
Tailor or dressmaking shops, custom
Variety stores, limited to 10,000 square feet of #floor area# per establishment

From Use Group 6B

Veterinary medicine for small animals, provided all activities are conducted within a completely #enclosed building#

From Use Group 6C

Antique stores
Art galleries, commercial
Artists' supply stores
Automobile supply stores, with no installation or repair services
Banks
Bicycle sales
Book stores
Candy or ice cream stores
Carpet, rug, linoleum or other floor covering stores, limited to 10,000 square feet of #floor area# per establishment
Cigar or tobacco stores
Clothing or clothing accessory stores, limited to 10,000 square feet of #floor area# per establishment
Clothing rental establishments, limited to 10,000 square feet of #floor area# per establishment
Dry goods or fabrics stores, limited to 10,000 square feet of #floor area# per establishment
Eating or drinking establishments with entertainment, but not dancing, with a capacity of 200 persons or less
Eating or drinking establishments with musical entertainment, but not dancing, with a capacity of 200 persons or less
Electrolysis studios
Fishing tackle or equipment, rental or sales
Florist shops
Furniture stores, limited to 10,000 square feet of #floor area# per establishment
Furrier shops, custom
Gift shops
Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment
Jewelry or art metal craft shops
Leather goods or luggage stores
Loan offices
Locksmith shops
Medical or orthopedic appliance stores
Millinery shops
Music stores
Newsstands, open or enclosed

Optician or optometrist establishments
Paint stores
Pet shops
Photographic equipment or supply stores
Photographic studios
Picture framing shops
Record stores
Seed or garden supply stores
Sewing machine stores, selling household machines only
Shoe stores
Sporting or athletic stores
Stamp or coin stores
Telegraph offices
Television, radio, phonograph or household appliance stores, limited to 10,000 square feet
of #floor area# per establishment
Toy stores
Travel bureaus
Typewriter stores
Wallpaper stores
Watch or clock stores or repair shops

From Use Group 7B

Bicycle rental or repair shops
Moving or storage offices, with storage limited to items for retail sale and to 1,500 square feet of
#floor area# per establishment
Refreshment stands
Sign painting shops, limited to 2,500 square feet of #floor area# per establishment
Venetian blind, window shade or awning shops, custom, limited to 2,500 square feet of #floor
area# per establishment

Use Group 8A (all uses)

From Use Group 8B

Lumber stores, limited to 5,000 square feet of #floor area# per establishment, exclusive of that
#floor area# used for office and display area, and provided that not more than 400 square
feet of #floor area# shall be used for cutting of lumber to size
Television, radio, phonograph or household appliance repair shops
Upholstering shops dealing directly with consumers

From Use Group 9A

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and
with no preparation of vehicles or boats for delivery
Clothing or costume rental establishments
Musical instrument repair shops

Plumbing, heating or ventilating equipment showrooms, without repair facilities
Printing establishments, limited to 2,500 square feet of #floor area# per establishment for production
Public auction rooms
Studios, art, music, dancing or theatrical
Typewriter or other small business machine sales, rental or repairs
Umbrella repair shops

From Use Group 10A

Clothing or clothing accessory stores, limited to 20,000 square feet of floor area per establishment
Office or business machine stores, sales or rental
Variety stores, limited to 20,000 square feet of floor area per establishment

From Use Group 12B

Antique stores
Art gallery, commercial
Book stores
Candy or ice cream stores
Cigar and tobacco stores
Delicatessen stores
Drug stores
Gift shops
Jewelry or art metal craft shops
Music stores
Newsstands
Photographic equipment stores
Record stores
Stationery stores
Toy stores

From Use Group 17A

Produce or meat markets, wholesale

From Use Group 17B

Ceramic products, including pottery, small glazed tile, or similar products

#Accessory uses# to all the above uses are permitted.

#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.

104-17

Modification of Article VII, Chapter 4 (Special Permits by the City Planning Commission)

The provisions of Section 74-48 (Scientific Research and Development Facility) shall not apply in the #Special Manhattanville Mixed Use District#.

104-20 SPECIAL BULK REGULATIONS

In Subdistricts A, B and C, the #bulk# regulations of the underlying C6 Districts, as modified in this Chapter, shall apply to any #development#, #enlargement# and change of #use# pursuant to Section 104-26 (Change of Use).

The #floor area ratio#, #open space ratio# and #lot coverage# regulations applicable in the underlying C6 Districts are modified as set forth in Sections 104-21 through 104-25. No #floor area# bonuses shall be permitted.

Special provisions regulating change of #use# in #non-complying buildings# are set forth in Section 104-26.

The height and setback regulations of the underlying C6 Districts are superseded as set forth in Sections 104-30 through 104-34, inclusive.

104-21 Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply:

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall not exceed 80 percent. However, there shall be no maximum #lot coverage# for any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCES BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

104-22

Maximum Floor Area Ratio and Lot Coverage for Community Facility Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #community facility uses# shall be 6.0.

In Subdistrict B, the maximum #floor area ratio# permitted for #community facility uses# shall be 2.0.

#Lot coverage# requirements for #community facility uses# shall not apply.

104-23

Maximum Floor Area Ratio for Commercial Uses

In Subdistricts A and C, the maximum #floor area ratio# permitted for #commercial uses# shall be 6.0, except that the maximum #floor area ratio# for #uses# in Use Group 16 listed in Section 104-32 (Use Groups 16, 17 and 18) shall be 2.0.

In Subdistrict B, the maximum #floor area ratio# permitted for #commercial uses# shall be 2.0.

104-24

Maximum Floor Area Ratio for Manufacturing Uses

In Subdistricts A, B, and C, the maximum #floor area ratio# permitted for #manufacturing uses# shall be 2.0.

104-25

Maximum Floor Area Ratio for Mixed Buildings

When more than one #use# is located on a #zoning lot#, the maximum #floor area ratio# permitted for any #use# on a #zoning lot# shall not exceed the maximum permitted for such #use# as set forth in Sections 104-21 through 104-24, inclusive, provided the total of all such #floor area ratios# does not exceed the maximum #floor area ratio# permitted for any such #use# on the #zoning lot#.

104-26

Change of Use

(a) Change to Residential

Notwithstanding the provisions set forth in Section 34-222 (Change of use) and in the last paragraph of Section 35-31 (Maximum Floor Area Ratio for Mixed Buildings) regarding the applicability of #floor area ratio# and #open space ratio# regulations to a change from a non-#residential use# to a #residential use# in a #building# in existence on December 15, 1961, such conversions of non-#residential buildings# shall be permitted

only if such #buildings# comply with all of the #bulk regulations for #residential# or #mixed buildings#.

(b) Change to Non-Residential

In Subdistrict A, the provisions of Section 54-31 (General Provisions) shall not apply. In lieu thereof, a #use# listed in Use Groups 16, 17 or 18 located in a #non-complying building or other structure# may be changed to:

- (1) a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), subject to the performance standards for an M1 District set forth in Section 42-20 (PERFORMANCE STANDARDS), and subject to Section 104-14 (Certification Requirements), if applicable, or
- (2) a #community facility use# or an office #use# listed in Use Group 6B.

The #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the regulations set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS) shall not apply to the changes of #use# set forth in paragraph (b) of this Section.

The provisions of paragraph (b) of this Section, shall apply to Blocks A and C, as shown on Map 2 (Subdistrict A Block Plan) in Appendix A to this Chapter and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building Height) through December 31, 2015, and to all other Parcels and Blocks in Subdistrict A through December 31, 2030. Beginning on January 1, 2016, with respect to Blocks A and C and Parcel D4, and beginning on January 1, 2031, with respect to Parcels D1, D2, and D3, as shown on Map 5, and Blocks E, F, G, and H, as shown on Map 2, the provisions of paragraph (b) of this Section shall lapse, and the #bulk# regulations of the underlying C6 District as modified by the #Special Manhattanville Mixed Use District# and the requirements set forth in Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS), shall apply to the changes of #use# set forth in paragraph (b) of this Section.

104-30

SPECIAL HEIGHT AND SETBACK REQUIREMENTS

In the #Special Manhattanville Mixed Use District#, the height and setback regulations of the underlying C6 Districts shall not apply. In lieu thereof, the height and setback provisions of this Section 104-30, inclusive, shall apply in C6 Districts.

In Subdistrict A, the height of all #buildings or other structures# shall be measured from #base planes#. However, the provisions for establishing #base planes# set forth in Section 12-10 (DEFINITIONS) shall not apply. In lieu thereof, #base planes# are specified for each Parcel as shown on Map 5 (Parcel Designation and Maximum Building Height), in Appendix A of this Chapter. The level of the #base plane# is designated for each such Parcel in Appendix B.

Wherever a #mandatory widened sidewalk line# is shown on Map 3 (Widened Sidewalk Lines), such line shall be used instead of the #street line# for all purposes of Section 104-30 et seq.

The City Planning Commission may modify, by special permit, the special height and setback requirements of this Section pursuant to Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT).

104-31

Maximum Building Height

In Subdistrict A, the maximum #building# height, by Parcel, is shown on Map 5 in Appendix A and specified in Appendix B. In Subdistricts B, C and the Other Area East of Broadway, the maximum #building# heights are shown on Map 5 in Appendix A. No #building# shall exceed the maximum #building# height set forth in such Map or Appendix B.

104-32

Rooftop Regulations

104-321

Mechanical equipment

Mechanical equipment, open or enclosed, may be located on the roof of a #building# in accordance with the following provisions:

- (a) Mechanical equipment shall not exceed the maximum height of mechanical equipment specified for each Parcel as set forth in Appendix B to this Chapter and shall be measured from the roof level of the highest #story# of the #building#. Such mechanical equipment may penetrate the maximum #building# height specified for each Parcel as set forth in Appendix B.
- (b) Such mechanical equipment shall be set back at least 10 feet from the #upper street wall# of the #building#. In addition, such equipment shall not penetrate a #sky exposure plane# that begins at the point of intersection of the roof and the #upper street wall# of the #building#, and rises over the #building# at a slope of 2.7 feet of vertical distance for each foot of horizontal distance, except for permitted obstructions set forth in Section 104- 322. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#.
- (c) Such mechanical equipment shall not overhang any recess in the #building wall# that is open to the sky.

104-322

Permitted Obstructions

The following shall not be considered obstructions and thus may penetrate the applicable maximum #building# height and the applicable maximum height for mechanical equipment set forth in Appendix B to this Chapter, and may also penetrate the #sky exposure plane# set forth in Section 104-311 (Mechanical equipment). Within 50 feet of the #upper street wall#, the width of such obstructions shall be limited in total to 10 percent of the #aggregate width of street walls# of a #building#, per #street# frontage, at any level above the maximum level of mechanical equipment as set forth in Section 104-311. Beyond 50 feet from the #upper street wall#, the permitted obstructions may occupy an area not to exceed 30 percent of the #building# coverage at the ground level. Where portions of the #upper street wall# are located at different distances from the #street line# or #mandatory widened sidewalk line#, whichever is applicable, the portion used to establish such reference line shall be the portion that occupies the greatest area of such #upper street wall#. However, in no event shall such obstructions be located within 10 feet of the #upper street wall#.

Flagpoles or aerials;

House of worship towers, ornamental, having no #floor area# in portion of tower penetrating such #sky exposure plane#;

Parapet walls, not more than four feet high;

Spires or belfries;

Wire, chain link or other transparent fences;

Antennae and structural support thereto;

Railings;

Chimneys, flues, intake and exhaust vents limited to a #lot coverage# of 900 square feet with neither length nor width of any single such obstruction, nor the total length or width of all such obstructions, greater than 30 feet ;

Pipes and supporting structures;

Window washing equipment; and,

Elevator and stair bulkheads to a maximum height of 15 feet above the permitted maximum height of mechanical equipment.

104-33

Mandatory Street Walls

Eight types of mandatory #street walls# are established in the #Special Manhattanville Mixed Use District#, the regulations for which are set forth in Sections 104-331 through 104-338. Map 4 (Street Wall Types and Locations) and Map 5 (Parcel Designation and Maximum Building Height), in Appendix A to this Chapter, specify locations where such regulations apply. The mandatory #street wall# requirements shall apply to any #development# and the #enlarged# portion of an existing #building#, except as set forth in paragraph (c) of this Section.

In Subdistrict A, the mandatory #street walls# specified as Street Wall Types 1, 3 and 4 consist of a #lower street wall# and an #upper street wall#, except that for #buildings# fronting on a #wide street# that do not exceed a height of 85 feet, and for #buildings# fronting on a #narrow street# that do not exceed a height of 60 feet , such #street wall# may in its entirety comply with the rules for an #upper street wall# .

(a) #Lower Street Wall#

- (1) For Parcels D1, E1, F1, G1, G2 and H, the #lower street wall# is that portion of the #street wall# that extends from grade to a minimum height of 15 feet above the highest elevation of the #street# frontage of the #building# on Broadway and a maximum height of 55 feet above such elevation for each #street# frontage. For #buildings# without frontage on Broadway, the #lower street wall# shall be measured from the highest elevation of each such #street# frontage of such #building#;
- (2) For Parcels A, C1, C4, D4, E4 and F4, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 55 feet above the highest elevation of such #street# frontage of such #building#;
- (3) For Parcels C2, C3, D2, E2, E3, F2 and F3, the #lower street wall# of each #street# frontage of a #building# is that portion of the #street wall# that extends from grade to a minimum height of 20 feet and a maximum height of 45 feet above the highest elevation of such #street# frontage of such #building#. For the purposes of this Section, Parcel C2 shall be considered to have frontage only on West 130th Street.

(b) #Upper Street Wall#

For all Parcels, the #upper street wall# is that portion of the #street wall# that extends from the #lower street wall# to the maximum #building# height set forth in Appendix B, or the height of the #building#, whichever is less.

- (c) The mandatory #street wall# requirements shall not apply to vertical #enlargements# of one #story# not exceeding 15 feet in height.

104-331

Type 1 Street Wall Location

Type 1 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located anywhere within five feet of the #street line# for at least 70 percent of the #street frontage# of the Parcel and shall rise without setback to a minimum height of 85 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least 2 feet but no more than 10 feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 70 percent of the #street# frontage of the Parcel. For Parcels D1, E1, F1, G1, G2 and H, the height of the #lower street wall# shall be not less than twice the depth of the setback of the #lower street wall# from the #upper street wall#, but not less than 15 feet.

- (c) No #street wall# location regulation shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.
- (d) At least 20 percent of the area of an #upper street wall# facing Broadway shall be recessed to a minimum depth of 10 feet.
- (e) The #street wall# provisions of this Section 104-331, may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-332

Type 2 Street Wall Location

Type 2 #street walls#, as shown on Map 4, shall comply with the provisions of either paragraphs (a) or (b) of this Section:

- (a) For #street walls# fronting on #wide streets#, the #street wall# shall be located within five feet of the #street line# or the #mandatory widened sidewalk line#, whichever is applicable. For #street walls# fronting on #narrow streets#, the #street wall# shall be located between two and five feet of the #mandatory widened sidewalk line#. All such #street walls# shall rise without setback to a minimum height of 45 feet, or the height of the #building#, whichever is less, and shall extend along at least 70 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply to #street walls# facing West 130th Street, and the provisions of Section 104-331 (Type 1 Street Wall Location) shall apply to #street walls# facing West 125th Street.
- (c) No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of the Parcel.

104-333

Type 3 Street Wall Location

Type 3 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within two feet of the 12th Avenue #mandatory widened sidewalk line#, and shall extend along no more than 70 percent of the length of the #mandatory widened sidewalk line# of the Parcel. Any #upper street wall# located on the remaining portion of the #street# frontage of the Parcel shall be set back from the 12th Avenue #widened sidewalk line# by a minimum distance of either:
 - (1) 20 feet, if such setback area faces both 12th Avenue and a #narrow street#, or
 - (2) 10 feet if such setback area faces only 12th Avenue.

- (b) The #lower street wall# shall be located at the same distance from the #mandatory widened sidewalk line#, or set back not more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section, and shall extend along at least 80 percent of the length of such required #upper street wall#. No #street wall# location regulations shall apply to that portion of the #lower street wall# frontage that exceeds 56 percent of the #street# frontage of a Parcel.
- (c) The #street wall# provisions of this Section 104-333, may apply along a #narrow street# within 100 feet of its intersection of a #wide street#.

104-334

Type 4 street wall location

Type 4 #street walls#, as shown on Map 4, shall comply with the provisions of this Section:

- (a) The #upper street wall# shall be located within five feet of the #street line# or #mandatory widened sidewalk line#, as applicable. Such #street wall# shall extend along at least 50 percent of the length of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable and shall rise without setback to a minimum height of 60 feet above #curb level#, or the height of the #building#, whichever is less.
- (b) The #lower street wall# shall be set back at least two feet but no more than ten feet from the #upper street wall# required pursuant to paragraph (a) of this Section and shall extend along at least 50 percent of the #street line# or #mandatory widened sidewalk line# of the Parcel, as applicable.
- (c) No #street wall# location regulation shall apply to that portion of the #street# frontage that exceeds 50 percent of the #street# frontage of a Parcel.

104-335

Type 5 street wall location

Type 5 #street walls#, as shown on Map 4, shall comply with the provisions of paragraphs (a) or (b) of this Section:

- (a) The #street wall# shall be located within two feet of the #street line# or the #mandatory widened sidewalk line#, as applicable, and shall rise without setback to a minimum height of 45 feet or the height of the #building# whichever is less. Such required #street walls# shall extend along at least 50 percent of the length of the #street line# or the #mandatory widened sidewalk line# of the Parcel, as applicable; or
- (b) Where the #lower street wall# is set back from the #upper street wall#, the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply.
- (c) No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 50 percent of the #street# frontage of a Parcel.

104-336

Type 6 street wall location

#Street wall# Type 6 shall be located at or within three feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 60 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

104-337

Type 7 street wall location

On Parcel 1 in Subdistrict B, #street wall# Type 7 shall be located at or within three feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 130 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

104-338

Type 8 street wall location

#Street wall# Type 8 shall be located at or within 10 feet of the #street line# and shall extend along at least 70 percent of the length of the #street line# of the Parcel, and may rise to a maximum height of 120 feet. No #street wall# location regulations shall apply to that portion of the #street# frontage that exceeds 70 percent of the #street# frontage of a Parcel.

104-34

Street Wall Recesses

Recesses are permitted for architectural, decorative or functional purposes, provided that such recesses comply with the provisions of this Section:

For portions of the #lower street wall# required pursuant to the provisions of Section 104-33, the maximum area of recesses shall not exceed 30 percent of the area of such required #lower street wall# and the maximum depth of such recesses shall not exceed three feet.

For that portion of the #upper street wall# required pursuant to the provisions of Section 104-33, and located below a height of 85 feet on a #wide street# and 60 feet on a #narrow street#, the maximum area of recesses shall not exceed 30 percent of the area of such portion of the #upper street wall# and the maximum depth of such recesses shall not exceed three feet. However, the regulation limiting the maximum depth of such recesses to three feet set forth in this paragraph, shall not apply to the recesses required in paragraph (d) of Section 104-331.

104-40

SPECIAL URBAN DESIGN REGULATIONS

The special urban design regulations of this Chapter include ground floor transparency requirements, and requirements for six different types of open areas that are accessible to the public, as described below, and shown on Maps 3 (Widened Sidewalk Lines) and 7 (Mandatory

Open Areas), in Appendix A of this Chapter.

104-41

Street Wall Transparency Requirements

Within Subdistricts A and B, the transparency requirements of paragraph (a) of this Section, subject to the modifications of paragraph (b) of this Section, as applicable, shall apply to #developments#, changes of #use# on the ground floor of a #building or other structure#, and #enlargements# that increase the #floor area# of the ground floor by more than 25 percent, but shall not apply to a change of #use# on the ground floor of a #building# located on Parcels E2 or G2, as shown on Map 5 in Appendix A of this Chapter.

- (a) On all #streets#, at least 70 percent of the surface of the #street wall# shall be glazed, and at least 50 percent of the area of each such #street wall# shall be transparent to a minimum height of the ceiling of the ground floor, or not less than 15 feet above the finished level of the adjacent sidewalk, whichever is lower. The glazing material shall be highly transparent, with low reflectivity. Above this height, and to the top of the #lower street wall#, the #street wall# surface shall be 50 percent glazed and 30 percent transparent. Door or window openings within such walls shall be considered as transparent. Each such opening shall have a minimum width of two feet.
- (b) For #street walls# where the provisions of Section 104-332 (Type 2 Street Wall Location) apply, the required glazing at the ground floor shall apply to the minimum height of the ceiling of the ground floor, or not less than 20 feet above the finished level of the adjacent sidewalk, whichever is lower.
- (c) For #street walls# in Subdistrict B, the transparency requirements of paragraph (a) of this Section shall apply to a height not more than 15 feet above the finished level of the adjacent sidewalk.

104-42

Open Areas

All mandatory open areas as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter and all open areas adjacent thereto up to the #street wall# required pursuant to the provisions of Section 104-33 (Mandatory Street Walls) shall comply with the urban design regulations of Section 104-42 through 104-43, inclusive, and shall be open and unobstructed except as specified.

104-421

Mandatory widened sidewalks and adjacent areas

- (a) Map 3 (Widened Sidewalk Lines) in Appendix A of this Chapter, specifies the locations of #mandatory widened sidewalks#. The depth of such #mandatory widened sidewalks#

shall be as indicated on Map 3 and specified in this Section, and shall be measured perpendicular to the #street line#. #Mandatory widened sidewalks# shall be constructed at the same level as the adjoining public sidewalks and shall be accessible to the public at all times. The portions of all #mandatory widened sidewalks# used for pedestrian circulation shall be improved as sidewalks to Department of Transportation standards.

- (b) Within #mandatory widened sidewalks#, landscaping and other amenities shall be permitted. However, no fences shall be permitted, no planters shall be higher than 2½ feet above the finished level of the adjacent sidewalk, and all trees shall be planted flush to grade.
- (c) Adjacent area at grade between lower street wall and sidewalk

Where the #lower street wall#, or the #street wall# if no #lower street wall# is required, is set back from the #mandatory widened sidewalk line# or the #street line#, whichever is applicable, the entire surface area of the ground located between the #street wall# and the public sidewalk shall comply with the standards of paragraphs (a) and (b) of this Section. Such areas may be covered and may include columns and other elements not specifically excluded pursuant to paragraph (b) of this Section.

- (d) Additional regulations shall apply to the following areas and conditions:

- (1) Narrow #streets#

The #mandatory widened sidewalks# located along #narrow streets# shall be five feet wide. A paved walking path not less than 10 feet wide, which may include the public sidewalk, shall be provided. The paving surface shall be of a non-skid material, whether wet or dry.

- (3) 12th Avenue

The #mandatory widened sidewalks# located along 12th Avenue, as shown on Map 7, shall be 30 feet wide and include a 15 foot wide area adjacent to the #street line# for the provision of an open market and a walking surface with a minimum clear path of 15 feet adjacent to the market area. The walking surface shall be of a non-skid material, whether wet or dry.

- (i) Permanent, fixed elements, such as landscaping and seating, with a minimum coverage of five percent of the market area, shall be required.

- (ii) The following obstructions shall be permitted:

Temporary, moveable elements with a maximum coverage of 30 percent of the market area per #zoning lot#, such as:

- Market umbrellas;
- Carts, kiosks or pavilions, open or enclosed;

Retail structures, open;
Seating and other street furniture.

104-422

Midblock Open Areas

Midblock Open Areas shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. However, no Midblock Open Area is required on any #block# that is not developed as a single #zoning lot#. The Midblock Open Areas shall have a minimum width of 50 feet clear and open to the sky, except that the Midblock Open Area located adjacent to Parcel C3 may have a width of 45 feet above a height of 20 feet above the grade of such Midblock Open Area. Below a height of 20 feet, awnings attached to #buildings# may project up to five feet into the Midblock Open Area.

All Midblock Open Areas shall have a minimum clear path of 15 feet and shall be improved as paved surfaces of a non-skid material, whether wet or dry. A minimum of ten percent and a maximum of 50 percent of each Midblock Open Area shall be improved with landscape treatment, including planting and other amenities. No fences shall be permitted. No walls or planters shall be higher than 2 ½ feet above the finished level of the adjacent sidewalk.

The full width of each Midblock Open Area shall be improved and open to the public prior to applying for and receiving a temporary certificate of occupancy for any #development# adjacent to such area. However, up to 10 feet of the length of a Midblock Open Area may be temporarily enclosed within a construction fence for the shortest period of time reasonably necessary to permit construction in the adjacent area.

For #buildings# adjacent to the Midblock Open Areas, other than a #building# located on Parcel E2 as shown on Map 5 in Appendix A, building walls fronting on such Open Areas shall be transparent for 50 percent of the area of each such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#. Door or window openings within such wall shall be considered as transparent. Each such opening shall have a minimum width of two feet.

104-423

East/West Open Area

An East/West Open Area shall be provided as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. The East /West Open Area shall have:

- (a) a minimum width of 60 feet and shall be open to the sky;
- (b) a minimum clear path of 15 feet, which shall be improved as a paved surface of a non-skid material, whether wet or dry; and
- (c) a minimum of ten percent of its area improved with landscape treatment, including

planting and other amenities. No walls or planters shall be higher than 2 ½ feet above the finished level of the adjacent sidewalk.

Exhaust shafts with a minimum height of 15 feet, and stair bulkheads with a maximum height of 20 feet, shall be permitted, provided such obstructions do not exceed 10 percent of the area of the East/West Open Area.

The full width of the East/West Open Area shall be improved and open to the public, prior to applying for and receiving a temporary certificate of occupancy for any new #development# adjacent to such area.

104-424

The Square

Area of the Square

If Block D is developed as a single #zoning lot#, an open area known as “the Square,” with a minimum area of 40,000 square feet, shall be provided, connecting West 130th and West 131st Streets, as shown on Map 7 (Mandatory Open Areas) in Appendix A of this Chapter. This minimum area shall not include either the Midblock Open Area on Block D, or the area of the #mandatory widened sidewalks# on the West 130th and 131st Street frontages adjacent to the Square.

The Square shall be used for open space accommodating both passive recreation and limited active recreation.

Building Transparency

The bounding building wall on the west side of the Square shall be transparent for 50 percent of the area of such wall, measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#. Door or window openings within such wall shall be considered as transparent. Each such opening shall have a minimum width of two feet.

Circulation and Access

No fences or gates shall be permitted anywhere in the Square.

An unimpeded pedestrian access, with a minimum width of 15 feet, shall be provided across the Square in a generally diagonal direction in the north/south orientation, connecting the two narrow streets, with both ends located a minimum of 100 feet from the Midblock Open Area on Block D.

The Square shall provide minimum unobstructed access from the adjoining sidewalks for at least 50 percent of the length of each street frontage of the Square. No single fixed element, within 15 feet of the #street line# of the Square, shall have a dimension greater than 15 feet or be higher than 30 inches, measured from the finished level of the adjacent sidewalk. The clear path between obstructions shall be at least three feet; however, to qualify as an unobstructed access that contributes to the 50 percent requirement set forth in this paragraph, a minimum width of five feet is required.

Elevation of the Square

The elevation of the Square shall generally follow the adjacent topography. Within fifteen feet of the #street line#, the elevation of the Square, for a minimum of 50 percent of the length of each frontage on a #street#, shall have a maximum slope of 1:15. Beyond fifteen feet from the #street line#, all open areas in the Square, including rolling or bermed lawn areas, may vary but shall not be more than five feet above or one foot below the level of the adjoining sidewalk or natural topography. Paved areas shall not be higher than 2½ feet above the level of the nearest adjoining sidewalk.

Permitted Obstructions

No walls or planters shall be higher than 2½ feet above the finished level of the adjacent sidewalk. No planters or planter walls shall be higher than 18 inches above the level of the adjacent grade.

Permanent structures, such as food or information kiosks, pavilions or public restrooms, may be placed in the Square, provided they do not exceed a height of 20 feet, or occupy more than three percent of the area of the Square.

Temporary or movable amenities, including elements such as trellises, movable tables, game tables, play equipment and performance facilities, are permitted, not to exceed 10 percent of the area of the Square.

Seating

Seating shall be provided for no fewer than 200 people. A minimum of 75 percent of the required seating shall be fixed; up to 25 percent may be movable. Every 2½ linear feet of fixed seating shall be considered as seating for one person.

The following standards shall apply to all required seating:

- (a) fixed seating may be provided in the form of double-sided benches;
- (b) 50 percent of the fixed seats shall have backs; such backs shall be not less than 14 inches high;
- (c) fixed seating shall be between 16 inches and 18 inches in height, with a minimum depth of 18 inches measured from the edge to the back; and
- (d) All seating shall be made of durable material and shall be comfortable to sit on, with rounded edges of at least 1 inch radius.

However, other types of seating, such as the top of natural stones and rocks and edges of planters and fountains, may count toward the required amount of seating if such seating has a minimum depth of 22 inches and is between 16 and 18 inches in height.

At least 20 percent of the required seating shall be provided within 15 feet of the #street line# of the Square fronting all #streets# and the adjacent Midblock Open Area, and arranged to

encourage a variety of uses. If such Midblock Open Area is provided with seating, that frontage of the Square may be exempt from this requirement. Seating provided in the adjacent Midblock Open Area may count towards the required seating for the Square.

General Requirements for Trees and Planting

A minimum of 50 percent of the Square shall be landscaped with soft ground cover. Soft ground cover shall include trees, grasses, shrubs and other ornamental planting material. The remaining 50 percent of the Square may be paved as hard surface.

At least 30 percent of the area of the Square shall contain a continuous planting area, with minimum soil depth of five feet. Berming is allowed provided that the height of the berm is not greater than five feet above the level of the adjoining sidewalk.

Trees

A minimum of 30 trees is required. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet. Trees shall be planted in continuous planted areas that have a minimum depth of four feet and a minimum area of 500 square feet of soil. All trees shall be planted flush to grade.

Planting

Seasonal planting is encouraged but not required. When planting beds are provided, they can be counted towards meeting the requirement for soft ground cover. Planting beds shall have a minimum soil depth of two feet for grass or other similar ground cover and three feet for shrubs.

Other Required Amenities

Racks shall be provided for a minimum of 100 bicycles. Such racks shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Four drinking fountains, two of which shall be fully accessible for children and people with disabilities, shall be provided in the Square or on the sidewalks, #mandatory widened sidewalks# or Midblock Open Area adjacent to the Square.

Not less than 40 cubic feet of trash receptacles shall be provided. Individual containers shall not be smaller than 2½ cubic feet each. However, there shall be no fewer than ten containers, at least three of which shall be for used for recycling paper, plastic and metal waste. Such recycling containers shall be located in the Square within 10 feet of the #street line# or, if outside the Square, on any open area facing the Square.

Permitted Amenities

Permitted amenities include such elements as artwork and water features, which may occupy up to 10 percent of the area of the Square.

Public Space Signage

At least four entry and two information plaques shall be provided. The content and design of such #signs# shall comply with the standards for public space #signs# set forth in the Zoning Resolution. Information about the Square may be provided on the entry plaques.

Vents Facing the Square

On any building wall adjacent to and facing the Square, exhaust or air intake vents shall be located higher than 15 feet above the level of the Square.

Vents and Stairs in the Square

Exhaust or air intake vents and stair bulkheads shall not be permitted in the Square, except as authorized by the City Planning Commission, subject to the following conditions:

- (a) The top of the exhaust or intake vent shall be a minimum of 20 feet above the adjacent grade;
- (b) No single element shall be more than 200 square feet; and
- (c) The aggregate area occupied by all vents and stair bulkheads shall not exceed one percent of the area of the Square.

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

- (1) placement of such elements cannot be reasonably accommodated elsewhere on the #zoning lot#; and
- (2) such vents and stair bulkheads are located so as to minimize impact on the visibility, accessibility and public use and enjoyment of the Square.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the Square.

104-425

The Small Square

If Block C is developed as a single #zoning lot#, an open area known as the “Small Square,” with a minimum area of 10,000 square feet, shall be provided as a passive open space, connecting West 129th and West 130th Streets. It shall be improved with paved surfaces of a non-skid material, whether wet or dry. No fences or walls shall be permitted in the Small Square.

The bounding building walls on all #buildings# abutting the Small Square shall be transparent for 50 percent of the area of the portion of each such wall measured from the finished level of the adjacent pavement to the height of the ceiling of the second #story#.

The Small Square shall be landscaped with a minimum of eight trees. Such trees shall measure at least four inches in caliper at the time of planting, except that trees which are multi-stem varieties shall have a minimum height of eight feet, and shall be planted in soil with a minimum

depth of four feet. All trees shall be planted flush to grade.

A minimum of 30 moveable seats shall be provided at all times; additional moveable or fixed seating may be provided.

104-426
The Grove

If Block A is #developed# as a single #zoning lot#, an open area known as “the Grove,” with a minimum area of 400 square feet, shall be provided as a passive open space connecting West 125th and West 129th Streets. It shall contain a grove of trees and seating at the western portion of the Block.

The Grove shall be improved with paved surfaces of a non-skid material, whether wet or dry. It shall be landscaped with trees planted flush to grade and may include additional planting. The Grove may contain fixed or moveable seating.

No fences, walls, or planters are permitted in the Grove.

104-43
Open Area Standards

104-431
Access and hours of public accessibility

All open areas shall be accessible directly from an adjoining public sidewalk, except as otherwise provided in this Chapter. No fences or gates shall be permitted anywhere within the open areas, except as permitted in this Section.

All open areas except the Square and the East West Open Area shall be accessible to the public twenty-four hours per day, seven days a week. The Square and the East West Open Area shall be accessible to the public seven days per week, from the hours of 7:00 a.m. to 7:00 p.m., from November through April, and from 7:00 a.m. to 11:00 p.m. from May through October. All open areas may be closed not more than one day each year, on a non-holiday weekend day in January, to preserve the private ownership of such areas, except the Square and the East West Open Area may each be closed by its respective owner for private events and activities for a maximum of 12 days in each calendar year, which days shall not include public holidays. Advance notice of such closing shall be posted at the perimeter of the Square and the East West Open Area and shall be provided to the Chair of the City Planning Commission not less than 24 hours prior to each such closing.

104-432
Lighting

All paved areas shall be illuminated with a minimum level of illumination not less than two horizontal foot candles (lumens per foot) throughout. All other areas shall have a minimum level of illumination not less than 0.5 horizontal foot candles (lumens per foot). Such level of illumination shall be maintained from sunset to sunrise. Electrical power shall be supplied by one or more outlets furnishing a total of at least 1,200 watts of power for every 4,000 square feet, or fraction thereof, of the area of the open space.

104-433

Maintenance and operation

The owner of each open area within Subdistrict A shall be responsible for its maintenance and operation. Maintenance shall include, but not be limited to, necessary repairs, litter control and the care and replacement of vegetation. The owner of an open area may temporarily close the smallest portion reasonably necessary for the shortest period of time reasonably necessary to make repairs or to mitigate hazardous or emergency conditions, or in connection with construction on adjacent Parcels. The owner may establish and enforce rules of conduct for the use of the open areas and standards for permits for events and activities in an open area. Rules and regulations for the open areas will be subject to review and approval by the Chairperson of the City Planning Commission.

No vehicles shall be stored on any of the open areas.

104-44

Street Trees on Narrow Streets and Broadway

On #narrow streets# and Broadway, #street trees# with a minimum caliper of four inches, or, for trees which are multi-stem varieties, with a minimum height of eight feet, shall be provided for the entire length of the #street# frontage of the #zoning lot#, except adjacent to the Square, the Small Square and the Midblock Open Areas. Such trees shall be planted at maximum intervals of 25 feet on center, except where the Commissioner of Parks and Recreation determines that such tree planting would be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreation, and shall be located within a soft surface, landscaped strip at least five feet wide adjacent to the curb, which landscape strips need not be continuous. Other planted landscape treatment and amenities may be permitted within such planting strip. Such trees shall be maintained by the owner of the adjacent #development# or #enlargement#.

104-50

PERMITTED TRANSFER OF FLOOR AREA

Transfers of #floor area# may be made from granting sites to receiving sites, within Subdistrict A, subject to the requirements of this Section.

For the purposes of this Section, a “granting site” shall mean any #zoning lot# in Subdistrict A that comprises a #block# as identified by letter on Map 2 in Appendix A, or the portion of the #block# identified as Block H on Map 2 (Subdistrict A Block Plan) in Appendix A in this

Chapter, from which #floor area# is to be transferred pursuant to the provisions of this Section, and a “receiving site” shall mean a #zoning lot# in Subdistrict A that comprises a #block#, as identified by letter on Map 2, or the portion of the #block# identified as Block H on Map 2, to which #floor area# is transferred.

#Floor area# may be transferred as follows:

- (a) by Notice, in accordance with the provisions of Section 104-52 (Transfer of Floor Area by Notice);
- (b) by authorization, in accordance with the provisions of Section 104-53 (Transfer of Floor Area by Authorization); or
- (c) by special permit in accordance with the provisions of Section 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT), provided that the proposed #development# on the receiving site requires modification of the #bulk# regulations of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS).

104-51

General Requirements for Transfer

For any transfer of #floor area# by notice or by authorization pursuant to Section 104-50, inclusive, the requirements of this Section shall apply:

- (a) Notification

Prior to any transfer of #floor area#, pursuant to Sections 104-52 (Transfer of Floor Area by Notice) or 104-53 (Transfer of Floor Area by Authorization), the owners of the granting site and the receiving site(s) shall jointly notify or apply to the Department of City Planning, as applicable, in writing, of such intent to transfer #floor area#. Such notification or application shall be signed by the owners of the granting site and the receiving site(s) and shall include site plans.

- (b) Notices of Restriction

Notices of restrictions shall be filed by the owners of the granting site and the receiving site(s) in the Office of the Register of the City of New York, indexed against the granting site and the receiving site(s), certified copies of which shall be submitted to the Department of City Planning. Notice by the Department of City Planning of its receipt of certified copies thereof shall be a condition to issuance by the Commissioner of Buildings of a building permit for a #building# on the receiving site containing any such transferred #floor area#.

- (c) #Floor area#

The amount of #floor area# to be transferred from a granting site shall not exceed the maximum amount of #floor area# permitted on the #block# containing the granting site for #community facility uses#, pursuant to Section 104-12 (Community Facility Use Modifications), less the total floor area of all existing buildings on such #block#. The transfer of #floor area#, once completed, shall irrevocably reduce the maximum #floor area# permitted on the granting site for any #use# by the amount of #floor area# transferred.

(d) #Use#

#Floor area# transferred pursuant to the provisions of Section 104-50 through 104-53, inclusive, shall only be used for #community facility uses# and shall be in addition to the #floor area# permitted for #community facility uses# on the receiving site.

(e) Height and Setback

Any #building# on a receiving site that uses the #floor area# so transferred shall comply with the special #bulk# regulations of this Chapter.

104-52

Transfer of Floor Area by Notice

For any transfer of #floor area# from a granting site which comprises any of Blocks A, C or D to one or more receiving sites on Blocks B, E, F, G or H, the general requirements of Sections 104-50 and 104-51 shall apply as well as the following:

- (a) the site plan submitted for the granting site under the provisions of paragraph (a) of Section 104-51 shall show the conditions and #floor area# calculations for the granting site and the receiving site, before and after the transfer;
- (b) no building permit shall be issued by the Department of Buildings for a #building# on a receiving site containing any such transferred #floor area# until the Chairperson of the City Planning Commission has certified to the Department of Buildings that plans submitted to the Department of City Planning for the Square, the Small Square or the Grove, as applicable, on the granting site, conform with the requirements of Section 104-40 (SPECIAL URBAN DESIGN REGULATIONS); and
- (c) no temporary certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public open area which is required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square) or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson of the City Planning Commission pursuant to paragraph (a) of this Section and is substantially complete and may be opened to the public, and no

permanent certificate of occupancy shall be issued by the Department of Buildings for any portion of a #building# utilizing the transferred #floor area# unless and until the Chairperson of the City Planning Commission certifies to the Department of Buildings that construction of the public open space which is required to be provided on the granting site is complete.

104-53

Transfer of Floor Area by Authorization

Within Subdistrict A, the City Planning Commission may authorize the transfer of #floor area# from a granting site other than Blocks A, C or D to a receiving site, subject to the general requirements of Sections 104-50 and 104-51, provided the Commission finds that:

- (a) such transfer will permit better site planning; and
- (b) such transfer will not unduly increase the #bulk# of #buildings# in any #block#, to the detriment of the occupants or users of #buildings# on #blocks# outside Subdistrict A.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

104-60

MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT

The City Planning Commission may, by special permit,

- (a) modify the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS) inclusive, provided the Commission finds that such modifications are necessary to:
 - (1) meet programmatic and mechanical requirements;
 - (2) achieve a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, streets, #buildings# and properties;
 - (3) provide flexibility of architectural design and encourage more attractive building forms; and
 - (4) result in a #development# or #enlargement# that is compatible with #development# in the surrounding area.

- (b) permit the transfer of #floor area# from any granting site to a receiving site for a #development# that requires modification of the special height and setback requirements of Section 104-30 (SPECIAL HEIGHT AND SETBACK REQUIREMENTS), inclusive, provided the Commission finds:
 - (1) such transfer complies with the general requirements set forth in paragraphs (a), (b), (c) and (d) of Section 104-51;
 - (2) the distribution of #floor area# on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating #floor area# in any portion of Subdistrict A; and
 - (3) where such transfer is from a granting site on Blocks A, C or D, it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

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

104-70

PARKING AND LOADING REGULATIONS AND CURB CUT LOCATIONS

In the #Special Manhattanville Mixed Use District#, the #accessory# off-street parking and loading regulations of the underlying zoning districts shall apply except as set forth in this Section, inclusive.

104-71

Accessory Off-Street Parking

In Subdistrict A, the #accessory# off-street parking and loading regulations in Article III, Chapter 6, pertaining to the underlying C6 District shall be modified, as follows:

- (a) #accessory# parking spaces at or above grade shall be completely enclosed;
- (b) #accessory# parking garages at or above grade shall not be located:
 - (1) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12th Avenue of any #zoning lot;
 - (2) on Parcels E2 or G2; or
 - (3) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within ten (10) feet of any such Mandatory Open Area; and
- (c) Section 36-12 (Maximum Size of Accessory Group Parking Facilities) shall not apply to parking spaces provided below grade.

104-711

Accessory parking below grade

Required and permitted #accessory# off-street parking spaces may be located below grade, without regard to #zoning lot lines#.

- (a) Such #accessory# group parking facilities shall not exceed the following maximum number of spaces:

For Blocks C, D and E combined	up to 1,800 spaces in total
For Block F	up to 1,000 spaces in total
For Blocks G and H combined	up to 600 spaces in total

- (b) Such #accessory# group parking facilities are subject to the following requirements:

- (1) the location of the curb cuts is subject to the provisions of Section 104-73 ;
- (2) such #accessory# off-street parking spaces shall not be located further than 1,000 feet from the nearest boundary of the #zoning lot# to which they are accessory; and
- (3) such #accessory# off-street parking facilities shall provide adequate reservoir spaces at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided by the #use#, whichever amount is greater, but in no event shall such reservoir spaces be required for more than 50 automobiles at each entrance.

104-72

Public Parking Garages

In Subdistrict A, public parking garages shall not be located:

- (a) within sixty (60) feet of the #lot line# on Broadway of any #zoning lot# or within ninety (90) feet of the #lot line# on 12th Avenue of any #zoning lot#;
- (b) on Parcels E2 or G2; or
- (c) on any Mandatory Open Area as shown on Map 7 in Appendix A of this Chapter or within ten (10) feet of any such Mandatory Open Area..

104-73

Permitted Curb Cut Locations

The following curb cut regulations shall apply to any #development# or #enlargement#:

- (a) Existing curb cuts on #wide streets# may remain until such time as a #community facility use# is located on that portion of the #zoning lot#.

- (b) No new curb cuts are permitted on #wide streets# or within 50 feet of the intersection of any two #street lines#. Furthermore, no curb cuts are permitted on Block B. However, curb cuts may be permitted in such areas where the Commissioner of Buildings determines there is no alternative means of access to off-street parking spaces or required loading berths from other streets bounding the #block# or #zoning lot#.
- (c) New curb cuts shall not be greater than 30 feet in width.
- (d) There shall be no more than two new curb cuts per #street# frontage on a #zoning lot#, except on Block F where three curb cuts per #street# frontage are permitted, and except as provided in paragraph (f) of this Section;
- (e) There shall be a minimum distance of 30 feet between curb cuts on a #street# frontage of a #zoning lot#.
- (f) In order to access the Square, as described in Section 104-425, one curb cut, not to exceed 15 feet in width, shall be permitted along each #street# frontage of the sidewalk adjacent to the Square. Such curb cuts shall be in addition to the two curb cuts permitted on Block D, pursuant to paragraph (d) of this Section.

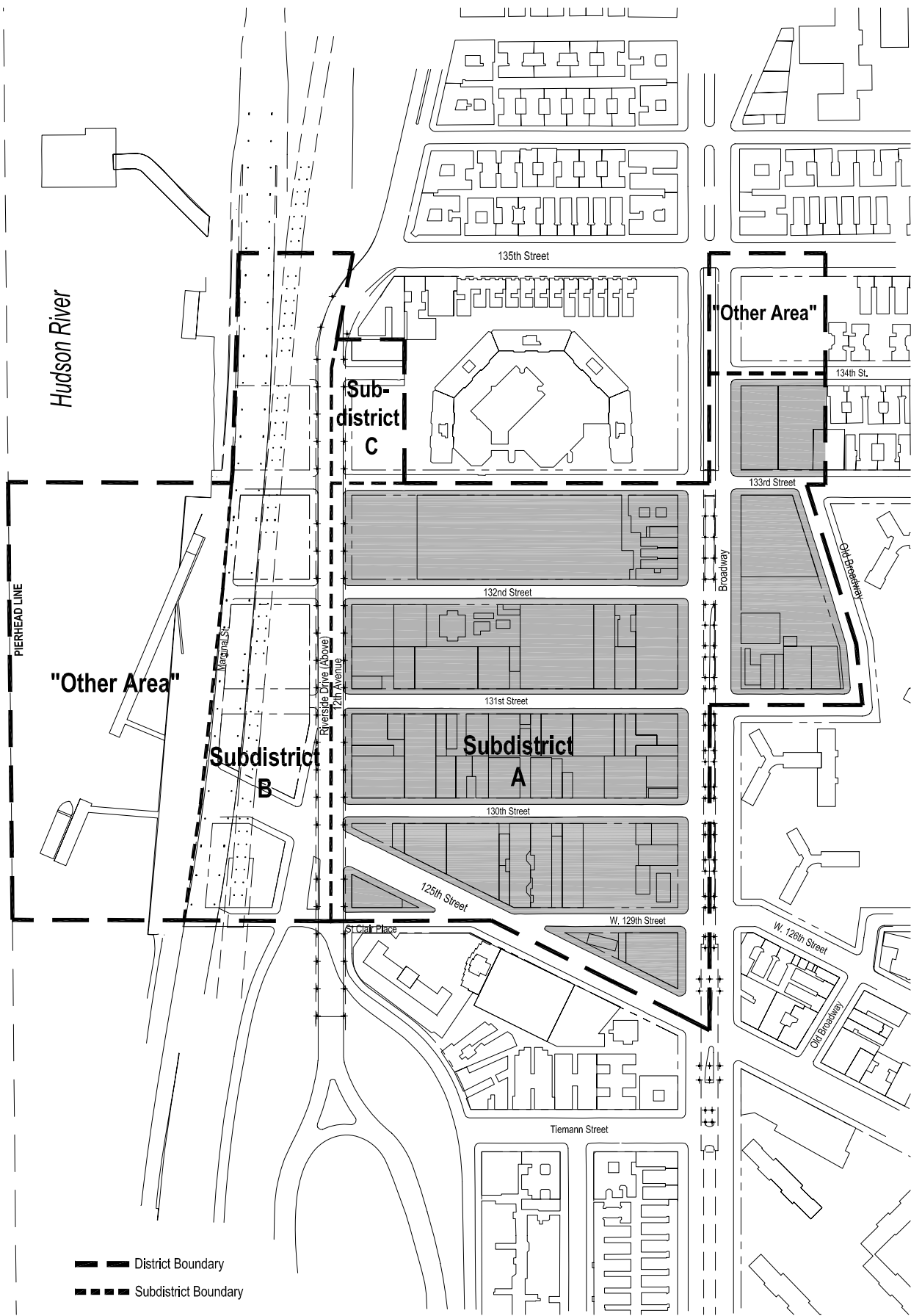
Special Manhattanville Mixed Use District

Appendix A District Maps

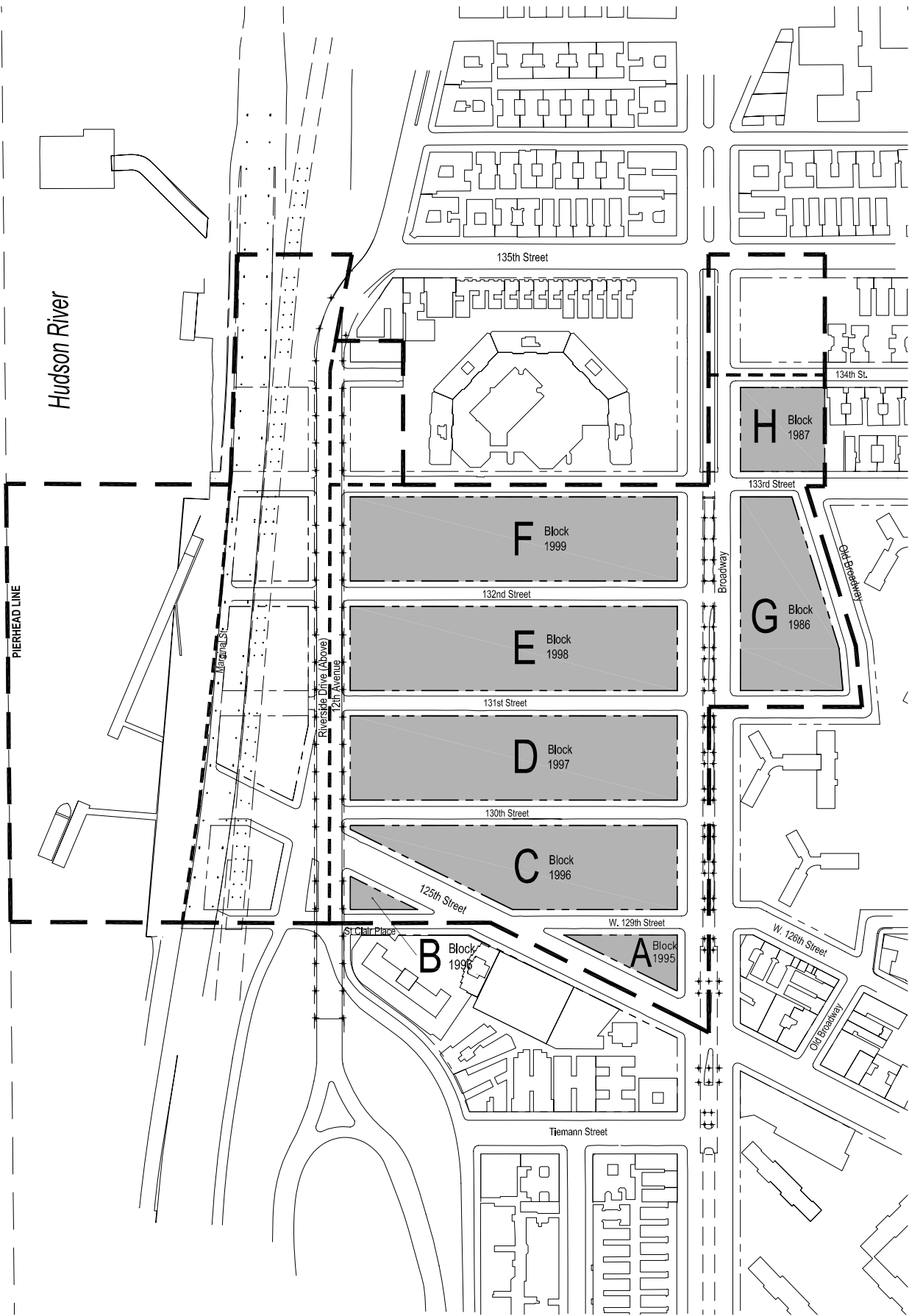
- Map 1 Special Manhattanville Mixed Use District and Subdistricts
- Map 2 Subdistrict A Block Plan
- Map 3 Widened Sidewalk Lines
- Map 4 Mandatory Street Walls
- Map 5 Parcel Designation and Maximum Building Heights
- Map 6 Ground Floor Use and Frontage
- Map 7 Mandatory Open Areas

Appendix B

Base Plane and Building Height Table



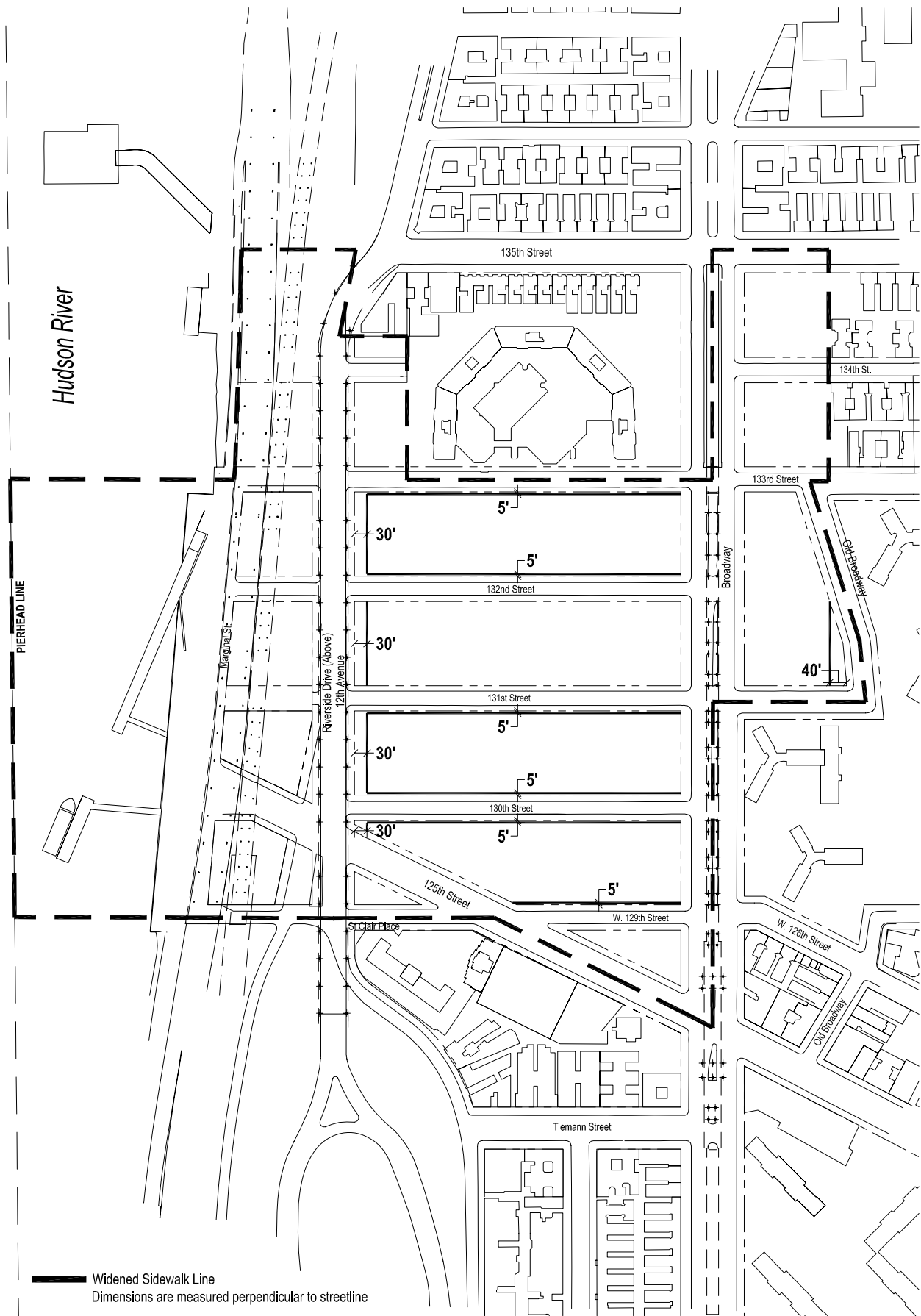
Map 1. Special Manhattanville Mixed Use District and Subdistricts



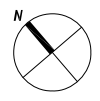
Special Manhattanville Mixed Use District and Subdistricts
Map 2. Subdistrict A Block Plan



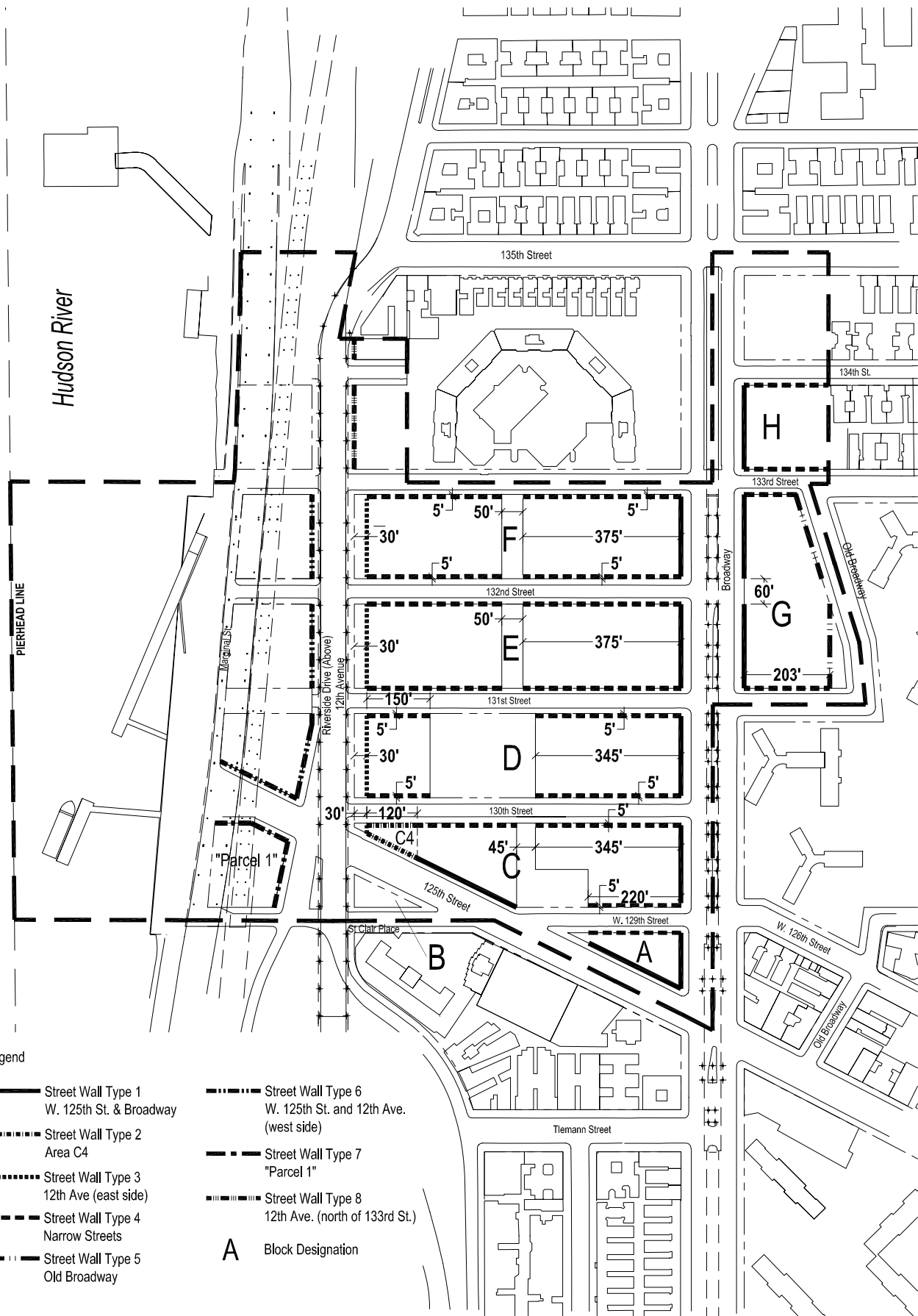
May 14, 2007



Special Manhattanville Mixed Use District and Subdistricts
Map 3. Widened Sidewalk Lines

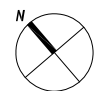


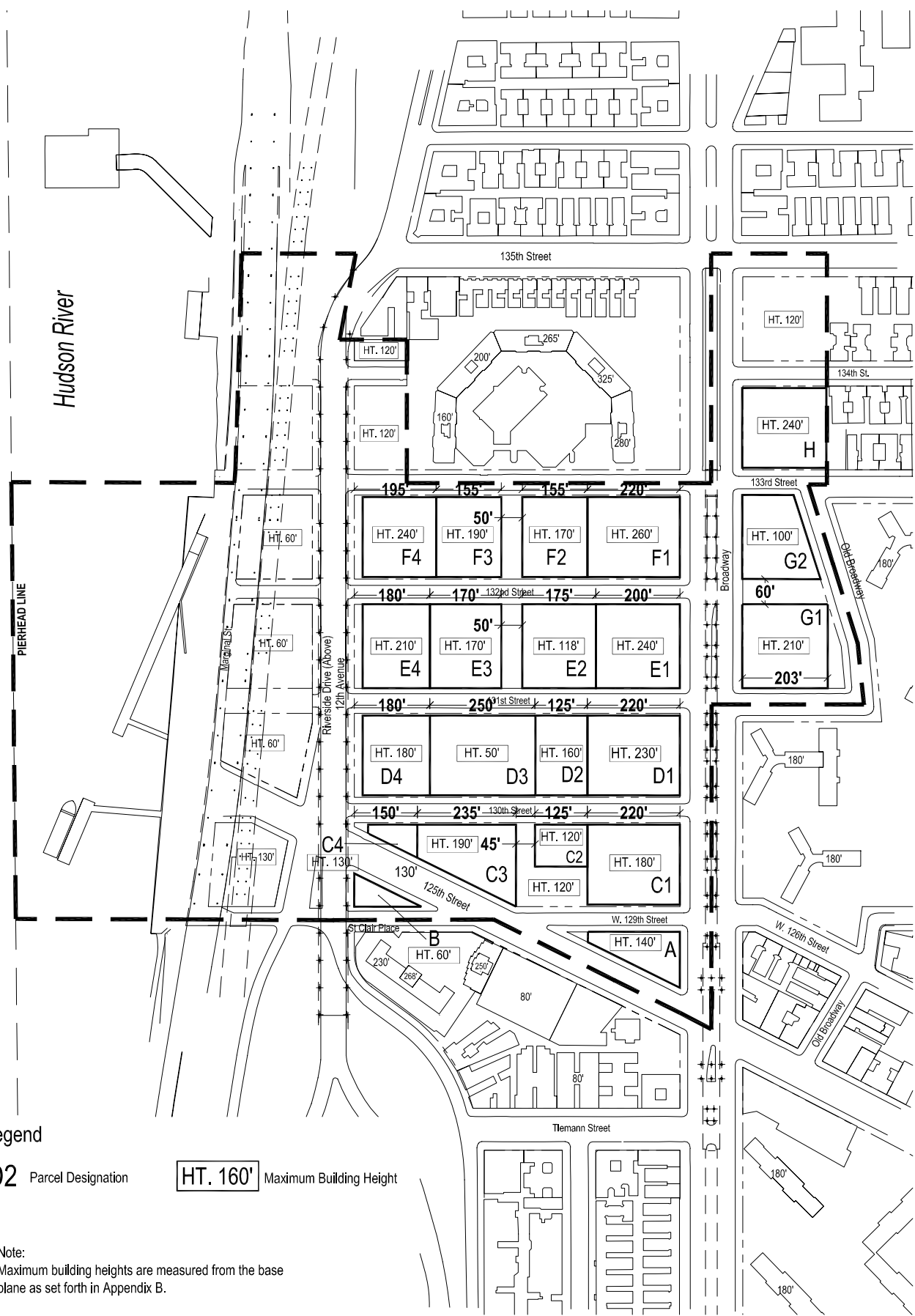
May 14, 2007



Legend

- Street Wall Type 1
W. 125th St. & Broadway
- - - Street Wall Type 2
Area C4
- Street Wall Type 3
12th Ave (east side)
- - - Street Wall Type 4
Narrow Streets
- - - Street Wall Type 5
Old Broadway
- - - Street Wall Type 6
W. 125th St. and 12th Ave.
(west side)
- - - Street Wall Type 7
"Parcel 1"
- - - Street Wall Type 8
12th Ave. (north of 133rd St.)
- A Block Designation

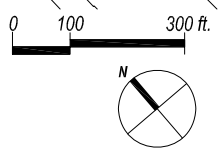


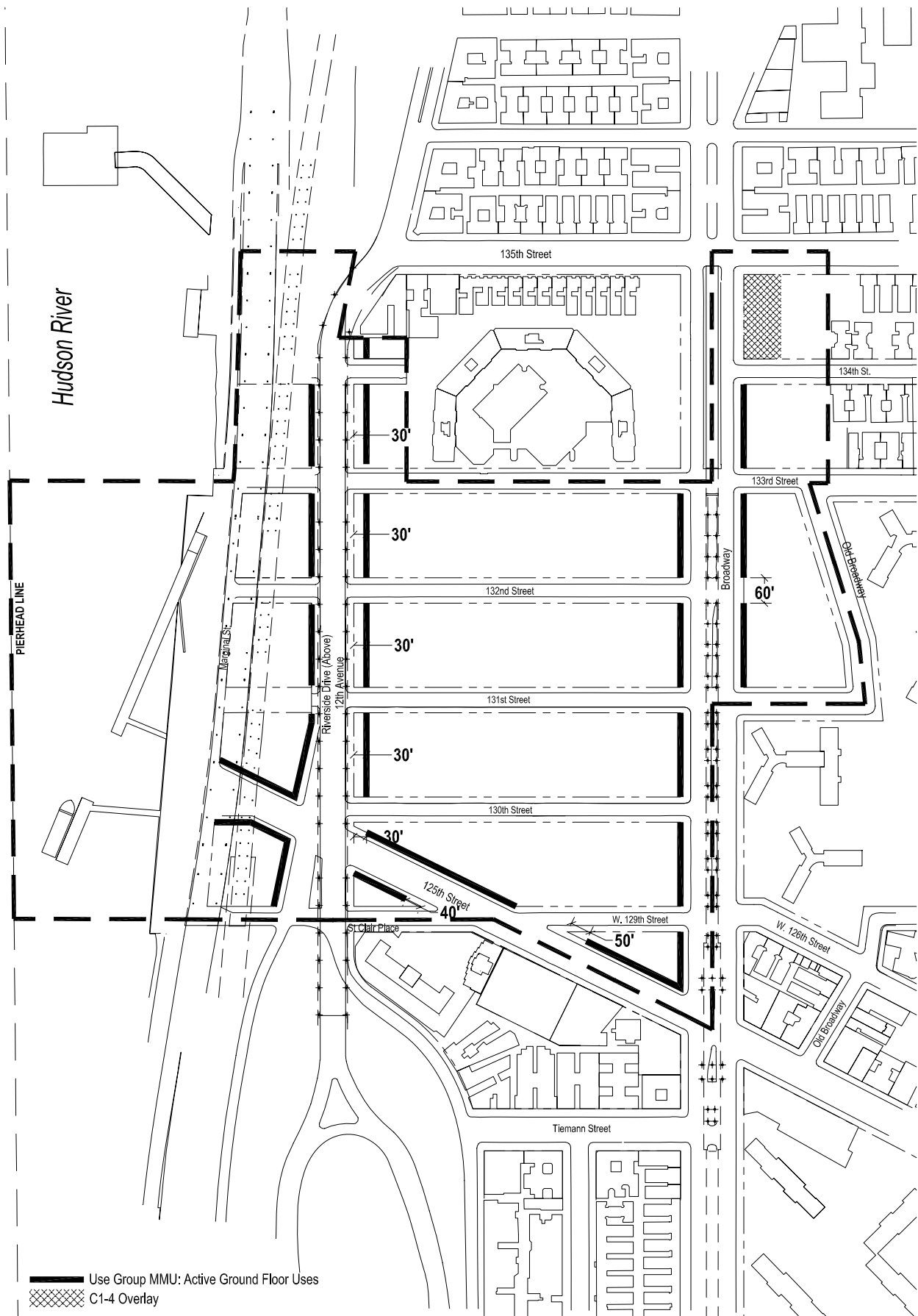


Legend

D2 Parcel Designation **HT. 160'** Maximum Building Height

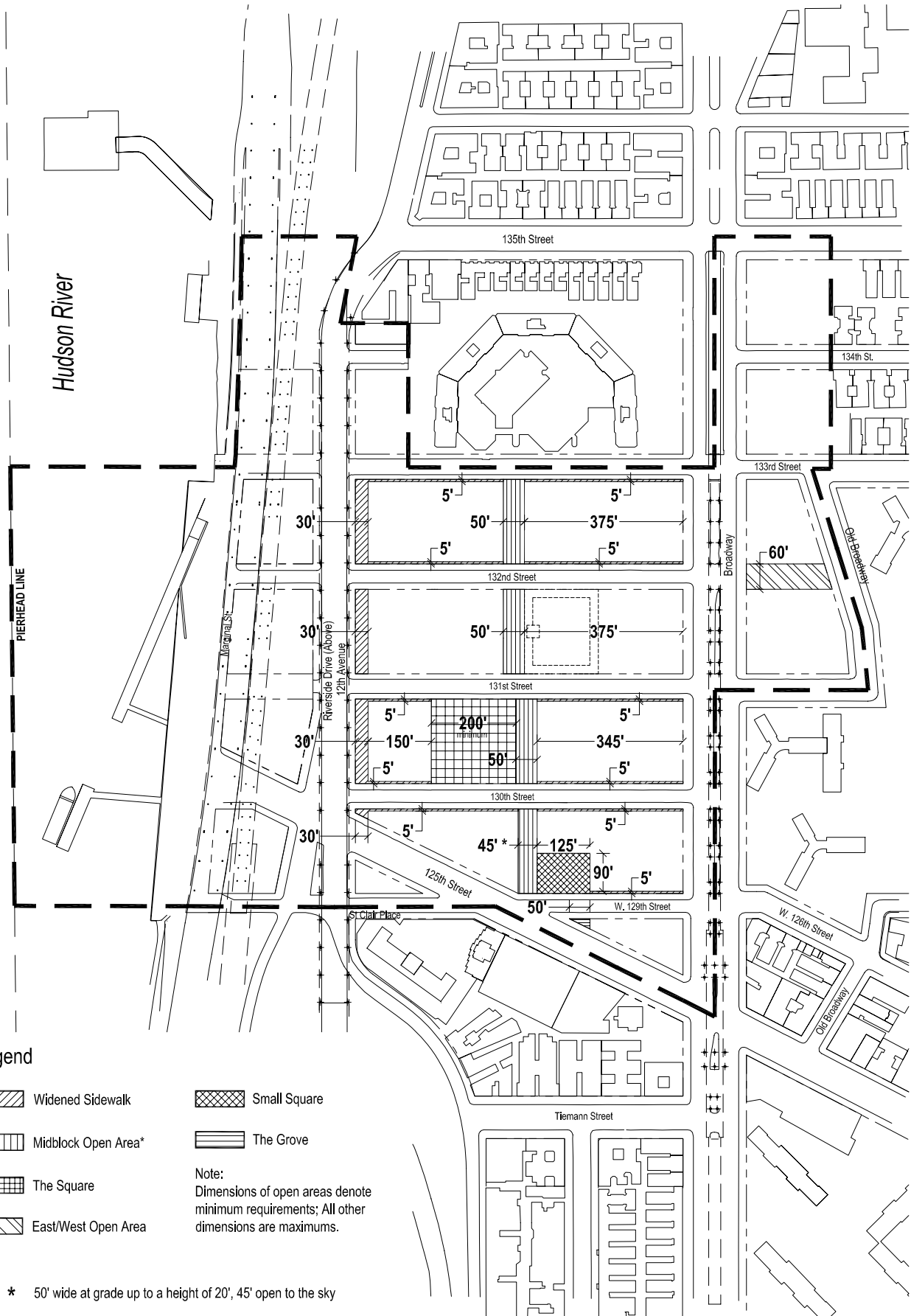
Note:
Maximum building heights are measured from the base plane as set forth in Appendix B.











Special Manhattanville Mixed Use District and Subdistricts
Map 6. Ground Floor Use and Frontage

May 14, 2007

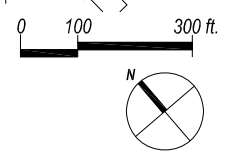


Legend

-  Widened Sidewalk
-  Midblock Open Area*
-  The Square
-  East/West Open Area
-  Small Square
-  The Grove

Note:
 Dimensions of open areas denote minimum requirements; All other dimensions are maximums.

* 50' wide at grade up to a height of 20', 45' open to the sky



APPENDIX B**Base Plane and Building Height**

Parcel*	Base Plane	Maximum Building Height, Above Base Plane	Maximum Height of Mechanical Equipment
A	21.6'	140'	40'
B	10.37'	60'	20'
C1	20.74'	180'	60'
C2	19.29'	120'	40'
C3	15.19'	190'	40'
C4	9.36'	130'	40'
D1	26.68'	230'	60'
D2	23.25'	160'	60'
D3	15.85'	50'	NA
D4	9.05'	180'	40'
E1	32.42'	240'	60'
E2	23.38'	118'	40'
E3	14.82'	170'	60'
E4	10.11'	210'	60'
F1	43.25'	260'	60'
F2	34.92'	170'	60'
F3	25.63'	190'	60'
F4	11.97'	240'	60'
G1	44.92'	210'	60'
G2	55.62'	100'	40'
H	66.61'	240'	60'

NOTE: These numbers reflect measurement in feet above Manhattan Datum, which is 2.75' above Sea Level.

* Parcels shown on Map 5, Appendix A

APPENDIX A.2

**CONCEPTUAL ANALYSIS OF
PROPOSED SPECIAL ZONING DISTRICT TEXT**

Appendix A.2: Conceptual Analysis of the Proposed Zoning Text Provisions that Allow the Transfer of Floor Area and the Modification of Height and Setbacks within Subdistrict A

A. INTRODUCTION

The Proposed Actions would amend the New York City zoning map and create the Special Manhattanville Mixed-Use Zoning District, thereby facilitating Columbia University's development of an Academic Mixed-Use plan (the "Academic Mixed-Use Development") on approximately 17 acres (the "Academic Mixed-Use Area" or "Subdistrict A") within the 35-acre Project Area, as well as commercial and residential development in other portions of the Project Area. The new zoning text would set forth use, density, and bulk requirements, as described in Chapter 1, "Project Description." The proposed Special Manhattanville Mixed-Use Zoning District text is provided in Appendix A.1.

Columbia's Academic Mixed-Use plan would consist of an estimated 6.8 million gross square feet (gsf) of new space in the Academic Mixed-Use Area. Academic research; academic instruction; housing for graduate students, faculty, and other employees; and related support space would comprise the 6.8 million gsf. These uses are illustrated in Figure 1-12 of Chapter 1; taken together, these sites and uses constitute an Illustrative Plan, which is analyzed in the Final Environmental Impact Statement (FEIS). The Illustrative Plan represents the maximum 6.0 floor area ratio (FAR) equivalent for the Academic Mixed-Use Area and Columbia's current concept of its planned future development for the Academic Mixed-Use Area. The FEIS also considers a reasonable worst-case development scenario for sites within Subdistrict B, C, and the Other Areas, which is described in Chapter 2 and is shown in Figure 1-11.

The Special Manhattanville Mixed-Use Zoning District text—specifically, the provisions of Sections 104-50 (Permitted Transfer of Floor Area) and 104-60 (Modification of Special Bulk Requirements and Transfer of Floor Area by Special Permit)—allows flexibility in the build-out of the Project Area by permitting the transfer of floor area within Subdistrict A and the modification of bulk requirements within the entire Special District (coterminous with the Project Area). Those transfers to be made from the three open spaces (the Square, the Small Square, and the Grove) delineated in the proposed Special District would be "as-of-right" by notice and would require certification by the Chairperson of the New York City Planning Commission (CPC) that the open space be built to the specifications in the zoning. All other transfers of floor area within Subdistrict A that would stay within the design "envelopes" set forth in the proposed Special Manhattanville Mixed-Use Zoning District for each site would be subject to a CPC Authorization. The Authorization would require City Environmental Quality Review (CEQR) review. If the transfer would create a building within Subdistrict A that would not conform to the height, setback, and streetwall regulations in the proposed Special Manhattanville Mixed-Use Zoning District (Section 104-30 [Special Height and Setback Regulations]), a CPC Special Permit would be required. The Special Permit would be subject to both the City's Uniform Land Use Review Procedure (ULURP) and CEQR review. A

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development anywhere within the Special District with a modification of special bulk requirements (Section 104-30) that does not require a transfer of floor area would be subject to the same CPC Special Permit. Development that would make use of transfers of floor area by notice (with the accompanying certification that the open space is built to the specifications in the zoning) is analyzed in the FEIS as part of the development scenario under the Illustrative Plan. Development within Subdistrict A that would make use of an Authorization or Special Permit would be assessed under a future site-specific environmental review.

This appendix provides a description of Sections 104-50 and 104-60 and an analysis that considers generically how use of the Special Permit (with or without a transfer of floor area) could affect development options, and whether their use could result in significant adverse impacts. The conceptual analysis provided in this appendix is not intended to serve as the CEQR review for future Authorizations or Special Permit applications.

DESCRIPTION OF SECTION 104-50 (PERMITTED TRANSFER OF FLOOR AREA)

The proposed Special Manhattanville Mixed-Use Zoning District text contains provisions that permit the transfer of floor area within Subdistrict A only (Section 104-50 [Permitted Transfer of Floor Area]). As detailed in Section 104-51 (General Requirements for Transfer), transfers would be permitted for community facility uses only, and for any transfer, the maximum floor area transferred could not exceed the floor area permitted on the granting site less any floor area that is to remain on the granting site. Therefore, transfers would not result in any change in the maximum FAR for community facilities in Subdistrict A as a whole (6.0 FAR). The proposed Special Zoning District text would allow for three types of floor area transfers within Subdistrict A—a transfer by notice or by Authorization or, when a transfer would occur in connection with a building that would also require the modification of special bulk requirements, Special Permit.

TRANSFERS BY NOTICE

Those transfers within Subdistrict A to be made from the three open spaces (the Square, the Small Square, and the Grove) delineated in the proposed Special District would be “as-of-right” by notice and would require certifications by the Chairperson of CPC that the open space is designed and built to the specifications in the Zoning Resolution. (The foregoing would apply only if the buildings on the receiving site stay within the design “envelopes” of the height, setback, and streetwall regulations in the zoning. If any of the buildings on the receiving sites do not stay within the design “envelopes” of the height, setback, and streetwall regulations, then transfer from any of the three open spaces would be subject to Special Permit.) The Illustrative Plan discussed in Chapter 1 and analyzed throughout the FEIS assumes that these transfers within Subdistrict A are made. It is anticipated that Columbia will apply for such certifications at the time of development of either the open space or the receiving site, whichever comes first.

Section 104-52 (Transfer of Floor Area by Notice) outlines the requirements for the certifications, and states that:

- The site plan submitted for the granting site shall show the conditions and floor area calculations for the granting site and the receiving site, before and after the transfer;
- No building permit shall be issued by the New York City Department of Buildings (DOB) for a building on a receiving site containing any such transferred floor area until the Chairperson of CPC has certified to DOB that plans submitted to the New York City Department of City Planning (DCP) for the Square, the Small Square, or the Grove, as

Appendix A.2: Conceptual Analysis of the Proposed Zoning Text Provisions

applicable, on the granting site, conform with the requirements of Section 104-40 (Special Urban Design Regulations);

- No temporary certificate of occupancy shall be issued by DOB for any portion of a building utilizing the transferred floor area unless and until the Chairperson of CPC certifies to DOB that the public open area required to be provided on the granting site pursuant to the provisions of Sections 104-424 (The Square), 104-425 (The Small Square), or 105-426 (The Grove), as applicable, has been constructed substantially in accordance with the plan certified by the Chairperson of CPC and is substantially complete, and may be opened to the public; and
- No permanent certificate of occupancy shall be issued by DOB for any portion of a building utilizing the transferred floor area unless and until the Chairperson of CPC certifies to DOB that construction of the public open space required to be provided on the granting site is complete.

TRANSFERS BY AUTHORIZATION

All other transfers of floor area that would stay within the design “envelopes” set forth in the zoning’s height, setback, and streetwall regulations for each site (Section 104-30 [Special Height and Setback Requirements]) would be subject to a CPC Authorization that would be subject to CEQR review. Within Subdistrict A, CPC may authorize the transfer of floor area (subject to the general requirements of Sections 104-50 and 104-51), provided that the Commission finds that:

- Such transfer will permit better site planning; and
- Such transfer will not unduly increase the bulk of buildings in any block to the detriment of the occupants or users of buildings on blocks outside Subdistrict A.

If the transfer would create a building that would not conform to the height, setback, and streetwall regulations in the zoning (Section 104-30), a CPC Special Permit subject to both ULURP and CEQR review would be required. Section 104-60 (Modification of Special Bulk Requirements and Transfer of Floor Area by Special Permit) is described below, as are CPC findings for the granting of a Special Permit.

DESCRIPTION OF SECTION 104-60 (MODIFICATION OF SPECIAL BULK REQUIREMENTS AND TRANSFER OF FLOOR AREA BY SPECIAL PERMIT)

Section 104-60 would allow the modification of the special bulk requirements of Section 104-30 (Special Height and Setback Requirements) by Special Permit for buildings anywhere within the Special Manhattanville Mixed-Use Zoning District. Such modifications could occur in connection with a transfer of floor area pursuant to Section 104-50 (see above) or for buildings in which there is no transfer of floor area. Specifically, CPC may, by Special Permit, allow the modification of special height, setback, and streetwall requirements of Section 104-30, inclusive, provided that CPC finds that such modifications are necessary to:

- Meet programmatic and mechanical requirements;
- Achieve a better distribution of bulk on the zoning lot that would not adversely affect access to light and air for surrounding public access areas, streets, buildings, and properties;
- Provide flexibility of architectural design and encourage more attractive building forms; and
- Result in a development or enlargement that is compatible with development in the surrounding area.

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In addition, CPC may, by Special Permit, permit the transfer of floor area from any granting site to a receiving site for a development that requires modification of the special height, setback, and streetwall requirements of Section 104-30, inclusive, provided that CPC finds:

- Such transfer complies with the general requirements set forth in paragraphs (a), (b), (c), and (d) of Section 104-51;
- The distribution of floor area on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating floor area in any portion of Subdistrict A; and
- Where such transfer is from a granting site on Blocks A, C, or D (these blocks are identified in Map 2 of Appendix A), it shall also comply with the provisions of paragraphs (b) and (c) of Section 104-52 (Transfer of Floor Area by Notice).

CPC may prescribe additional conditions and safeguards to minimize adverse effects of the development or enlargement on the character of the surrounding area.

PURPOSE AND NEED FOR THE PROPOSED TEXT PROVISIONS

Recognizing that build out of the Project Area, by both Columbia University and other project sponsors, would occur over time, Sections 104-50 and 104-60 of the Special Manhattanville Mixed-Use District zoning provisions provide flexibility by allowing the redistribution of community facility floor area within Subdistrict A and the modification of height and setback requirements and mandated streetwall requirements in the Project Area. (As stated above, the transfer of floor area could occur only within Subdistrict A of the Special Manhattanville Mixed-Use Zoning District, while the modification of special bulk requirements could occur anywhere within the Special District.) The Special Manhattanville Mixed-Use District zoning provisions would allow Columbia University to develop the Academic Mixed-Use Development to meet its long-term needs for modernization and expansion of the institution's facilities. Sections 104-50 and 104-60 would provide flexibility in site specific design, allowing Columbia University to develop their facilities in response to evolving needs while addressing site-specific constraints. Specifically, the zoning text provisions provide Columbia University with the flexibility to make changes to the illustrative development assessed in the FEIS while requiring City approval and environmental review of specific development proposals that would make use of the floor area transfer (by Authorization) and/or the modification of bulk requirements (by Special Permit). Section 104-60 of the zoning text provisions also provides flexibility in site-specific design by allowing the modification of height, setback, and streetwall regulations for project sponsors other than Columbia University in connection with development in Subdistricts B, C, and the Other Areas.

B. METHODOLOGY

This conceptual analysis of these zoning provisions considers whether there could be any environmental impacts from the use of the zoning text provisions. For the reasons discussed below, the analysis in this appendix is limited to an assessment of the effects of the use of the Special Permit (with or without a transfer of floor area) pursuant to Section 104-60 (Modification of the Special Bulk Requirements and Transfer of Floor Area by Special Permit), as described below.

An analysis of the potential for impacts from the transfer of floor area under Section 104-52 (Transfer of Floor Area by Notice) is not warranted in this appendix, since these transfers of floor area are already analyzed in the FEIS. Specifically, Section 104-52 allows a transfer of

Appendix A.2: Conceptual Analysis of the Proposed Zoning Text Provisions

floor area to receiving sites upon certification by the Chairperson of CPC that plans have been submitted for the provision of open space on the granting site. As stated previously in Chapter 1, the FEIS analyzes an Illustrative Plan for the Academic Mixed-Use Development that assumes the use of this provision to transfer floor area from the Square, the Small Square, and the Grove to various sites in the remaining blocks in Subdistrict A. Under these regulations, development on these sites would conform to height, setback, and streetwall regulations. As stated above, it is anticipated that Columbia will apply for such certifications at the time of development of either the open space or the receiving site, whichever comes first.

An analysis of the potential for impacts from the transfer of floor area under Section 104-53 (Transfer of Floor Area by Authorization) in which the height, setback, and streetwall provisions of Section 104-30 are met is not warranted in this appendix because the Illustrative Plan for the Academic Mixed-Use Development and reasonable worst-case development scenarios analyzed in the FEIS already take into account the maximum heights and bulks of buildings. Use of this type of transfer of floor area would also not affect other environmental analysis areas that are influenced by a development's use or floor area because it would not result in a change of use or an increase in the amount of development analyzed in the FEIS. These areas include land use, socioeconomic conditions, community facilities, open space (indirect effects; i.e., open space ratios would be unaffected because there would be no change to the overall amount of development and therefore no change in study area populations), natural resources, infrastructure, solid waste and sanitation services, energy, traffic and parking, air quality (mobile sources), and noise.

Shifts in density within Subdistrict A resulting from transfer of floor area would not affect traffic because traffic patterns would remain essentially unchanged; Section 104-70 (Parking and Loading Regulations and Curb Cut Locations) sets forth requirements related to parking, including restrictions on the location of parking facilities and curb cuts, which would continue to apply. As a consequence, mobile air quality would also be unaffected. It is unlikely that a transfer of floor area would affect pedestrians, as the zoning text provisions require that sidewalks be widened. In terms of the transit analysis, a transfer of floor area by Authorization would not change the number of people expected to use transit services; therefore, it is unlikely that transit conditions would be substantially affected.

The transfer of floor area by Authorization would also not affect those environmental areas that relate to subsurface disturbance. In terms of archaeological resources, the Project Area, which includes Subdistrict A, was determined not to be sensitive for archaeological resources (see New York City Landmarks Preservation Commission [LPC] comments dated September 23, 2004, and the New York State Office of Parks, Recreation and Historic Preservation [OPRHP] letter dated June 6, 2005, in Appendix D). In terms of hazardous materials, significant adverse hazardous materials impacts would be avoided—i.e., potential contaminants identified in the Academic Mixed-Use Area on lots currently owned or controlled by Columbia University would be remediated (cleaned up) in accordance with Restrictive Declarations placed against the Columbia properties. Use of the floor area transfer would therefore not affect hazardous materials.

This appendix therefore assesses generically the potential for use of the Special Permit (with or without a transfer of floor area) under Section 104-60 to result in significant adverse impacts. As stated above, such Special Permit applications would be subject to both a site-specific CEQR and ULURP review; therefore, the analysis provided in this appendix is generic. Site-specific effects would be determined as part of the proposals' CEQR and ULURP review.

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A Special Permit (with or without a transfer of floor area) would be required if a proposed building would require changes in maximum height, setbacks, streetwalls, or bulk waivers, or similar relief that would break the design “envelope” examined for the Proposed Actions in the FEIS. (As noted above, a transfer of floor area could occur only with Subdistrict A, while the modification of special bulk regulations could occur anywhere within the Project Area. This appendix considers use of the Special Permit with or without a transfer of floor area within Subdistrict A and use of the Special Permit within the entire Project Area).

Because the maximum FAR for community facilities in Subdistrict A as a whole would not exceed 6.0, use of the Special Permit with a floor area transfer would not result in an increase in the amount of development analyzed in the FEIS. Use of the Special Permit to modify special bulk requirements (without the transfer of floor area) would also not result in an increase in the amount of development analyzed in the FEIS. Therefore, use of the Special Permit would not affect those environmental analysis areas that are influenced by a development’s use or floor area; these areas include land use, socioeconomic conditions, community facilities, open space (indirect effects), natural resources, infrastructure, solid waste and sanitation services, energy, traffic and parking, transit and pedestrians, air quality (mobile sources), and noise.

As discussed above, shifts in density within Subdistrict A resulting from floor area transfers would not affect traffic as Section 104-70 (Parking and Loading Regulations and Curb Cut Locations) sets forth requirements related to parking, including restrictions on the location of parking facilities and curb cuts; as a consequence, mobile air quality would also be unaffected. It is unlikely that use of the Special Permit would affect pedestrians, as the zoning text provisions require that sidewalks be widened within Subdistrict A, and the Special Permit cannot be used to waive these provisions (Section 104-421 [Mandatory Widened Sidewalks and Adjacent Areas]).

In terms of the transit analysis, a transfer of floor area (with or without the modification of bulk requirements) would not change the number of people expected to use transit services; therefore, it is unlikely that transit conditions would be substantially affected. As is the case of transfers by Authorization, use of the Special Permit with or without transfer of floor area is also unlikely to affect those environmental areas that relate to subsurface disturbance (archaeology, hazardous materials). In terms of hazardous materials, E-designations to ensure that sites are properly investigated and remediated prior to development, if necessary, would be placed on lots where the potential for contamination was found on lots not owned or controlled by Columbia University.

C. ASSESSMENT OF THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED SPECIAL PERMIT

Those environmental areas in which use of the Special Permit may result in significant adverse impacts are discussed in more detail in the following sections.

OPEN SPACE (DIRECT EFFECTS)

As part of the Special Permit allowing the modification of special bulk requirements, CPC would have to make certain findings relating to open space prior to granting a Special Permit. These findings include the following: that the modifications will not adversely affect access to light and air for surrounding public access areas, streets and properties. As such, the proposed text provisions allowing the modification of special bulk requirements are not likely to result in significant adverse open space impacts.

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The potential for open spaces to be affected by shadows is assessed in the following section.

SHADOWS

Shadow impacts are site specific and dependent not only on the bulk and massing of a proposal, but on the sun-sensitive resources within reach of new shadows. Chapter 7, “Shadows,” of the FEIS identified the following resources of concern: sun-sensitive historic resources, which include the Old Broadway Synagogue and St. Mary’s Church, Parish House, and Sunday School; and open spaces, which include the West Harlem Waterfront park, the I.S. 195 Playground, the Broadway Malls, Manhattanville Houses open spaces, and Riverside Park. The Proposed Actions as analyzed in the FEIS would have a significant adverse impact on the I.S. 195 Playground in 2030 during the March and December analysis periods, when large incremental shadows would cover the playground for long durations; there would not be significant adverse impacts on other open spaces.

Use of the Special Permit (with or without a transfer of floor area) could result in the redistribution of the bulk and massing of certain developments in the Special Manhattanville Mixed-Use District. This conceptual analysis uses the information provided in the FEIS as a basis to determine whether modifications in bulk and height (with use of the Special Permit) could result in significant adverse shadows impacts. As discussed above, use of the Special Permit would be subject to both ULURP and CEQR review.

As described in Chapter 7, “Shadows,” a building has a maximum shadow length factor of 4.3 times its height. This occurs at the beginning and end of the analysis period on December 21, when shadows are cast to the northwest and northeast, respectively. Toward midday, when the sun is higher in the sky, the shadow length factor is 2.07. Shadow length factors for the remainder of the analysis periods are shorter than they are in December.

Because of their location to the south of the Project Area, the Old Broadway Synagogue and St. Mary’s Church, Parish House, and Sunday School would not be affected by shadows no matter how bulk is redistributed within the Special Manhattanville Mixed-Use District (see Figure 7-2 in Chapter 7). Only a very small portion of the Hudson River, a natural feature, is in the study area. Therefore, no significant adverse impacts would occur to historic resources or natural features due to shadows from use of the Special Permit. The potential for use of the Special Permit to affect shadows on open spaces identified in the FEIS is discussed below and is organized by open space resource.

WEST HARLEM WATERFRONT PARK

The FEIS concludes that buildings in Subdistrict B and the Academic Mixed-Use Area (Subdistrict A) would cast incremental shadows on the West Harlem Waterfront park between St. Clair Place and West 133rd Street for around an hour in the early morning throughout the year. These incremental shadows would be very small and would add to shadows already cast by the elevated Route 9A and Amtrak viaducts. They are not considered significant adverse impacts to the West Harlem Waterfront park because the park would receive full sunlight from late morning to evening for most of the year.

With the Special Permit, the buildings in the Special Manhattanville Mixed-Use District could be taller than those analyzed in the FEIS. An increase in height in buildings within Subdistrict B or on Sites 10 or 14 (the westernmost sites within Subdistrict A and therefore, the buildings that could potentially affect the West Harlem Waterfront park) are not likely to result in significant

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adverse shadow impacts. As shown in Figures A.2-1 through A.2-3, the West Harlem Waterfront park is either already in shadow from existing buildings or from the buildings analyzed in the FEIS within the early morning period. An increase in height of the buildings on Sites 10 or 14 could remove sunlight from remaining small sections of the westernmost areas of the park during some analysis periods (March 21 at 10:00 AM, May 6 at 8:30 AM, or June 21 at 8:30 AM); however, as can be seen in these diagrams, any increase in shadow increment would be small—the circled areas on Figures A.2-1 through A.2-3 indicate the approximate area where additional shadow could be cast by a taller building. As seen in these figures, the small sections where shadow could be cast are limited to the small area between the shadow that would be cast under the Proposed Actions and the Hudson River. Shadows would be limited to the early morning hours throughout the year, and the park would receive full sunlight from late morning to evening for most of the year. Therefore, significant adverse impacts on this open space are unlikely with the Special Permit. As stated above, use of the Special Permit would be subject to both ULURP and CEQR review; therefore, a site-specific analysis of a development using the Special Permit would be undertaken at that time.

I.S. 195 PLAYGROUND

The FEIS concludes that the combined shadows from the buildings in the Other Area east of Broadway and the buildings in the Academic Mixed-Use Area would increase shadows on the playground on all four analysis days. Significant adverse impacts are expected to occur in 2030 during the March and December analysis periods, when large incremental shadows would cover the playground for long durations.

With the Special Permit, if the buildings in the Academic Mixed-Use Area were taller (specifically, on Sites 11 and 17), additional shadows would be cast on this open space in the midday period during the March analysis period (see Figures A.2-4 through A.2-7) and in the mid-morning to early afternoon period during the May analysis period (see Figures A.2-8 through A.2-10). In the June analysis period at 10:00 AM, a very small increase in shadows could occur with use of the Special Permit (see Figure A.2-11). In all three analysis periods, no additional shadow increments would be cast in the early morning hours or in the later afternoon. During the December analysis period, an increase in building height on Site 15 could result in additional shadow increments on the playground in the late morning and just after noon (see Figures A.2-12 and A.2-13). Depending on the site-specific design of the buildings on these different sites, these incremental increases could result in significant adverse shadow impacts on this open space similar to the impacts under the Proposed Actions. An increase in height of the buildings located in the Other Area east of Broadway could also result in some additional shadow increments during the early morning periods of the March, May, and June analysis periods. These increases would be limited to small areas for approximately 15 to 30 minutes on these analysis periods, and it is unlikely that this additional shadow would result in significant adverse impacts. Use of the Special Permit would be subject to both ULURP and CEQR review; therefore, a site-specific analysis of a development using the Special Permit would be undertaken at that time and the potential for significant adverse impacts determined in connection with that analysis.

THE BROADWAY MALLS

The FEIS concludes that buildings in the Academic Mixed-Use Area and the Other Area east of Broadway would cast shadows on portions of Broadway's landscaped median between West 135th and West 136th Streets for most of the December 21 analysis day. There would be no

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significant adverse impacts on the Broadway Malls with the Proposed Actions because the adjacent malls to the north between West 136th and West 137th Streets and between West 137th and West 138th Streets would be mostly or completely in sunlight during the same period. These adjacent malls are visible and accessible to any users of the malls between West 135th and West 136th Streets that would be affected by the incremental shadows. Therefore, the incremental shadows would not reduce the overall usability of the Broadway Malls due to their limited effects over the course of the year.

With the Special Permit, if the building on Site 17 could be taller, the shadow increments on the December analysis day could fall on an additional portion of the Broadway Malls (see Figure A.2-14). However, this potential incremental increase in shadow is not likely to result in a significant adverse impact because the size of the increment would be small, and the duration of the coverage would be short (approximately 1 hour). Furthermore, as stated in the FEIS, adjacent malls to the north would be mostly or completely in sunlight during the same period. These adjacent malls are visible and accessible to any users of the malls between West 135th and West 136th Streets that would be affected by the incremental shadows. Therefore, the incremental shadows would not reduce the overall usability of the Broadway Malls due to their limited effects over the course of the year. An increase in height in the Other Area east of Broadway would not result in any additional shadow increments on the Broadway Malls.

MANHATTANVILLE HOUSES OPEN SPACES

The FEIS concludes that from March through September in the late afternoon, the Proposed Actions' buildings in the Academic Mixed-Use Area would cast shadows on the open spaces of the Manhattanville Houses located east of Broadway. The incremental shadows, which would be relatively small, would last for ½ to 2¼ hours, depending on the analysis day. No significant adverse impacts on the open spaces at the Manhattanville Houses during any of the analysis periods are anticipated, because of the short duration and small size of the incremental shadows. Although the Proposed Actions would remove the last of the sunlight on two areas of the open spaces during the late afternoon hours between September and March, the largest, centrally located open space would remain unaffected by the Proposed Actions.

If the buildings in the Academic Mixed-Use Area could be taller (with use of the Special Permit), there would be some additional small incremental shadows cast on the Manhattanville Houses open spaces in the March and May analysis periods from a building on Site 1 (see Figures A.2-15 and A.2-16). These additional increments are unlikely to result in any significant adverse shadow impacts on the Manhattanville Houses open spaces, as the potential combined increments would be limited to a short duration and small size. As with the Proposed Actions, the largest, centrally located open space would remain unaffected by use of the Special Permit.

RIVERSIDE PARK

The FEIS concludes that Riverside Park, which is southwest of the Project Area, would receive incremental shadows in the early morning from March through September from the buildings in the Academic Mixed-Use Area. The largest incremental shadows would occur in the beginning of the analysis period in the early morning. However, they would still be very small considering the total size of Riverside Park. Further, these shadows would decrease in size rapidly and move off the open space by 9:00 AM, and Riverside Park would receive ample sunlight for the remainder of the day. Therefore, with the Proposed Actions, no significant adverse impacts would occur on Riverside Park.

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With use of the Special Permit, additional shadow increments could be cast on Riverside Park during the early morning in the May analysis period (see Figure A.2-17). The additional increment is unlikely to result in significant adverse impacts on this open space, as the shadow would cover only a very small portion of the park for a limited period in the AM hours.

PROPOSED OPEN SPACES

The Proposed Actions would create a series of open spaces linking West 125th to West 133rd Streets, along Twelfth Avenue and along the line of West 132nd Street between Broadway and Old Broadway. The FEIS noted that these open spaces would receive incremental shadows from the Academic Mixed-Use Development buildings for long durations throughout the year for most or all of the analysis periods. The incremental shadows are not considered a significant adverse impact because these open spaces would not exist without the Proposed Actions. Although the final landscape design of these proposed open spaces has not yet been determined, it is anticipated that the plan would consider these shadow conditions, and vegetation would be selected for its shade tolerance.

The redistribution of bulk within the Academic Mixed-Use Area by Special Permit could result in different shadow increments on these project-created open spaces. In addition, use of the Special Permit could occur after construction of the open spaces is complete. Therefore, use of the Special Permit could result in significant adverse impacts on the open spaces to be created as part of the Proposed Actions. However, as noted above, it is anticipated that the landscape design of the proposed open spaces would take into account the shadow conditions, and vegetation would be selected for its shade tolerance.

HISTORIC RESOURCES (ARCHITECTURAL RESOURCES)

Architectural impacts are site specific and depend not only on the bulk and massing of a given proposal, but on the presence or absence of architectural and historic resources on or in proximity to the development site. Architectural resources are identified in Chapter 8, “Historic Resources,” of the FEIS.

The Proposed Actions as analyzed in the FEIS would result in the incorporation of the former Warren Nash Service Station building into the Academic Mixed-Use Development. In addition, the Studebaker Building is currently being renovated. The 1948 dining car of the West Market Diner would be relocated to a new site in the Project Area or study area and restored to the extent practicable. Significant adverse impacts on the former Sheffield Farms Stable at 3229 Broadway, which would be demolished, would occur. Use of the Special Permit would not change these conclusions.

Because a proposal that makes use of the Special Permit could result in a different distribution of building bulk than as analyzed in the FEIS, it is possible that such a proposal would result in different contextual impacts on adjacent or nearby architectural resources. The use of the Special Permit would require that certain findings are met (see Appendix A.1 for the proposed Special Manhattanville Mixed-Use Zoning District text), specifically, that such modifications are necessary to:

- Meet programmatic and mechanical requirements;
- Achieve a better distribution of bulk on the zoning lot that would not adversely affect access to light and air for surrounding public access areas, streets, and properties;
- Provide flexibility of architectural design and encourage more attractive building forms; and

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- Result in a development or enlargement that is compatible with development in the surrounding area.

For a Special Permit in which there is a transfer of floor area (in addition to the modification of special bulk requirements), it is also required that CPC find that the distribution of floor area on the receiving site does not adversely affect the character of the surrounding area by unduly concentrating floor area in any portion of Subdistrict A. With these findings, it is unlikely that any development that makes use of the Special Permit (with or without a transfer of floor area) would result in adverse contextual impacts on architectural resources.

URBAN DESIGN AND VISUAL RESOURCES

Urban design and visual resource impacts are site specific and depend not only the bulk and massing of a given proposal but on the urban design of the surrounding area and the presence or absence of visual resources within that area. Chapter 9, “Urban Design and Visual Resources,” of the FEIS considers the potential of the Proposed Actions to impact the urban design characteristics and visual resources of the Project Area and surrounding study area. The Proposed Actions as analyzed in the FEIS would enhance urban design and visual resources.

Because use of the Special Permit could result in a different distribution of building bulk within the Special Manhattanville Mixed-Use District, it is possible that such a proposal would result in different effects on urban design and visual resources than those identified in the FEIS. A general assessment of how use of the Special Permit could affect the different elements of urban design and visual character is provided below.

URBAN DESIGN

- *Building bulk, use, or type.* The Special Permit would result in differences in how a development’s bulk is massed on a site. The Special Permit would not result in any changes to a development’s use or type.
- *Building arrangement.* As with building bulk, the Special Permit could result in a different arrangement of a development’s buildings on a site and could result in a different overall distribution of bulk than as analyzed in the FEIS.
- *Block form and street pattern.* Block form and street pattern relate to the shape and arrangement of blocks and surrounding streets. Use of the Special Permit would allow greater flexibility in distributing a development’s bulk on a site. It is not expected to result in any changes to block form and street patterns. The Square, the Small Square, and the Grove would have to conform to the requirements of Section 104-40 of the proposed Special Manhattanville Mixed-Use Zoning District text; therefore, the Special Permit would not affect these elements of block form and street pattern.
- *Streetscape elements.* Streetscape elements include street trees, curb cuts, streetwalls, building entrances, and other elements. These elements are related to how a building’s bulk is distributed, and therefore use of the Special Permit would affect this element of urban design.
- *Street hierarchy.* This element of urban design is related to the streets that surround a site. Therefore, the Special Permit would not affect street hierarchy.
- *Natural features.* Natural features include vegetation and geologic, topographic, and aquatic features, such as rock outcroppings, steep slopes, or varied ground elevation, beaches, or wetlands. The Proposed Actions would not alter the area’s topography or natural features,

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and use of the Special Permit, which would be specific to changes in height, setback, and streetwall (with or without a transfer of floor area), would also not alter the area's topography or natural features.

The proposed zoning would preserve the Project Area street pattern, and all projected development would be laid out within the existing grid and constructed on existing blocks with minimal re-grading expected. The new development would replace gas stations, warehouses, garages, other types of light industrial buildings, and parking lots. Therefore, the Proposed Actions would not alter the topography, natural features, street pattern and hierarchy, and block shapes of the Project Area.

VISUAL RESOURCES

- *View corridors.* Because a building that makes use of the provisions of the Special Permit could result in a different site plan/distribution of building bulk than as analyzed in the FEIS, it is possible that there would be differences in how view corridors are affected.

As discussed above, prior to granting approval for the Special Permit, CPC must find that any modifications of the height, setback, and streetwall requirements achieve a better distribution of bulk on the zoning lot, provide flexibility of architectural design and encourage more attractive building forms, and result in a development or enlargement that is compatible with development in the surrounding areas. Where there is a transfer of floor area, CPC must further find that such a transfer does not adversely affect the character of the surrounding area by unduly concentrating floor area in any portion of Subdistrict A. As such, use of the Special Permit is unlikely to result in significant adverse urban design impacts.

NEIGHBORHOOD CHARACTER

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns.

As discussed in the FEIS, the Proposed Actions would clearly and substantially alter neighborhood character. An aging industrial area would be replaced with academic and academic research facilities of Columbia University, as well as mixed-use development adjacent to the waterfront and on the east side of Broadway. The Proposed Actions would improve the streetscapes, provide active retail uses along Broadway, West 125th Street, and Twelfth Avenue, improve connections to the waterfront, and introduce substantial new publicly accessible open space.

As discussed above, use of the Special Permit would not affect land use, socioeconomic conditions, noise, traffic, or pedestrian levels. As described in the previous sections, it is unlikely that use of the Special Permit would result in new or different impacts than those discussed in the FEIS in terms of historic resources, and urban design and visual resources. Use of the Special Permit could result in differences in incremental shadows but is not likely to result in additional significant adverse impacts other than the one described for I.S. 195, which would occur under the Proposed Actions, and a potential significant adverse impact on the open spaces to be created as part of the Proposed Actions if use of the Special Permit occurs after construction of these open spaces is completed. However, as described above, it is anticipated that the landscape design of the proposed open spaces would take into account the shadow

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conditions, and vegetation would be selected for its shade tolerance. While there is the potential that this element of neighborhood character (shadows) could be affected through use of the Special Permit, the clear and substantial alteration of neighborhood character that would occur with the Proposed Actions—i.e., the replacement of an aging industrial area with academic and academic research facilities and mixed-use development—would not be altered by use of the Special Permit. Use of the Special Permit would be subject to both ULURP and CEQR review; therefore, a site-specific analysis of a development using the Special Permit and its potential effect on neighborhood character would be undertaken at that time, and the potential for significant adverse impacts determined in connection with that analysis.

NATURAL RESOURCES

If building heights were to be raised substantially (in excess of 500 to 600 feet) because of the Special Permit, an assessment of the potential effects on migratory birds (due to building collisions) may be warranted. However, it is highly unlikely that a Special Permit would be granted for a building of this height given the findings described above (see “Description of Section 104-60,” above). Therefore, it is unlikely that use of the Special Permit would result in significant adverse impacts on natural resources.

WATERFRONT REVITALIZATION PROGRAM

The project area west of Broadway is located within the City’s coastal zone. Any proposed development in the coastal zone—whether it is proposed with or without using the Special Permit—must be assessed for its consistency with the City’s Local Waterfront Revitalization Program (LWRP). Use of the Special Permit (with or without a transfer of floor area) could result in buildings with different heights, setbacks, and streetwalls than those without the Special Permit. Therefore, the policies that could be affected by the use of the Special Permit are Policies 9 and 10, which state “protect scenic resources that contribute to the visual quality of the New York City coastal area,” and “protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area,” respectively.

It is unlikely that use of the Special Permit would result in impacts that would cause a project to be inconsistent with these policies. As discussed above in “Historic Resources” and “Urban Design and Visual Resources,” it is unlikely that any development that makes use of the Special Permit (with or without a transfer of floor area) would result in significant adverse impacts on those areas and are therefore unlikely to result in a development that would be inconsistent with the City’s LWRP. Therefore, use of the Special Permit is unlikely to result in a project that would be inconsistent with the City’s LWRP.

AIR QUALITY (STATIONARY SOURCES)

Assessments of stationary sources depend on a specific site plan and relate to 1) how nearby commercial, institutional or large-scale residential developments affect a proposed development; and 2) how the heating, ventilation, and air conditioning (HVAC) emissions from a proposed development would affect surrounding buildings. The issue of how use of the Special Permit would affect stationary sources is related to how building heights of new and existing buildings would change in relation to each other.

As discussed above, the Special Permit would be subject to both ULURP and CEQR review. As part of the CEQR review, a screening analysis (at a minimum) would be prepared to determine whether emissions from any on-site fuel-fired HVAC equipment (for example, boilers or hot

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water heaters) would be significant. The procedure involves determining the distance (from the exhaust point) within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of an equal or greater height when compared with the height of the Proposed Project's HVAC exhaust. The distance within which a significant impact may occur depends on a number of factors, including the height of the discharge, type(s) of fuel burned and development size. The screening analysis would identify any requirements to avoid impacts (such as prescribing fuel type or exhaust locations). If such measures would not avoid potential impacts, additional measures, such as increasing the exhaust stack height, designing the building without operable windows or air intake locations, or connecting the building to a steam plant, if possible, could be implemented to ensure that no significant adverse stationary source impacts would occur. *