TECHNICAL MEMORANDUM
Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development
CEQR No. 06DCP032M

A. INTRODUCTION

As a result of comments made during review of the Draft Environmental Impact Statement and the Uniform Land Use Review Procedure (ULURP) application for the Manhattanville in West Harlem Rezoning and Academic Mixed-Use Development project, and its review of the ULURP application, the City Planning Commission (CPC) is considering modifications to the application that would result in University housing on Broadway, near existing residential buildings. Specifically, Site 17 (on the east side of Broadway, between West 133rd and West 134th Streets), which is analyzed in the Final Environmental Impact Statement (FEIS) Illustrative Plan as an academic research building, would be used for University housing, and as part of the full build-out of the project, a reconfigured Site 11 (on the west side of Broadway between West 132nd and West 133rd Streets) would also be used for University housing. Adjustments would also be made to the uses and sizes of development sites on Block 1999 (on the west side of Broadway between West 132nd and West 133rd Streets), and certain modifications to the zoning regulations are also proposed, as discussed below. The proposed modifications would not affect compliance with the floor area maximum and minimum thresholds set forth in Table 1-7 of the FEIS; maximum floor area, above and below grade, would continue to not exceed 6,760,673 square feet (sf).

The proposed modifications primarily relate to Subdistrict A of the Project Area, but also include zoning design regulation changes for Subdistrict B. Chapter 29, "Modifications to the Proposed Actions," of the FEIS describes and analyzes modifications to rezone Subdistrict B to an underlying M1-2 district instead of C6-1, as well as other modifications to some of the M1-2 underlying district requirements. Additional modifications to other zoning requirements for Subdistrict B are addressed in this Technical Memorandum.

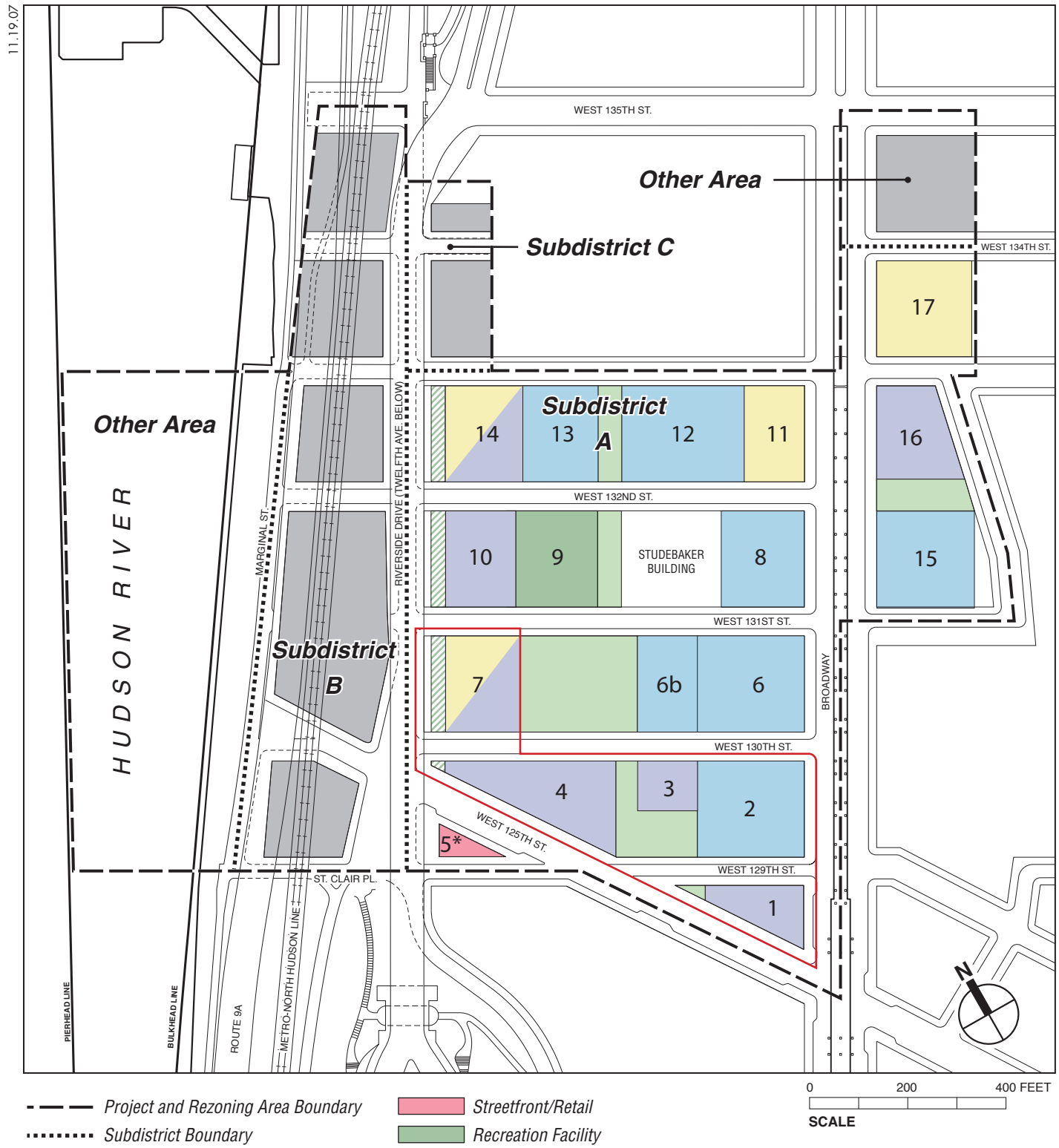
This Technical Memorandum describes the proposed modifications and examines whether the Proposed Actions with the proposed modifications would result in any new or different significant adverse environmental impacts not already identified in the FEIS.

The analysis concludes that the Proposed Actions with the proposed modifications would not result in any significant adverse environmental impacts not already identified in the FEIS.

B. DESCRIPTION OF MODIFICATIONS

MODIFICATIONS TO SITES AND LAND USES

The subjects of the proposed modifications are three sites—Sites 11, 12, and 17 (see Figure 1), as follows:



* NOTE: Public Open Space to be developed as partial open space mitigation

Figure 1

Subdistrict A Proposed Modifications: Illustrative Land Use Plan

MANHATTANVILLE IN WEST HARLEM REZONING AND ACADEMIC MIXED-USE DEVELOPMENT

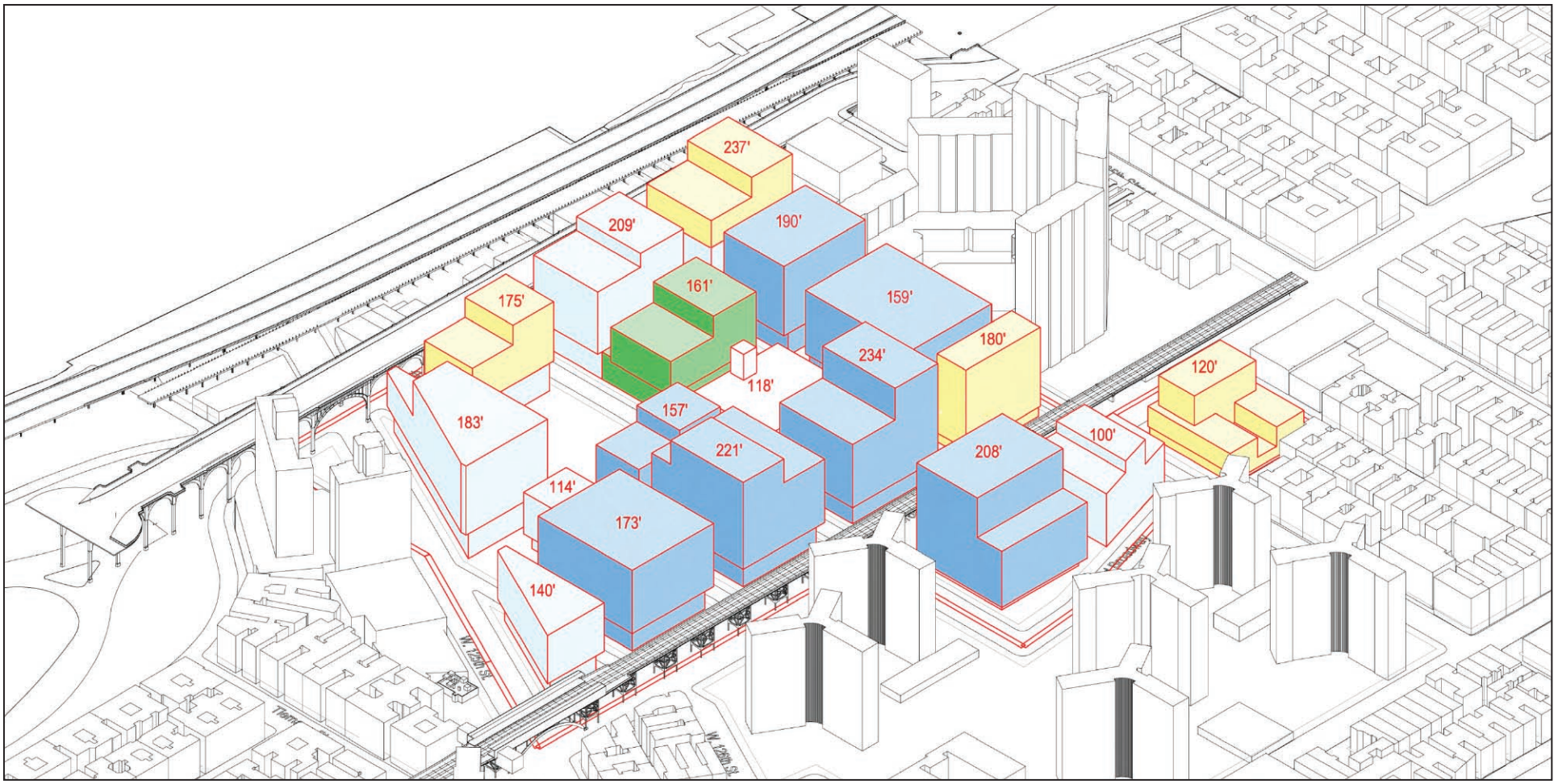
- Site 11 (Parcel F1): Upon the full build-out of the project on Block 1999, Site 11 would be occupied by University housing, a change from the FEIS, which analyzes an academic research building on the site. The area of the site would change as well: its western boundary would be parallel to and 120 feet west of Broadway (see Map 5 in Attachment A, "Revised Special Zoning District Text"); the western boundary of Site 11 in FEIS is 220 feet west of Broadway. Maximum building height for the proposed Special Manhattanville Mixed-Use Zoning District would be 180 feet, with 40 feet for rooftop mechanical structures (see Figure 2 and Map 5 in Attachment A). This height is lower than the maximum height proposed in the FEIS (260 feet plus up to 60 feet for a mechanical penthouse). As shown in Table 1, the Illustrative Plan with the proposed modifications now includes a building of 102,272 sf, comprising 90,872 sf of University Housing and 11,400 sf of active ground-floor use.

Table 1

Modifications to Subdistrict A: Illustrative Plan by Development Site (in GSF)

Site #[1]	Academic	Academic Research	University Housing (units)	Recreation	Active Ground-Floor Uses	Total
2015 Development Sites						
1	114,082				16,144	130,226
2		351,310			11,400	362,710
3	64,020					64,020
4	354,738				21,505	376,243
7	198,950		65,000		11,400	275,350
2015 Above Grade	731,790	351,310	65,000	0	60,449	**1,208,549**
Below-Grade Components						
Academic research support						58,563
Below-grade program						69,830
Central energy plant						50,870
Ramp, mechanical, freight, egress, switchgear, and loading facilities						94,638
Storage						31,294
2015 Below Grade Grade						**305,195**
2015 TOTAL						**1,513,744**
2030 Development Sites						
5					10,969	10,969
6		367,261			11,400	378,661
6b		138,890				138,890
8		301,101			11,400	312,501
9				250,713		250,713
10	260,370				11,400	271,770
11			90,872		11,400	102,272
12		505,131				505,131
13		376,680				376,680
14	234,380		109,060		11,400	354,840
15		386,792			11,400	398,192
16	196,318				11,400	207,718
17			246,730		11,400	258,130
2030 Above Grade	1,422,868	2,427,165	511,662 (822)	250,713	162,618	**4,775,016**

11.20.07



Academic Research

University Housing

Academic

Recreation

Figure 2

Subdistrict A Proposed Modifications:
Illustrative Plan View Northwest

Table 1 (cont'd)
Modifications to Subdistrict A: Illustrative Plan by Development Site (in GSF)

2030 Development Sites (cont'd)	
Below-Grade Components	
West of Broadway	
Academic research support	296,201
Below-grade program	69,830
Central energy plant	70,199
Ramp, mechanical, freight, egress, switchgear, and loading facilities	384,512
Storage	189,225
Columbia University parking	556,933
Parking for Bus Depot employees	80,000
Swimming and diving center	145,431
Subtotal West of Broadway	**1,792,331**
East of Broadway	
Ramp, mechanical, freight, egress, switchgear, and loading facilities	44,651
Parking	148,675
Subtotal East of Broadway	**193,326**
2030 Total Below-Grade	**1,985,657**
2030 TOTAL (Including 2015 Sites)	**6,760,673**

Note: [1] Site reference corresponds to Figure 1.

- Site 12 (Parcel F2): As in the FEIS Proposed Actions, Site 12 would be occupied by an academic research building. However, the size of Site 12 would increase with the decrease in Site 11. Site 12's eastern boundary would move from a point 220 feet parallel to and west of Broadway to 120 feet west of Broadway (see Map 5 in Attachment A). As a consequence, the size of the academic research building on this site would be larger—505,131 sf, compared with 214,225 sf in the FEIS. As in the FEIS, there would be no ground-floor retail on this site. The maximum height set forth in the proposed Special Manhattanville Mixed-Use Zoning District for this site would remain the same at 170 feet plus 60 feet for rooftop mechanical space, although for the Illustrative Plan with the proposed modifications, this building would rise 159 feet, plus up to 60 feet for rooftop mechanical space.
- Site 17 (Parcel H): Site 17, which was analyzed in the FEIS as a 450,585 square-foot academic research building, would change to University housing. As shown in Table 1, the University housing building would be 258,130 sf, comprising 246,730 sf of University housing and 11,400 sf of active ground-floor use. The maximum height set forth in the proposed Special Manhattanville Mixed-Use Zoning District for this site would change to 120 feet plus 20 feet for mechanical structures, compared with the FEIS maximum of 240 feet plus up to 60 feet for a mechanical penthouse. Proposed zoning on this site would also change to allow for a building more in context with its residential neighbors (see discussion below).

To accommodate the use changes on Sites 11 and 17, the use on two other sites would change, although there would be no need to modify their site areas or maximum heights set forth in the proposed Special Manhattanville Mixed-Use Zoning District. Site 13 (Parcel F3), which is proposed as a 160,890-sf academic building in the FEIS Illustrative Plan, would now be a 376,680-sf academic research building in the Illustrative Plan with the proposed modifications. This building would be taller than in the FEIS Illustrative Plan, but would be within the maximum of 190 feet set forth in the proposed Special Manhattanville Mixed-Use Zoning District for Site 13, and analyzed in the FEIS. Site 14 (Parcel F4), which was analyzed in the

FEIS as a 361,760-sf building for University housing, and 11,400 sf of active ground floor use, would now contain a mixture of academic program and housing. In the Illustrative Plan with the proposed modifications, the academic use would occupy 234,380 sf of the building, University housing would occupy 109,060 sf and active ground-floor use would occupy 11,400 sf—for a total of 354,840 sf.

Taken together, these changes would have the effect of placing University housing on Broadway nearer to existing residential buildings at 3333 Broadway, and on West 133rd and West 134th Street east of Broadway—and to the proposed residential use in the Other Area east of Broadway, which is just north of Site 17. The changes would also place two large academic research buildings in the midblock along West 132nd and West 133rd Streets. Without the academic research building on Site 11, however, it would still be possible to connect these buildings to the shared below-grade academic research support space, which would still be located between West 129th to West 133rd Street on the eastern corridor of the central below-grade service area.

Table 1-6 in the FEIS, which lists the permitted uses by development site, would be revised for the General Project Plan (GPP) and Restrictive Declaration to reflect the following permitted uses:

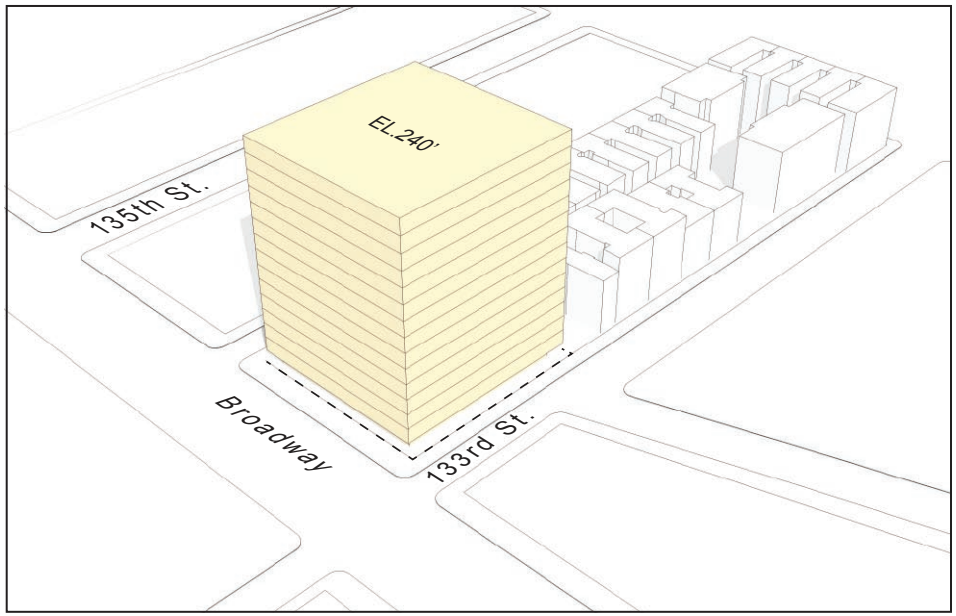
- Site 11: University housing and academic
- Site 13: Academic and academic research
- Site 17: University housing only

MODIFICATIONS TO PROPOSED ZONING REGULATIONS

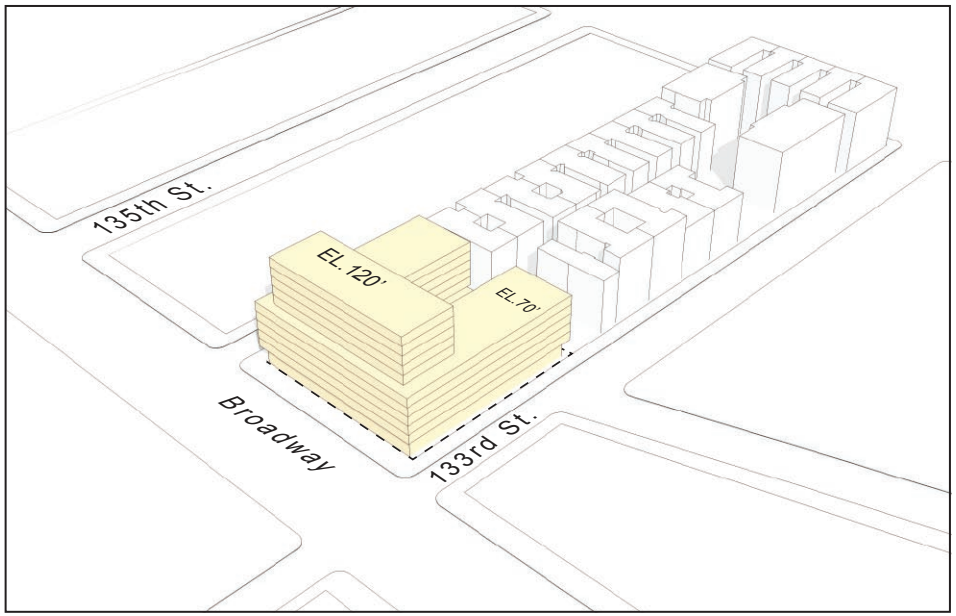
Modifications to the regulations of the proposed Special Manhattanville Mixed-Use District relating to the above use changes are as follows:

- Any development on Site 17 (Parcel H) containing dwelling units or college or school student dormitories must comply with the height and setback regulations for R8A districts instead of the special height and setback regulations (lower and upper streetwalls) in Subdistrict A (Section 104-20). See also Figure 3.
- The parcel size of Site 11 (Parcel F1) has been decreased and the parcel size of Site 12 (Parcel F2) has been increased. (see Map 5 in Attachment A, "Revised Special Zoning District Text").
- The maximum height of a building on Site 11 (Parcel F1) has been decreased to 180 feet and the maximum height of a building on Site 17 (Parcel H) has been decreased to 120 feet.

In addition, there are several other changes to the text of the proposed zoning, shown with blackline in the proposed modified zoning text (see Attachment A). These changes generally include modifications of streetwall and ground-floor regulations for Subdistrict B, to accommodate the proposed modifications to Subdistrict B described in Chapter 29 of the FEIS; changes to make the zoning text pertaining to the public open spaces consistent with new requirements for privately owned public space (POPS) elsewhere in Manhattan; and technical changes, clarifications, and corrections.



FEIS Illustrative Plan
Design Regulations of Proposed Special District



Proposed Modifications Illustrative Plan
R8A Design Regulations

Figure 3
Site 17 Proposed Modifications:
Design Regulations

C. ANALYSES

As described above, the proposed modifications would not increase the total amount of development associated with the Academic Mixed-Use Development in Subdistrict A, as described and analyzed in the FEIS. The proposed modifications would result in a change to the proposed Columbia University Illustrative Plan for Subdistrict A. As described in Chapter 1, "Project Description," of the 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, as does the Illustrative Plan with the proposed modifications.

The proposed modifications would result in an overall increase in the amount of University housing of 173 units (96,302 sf) and 73,490 sf academic development and a 169,792 sf decrease in the amount of academic research development, as compared to the Illustrative Plan described in the FEIS. However, the proposed modifications would result in development in Subdistrict A that would be within the maximum and minimum floor area thresholds set forth in Table 1-7 of the FEIS. As described in Chapter 2, "Procedural and Analytical Framework," of the FEIS, several categories of technical analysis were analyzed assuming maximum and minimum uses of allowable floor areas where such uses would have impacts greater than those that would be created under the Illustrative Plan. Those impact areas for which the analysis was based on a reasonable worst-case impact "envelope" are socioeconomic conditions, community facilities, open space, hazardous materials, natural resources, infrastructure, solid waste and sanitation services, energy, traffic, parking, transit, pedestrians, air quality (mobile source only), construction, and public health. For these analyses, the conclusions would be unchanged with the proposed modifications because the worst-case scenarios analyzed for these categories of the FEIS would also represent the worst-case scenario for the Proposed Actions with the proposed modifications. For those analyses that identified significant adverse impacts, the same mitigation set forth in Chapter 23, "Mitigation," of the FEIS would be required for the Proposed Actions with the proposed modifications. The analyses below address those studies where the modifications would represent a material change from the scenario analyzed in the FEIS, as well as socioeconomic conditions (indirect residential displacement only), for which the proposed modifications would result in a change to the mitigation set forth in Chapter 23 of the FEIS.

As described above, the proposed zoning text changes include modifications of streetwall and ground-floor regulations for Subdistrict B, to accommodate the proposed modifications to Subdistrict B described in Chapter 29 of the FEIS; changes to make the zoning text pertaining to the open spaces consistent with new requirements for POPS elsewhere in Manhattan; and technical changes, clarifications, and corrections. None of these zoning text changes require further analysis in this Technical Memorandum. As discussed in Chapter 29 of the FEIS, the proposed modifications to Subdistrict B would not generate new development; the changes to the subdistrict's design regulations to remove the streetwall and ground floor provisions under the modified rezoning in Subdistrict B would also have no effect on development in the Project Area. The proposed changes in requirements for the open spaces would not affect the FEIS open space analysis, which assumed that the spaces would be publicly accessible and therefore appropriate to be included in the quantified analysis, but conservatively did not make any assumptions as to the specifics of landscaping, planting requirements, bike racks and other features revised under the modifications to the zoning text. The open space analysis of mid-block open areas addressed only the required space available at ground level; therefore the change that requires the open areas on the block between West 129th and West 130th Streets to

be 50 feet wide to the sky do not affect the FEIS open space analysis. These changes are therefore not addressed in the analyses below.

LAND USE, ZONING, AND PUBLIC POLICY

LAND USE

The proposed modifications would change the land uses proposed for four sites in the northern portion of Subdistrict. The Illustrative Plan for this area, as analyzed in Chapter 3, "Land Use, Zoning, and Public Policy," of the FEIS, proposed a mix of academic, academic research, University housing, and open space. The proposed modifications would result in the same overall mix of land uses in this area, although the total amount of some of these uses would be different.

The proposed modifications place development of University housing buildings—instead of academic research as proposed by the Illustrative Plan in the FEIS—on Sites 11 and 17 along Broadway. The change in land use to these sites would be consistent with the existing residential uses along Broadway to the north and west, as well as the existing residential uses directly abutting Site 17 to the east on the same block. The building on Site 13 would be academic research, instead of academic use, and the building on Site 14 would be a mixture of academic and University housing, instead of all housing. These changes would comply with the uses permitted in the proposed zoning and the Proposed Actions with the proposed modifications would remain within floor area maximums and minimums for all uses The proposed modifications would not result in any other changes to Subdistrict A or the remainder of the Project Area. The proposed modifications would result in development in Subdistrict A that would create a vibrant, mixed-use neighborhood in an area virtually devoid of open space and generally characterized by auto repair businesses, parking facilities, moving and storage facilities, and sites containing low-density commercial or industrial buildings. Therefore, Proposed Actions with the proposed modifications, like the Proposed Actions in the FEIS, would not result in any significant adverse impacts on land use.

ZONING

The proposed modifications to the Special Manhattanville Mixed-Use Zoning District would require that any development on Site 17 containing dwelling units or college or school student dormitories comply with height and setback regulations for R8A districts instead of the special height and setback regulations for Subdistrict A described in the FEIS. For Site 17, this would result in a maximum building height of 120 feet. This would be consistent with the proposed R8A zoning for the Other Area east of Broadway, directly north of Site 17. The maximum building height on Site 11 would be decreased to 180 feet. As described earlier, the proposed modifications include other changes to the Special Manhattanville Mixed-Use Zoning District. Overall, the Proposed Actions with the proposed modifications to Subdistrict A, like the Proposed Actions analyzed in the FEIS, would not result in any significant adverse impacts on zoning.

PUBLIC POLICY

The Proposed Actions with the proposed modifications would not change the urban design controls relating to sidewalks and open spaces of the Special Manhattanville Mixed-Use Zoning District. As described in Chapter 3 of the FEIS, these special urban design controls would

enhance pedestrian access to the waterfront. The proposed modifications would not change the requirements for active ground-floor uses along Twelfth Avenue and Broadway that are intended to provide neighborhood amenities, lively streetscapes, and an enhanced corridor to the West Harlem Waterfront park. These features are intended to result in greater and livelier street-level activity, greenery, and enhanced westward views to the Hudson River, and contribute to an improved pedestrian access corridor along the side streets to the West Harlem Waterfront park, consistent with the principal objective of the Comprehensive Manhattan Waterfront Plan to enhance public access to and use of the Manhattan shoreline. Therefore, the Proposed Actions with the proposed modifications would be consistent with the Comprehensive Manhattan Waterfront Plan.

The Proposed Actions with the proposed modifications would result in development in Subdistrict A that would be consistent with the first component of the West Harlem Master Plan. As described in Chapter 3 of the FEIS, the special urban design controls proposed for the Special Manhattanville Mixed-Use Zoning District (mandatory streetwalls, mandatory sidewalk widenings, and midblock open areas) would enhance pedestrian access to the waterfront, a goal of the second component of the Master Plan. The Proposed Actions with the proposed modifications would result in development in Subdistrict A that would include a greater variety of land use uses, a goal of the third component of the Master Plan. However, it would not advance the Master Plan's goal of creating a low-rise regional attraction between West 130th and West 132nd Streets from Twelfth Avenue to Broadway. The Proposed Actions with the proposed modifications would result in development in Subdistrict A that would be at a higher density than recommended by the Master Plan and would not be consistent with the Master Plan's recommendation for mid-rise development in the area surrounding the regional attraction. In addition, the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would contain Columbia academic buildings with some retail, cultural, and entertainment uses on the ground floor, instead of the primarily retail, cultural, entertainment, recreation, and transportation facilities envisioned as a regional attraction. The land uses in Subdistrict A as a result of the proposed modifications would be consistent with the Master Plan's recommendation for retail, commercial, research, institutional, and academic uses for the area surrounding the regional attraction. The West Harlem Master Plan also recommends reuse of existing buildings in this area, whereas the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would demolish existing buildings and develop new buildings.

Like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would be consistent with a number of the goals and objectives of the West Harlem Master Plan, but would not advance all of its recommendations. Given the nature of the West Harlem Master Plan as a plan setting forth broad goals and objectives for Manhattanville, rather than specific regulations, these inconsistencies are not considered significant adverse impacts for New York City Environmental Quality Review (CEQR) purposes.

Like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would not result in any significant adverse impact on public policy.

SOCIOECONOMIC CONDITIONS

Development in Subdistrict A with the proposed modifications would differ somewhat from development as analyzed for the Proposed Actions in the FEIS, but the socioeconomic impacts would be essentially the same. All direct displacement would be the same as that described for

the Proposed Actions in the FEIS, and the projected indirect displacement of businesses and employment would also be the same. The FEIS concludes that these effects would not constitute significant adverse socioeconomic impacts, and this conclusion would not be different with the proposed modifications. Similar to the Illustrative Plan analyzed in the FEIS, development resulting from the proposed modifications would generate substantial economic benefits for New York City and New York State. By 2015, the Proposed Actions with the proposed modifications would not result in any significant adverse impacts as measured by the five socioeconomic areas of concern prescribed in the *CEQR Technical Manual*. By 2030, like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would result in the potential for a significant adverse impact with respect to one of the five areas of socioeconomic concern—indirect residential displacement.

INDIRECT RESIDENTIAL DISPLACEMENT

For the Proposed Actions with the proposed modifications, a significant adverse impact could occur because, as with the Proposed Actions analyzed in the FEIS, build-out could initiate a trend toward increased rents in the primary study area. The proposed modifications, upon full buildout of the project on Block 1999, would provide approximately 260 more on-site University dwelling units compared to the socioeconomic reasonable worst-case scenario analyzed in the FEIS. These additional on-site units would lessen the off-site University housing demand; i.e., the Proposed Actions with the proposed modifications would create a projected demand for approximately 579 housing units within the primary study area and 871 units within the secondary study area, compared with the demand generated by the socioeconomic reasonable worst-case scenario in the FEIS of 839 housing units within the primary study area and 1,131 units within the secondary study area. However, even with the additional on-site units, there would still be the potential for University-generated housing demand. In addition to the University-generated housing demand, the overall program could make the Project Area more attractive as a destination and could in turn attract additional persons seeking housing in the area. As with the Proposed Actions analyzed in the FEIS, these factors in combination could result in significant adverse indirect residential displacement within the primary study area by 2030. Overall, the Proposed Actions with the proposed modifications would not result in any significant adverse impacts not already identified in the FEIS.

MITIGATION

For the Proposed Actions with the proposed modifications, the mitigation described in Chapter 23 of the FEIS would be required and would satisfy a greater percentage of off-site University housing demand (due to the lesser amount of off-site demand for the proposed modifications, as described above). However, even with the mitigation described in the FEIS, there would be some remaining off-site housing demand from the University-generated population (estimated to be 333 primary study area units with the proposed modifications, as compared to a 593-unit demand in the FEIS). In addition, there would be the same demand generated by the non-University population due to the increased livability and overall residential appeal of the neighborhood. Therefore, for the Proposed Actions with the proposed modifications, indirect displacement could still occur, but with the preservation and/or development of a substantial amount of affordable housing within Community Board 9 (CB9) and other mitigations described in Chapter 23 of the FEIS, the amount of displacement would likely be less.

The socioeconomic reasonable worst-case development scenario analyzed in the FEIS minimizes on-site housing for graduate students, faculty, and other employees (562 units only), generating the greatest potential off-site demand for housing and thereby maximizing the

potential indirect residential displacement impact. The Illustrative Plan described in the FEIS would result in 87 additional on-site housing units for University affiliates (for a total of 649 units). As described in Chapter 23 of the FEIS, Columbia would commit to develop these 87 additional units as mitigation.

The Illustrative Plan with the proposed modifications would contain a total of 822 on-site University housing units, approximately 173 additional units as compared to the FEIS Illustrative Plan and 260 additional units as compared to the FEIS socioeconomic reasonable worst-case development scenario. Therefore, the mitigation relating to this in Chapter 23 of the FEIS would change because Columbia would commit to develop all 822 on-site housing (173 additional units as compared to the FEIS) for the Proposed Actions with the proposed modifications.

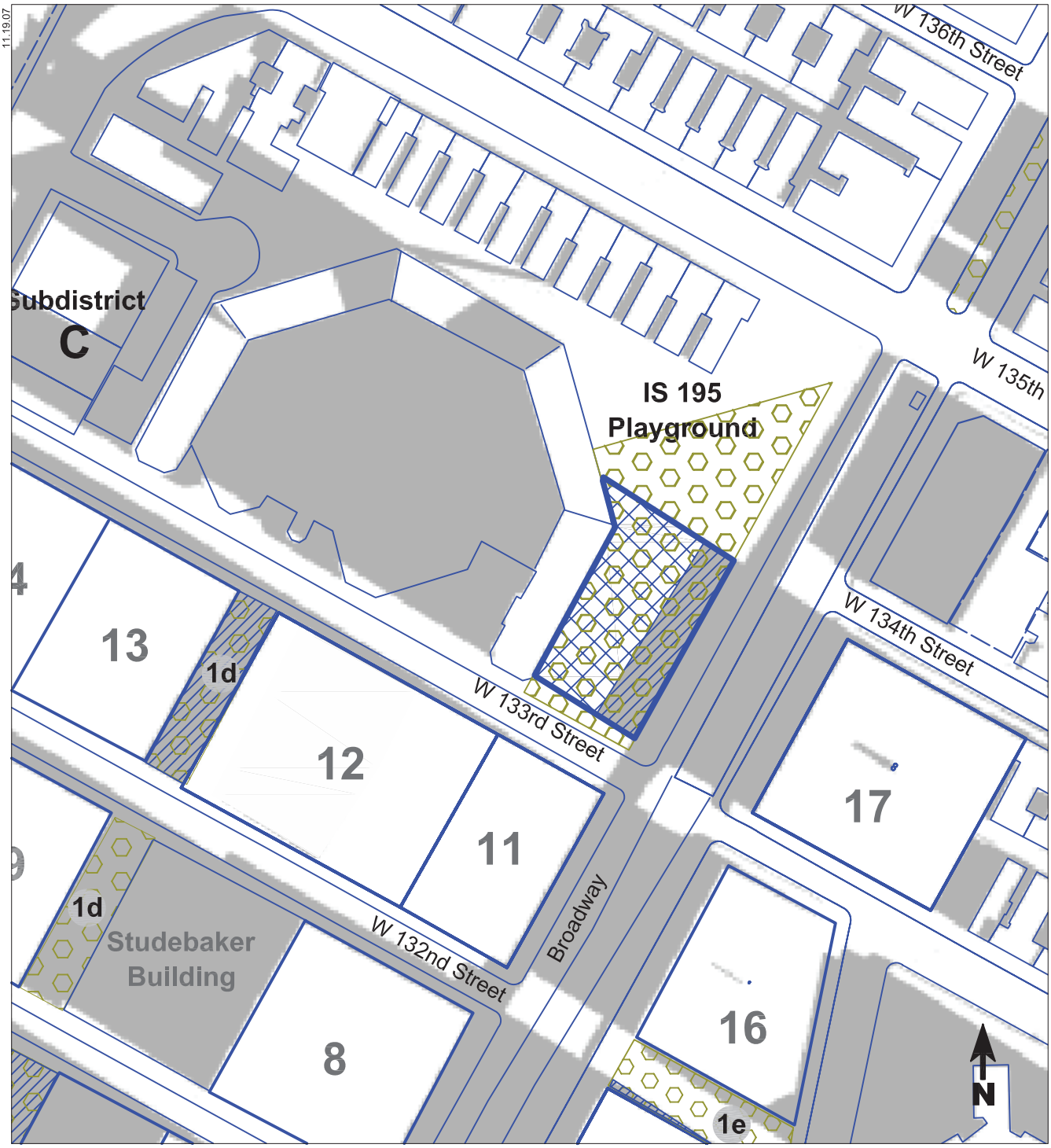
SHADOWS

In Chapter 24, "Alternatives," of the FEIS, the proposed modifications were considered as an Alternative to reduce or avoid the significant adverse shadow impact indentified in the FEIS on the I.S. 195 Playground. As described in the FEIS, the alternative arrangement of buildings on Sites 17, 11, and 12 with the proposed modifications would greatly reduce shadows on the playground during the March/September 21 analysis days, so they would not be on the playground for the entire day, in contrast to the Proposed Actions' shadows. There would be some shadow from Site 17 in the morning, but it would move off the playground much more quickly, so that at 10:00 AM the shadow would cover only a small area along the southeastern edge, rather than covering more than half the space as under the Proposed Actions (see Figure 4). For the Proposed Actions with the proposed modifications, the shadow would only remain until 10:45 AM; under the Proposed Actions analyzed in the FEIS, the shadow would remain until 12:45 PM (see Figure 5). In the afternoon, under both the proposed modifications and the Proposed Actions analyzed in the FEIS, an incremental shadow from the building on Site 11 would enter the southern part of the playground. However, the height of the building with the proposed modifications would substantially reduce the extent and duration of the incremental shadow during the early afternoon (see Figure 6). See Table 2 for the comparison of the total duration of incremental shadow. The Proposed Actions with the proposed modifications would not have a significant adverse shadow impact in the March/September 21 analysis days.

Table 2
Duration of Incremental Shadow: FEIS Proposed Actions Compared to Proposed Actions with the Proposed Modifications

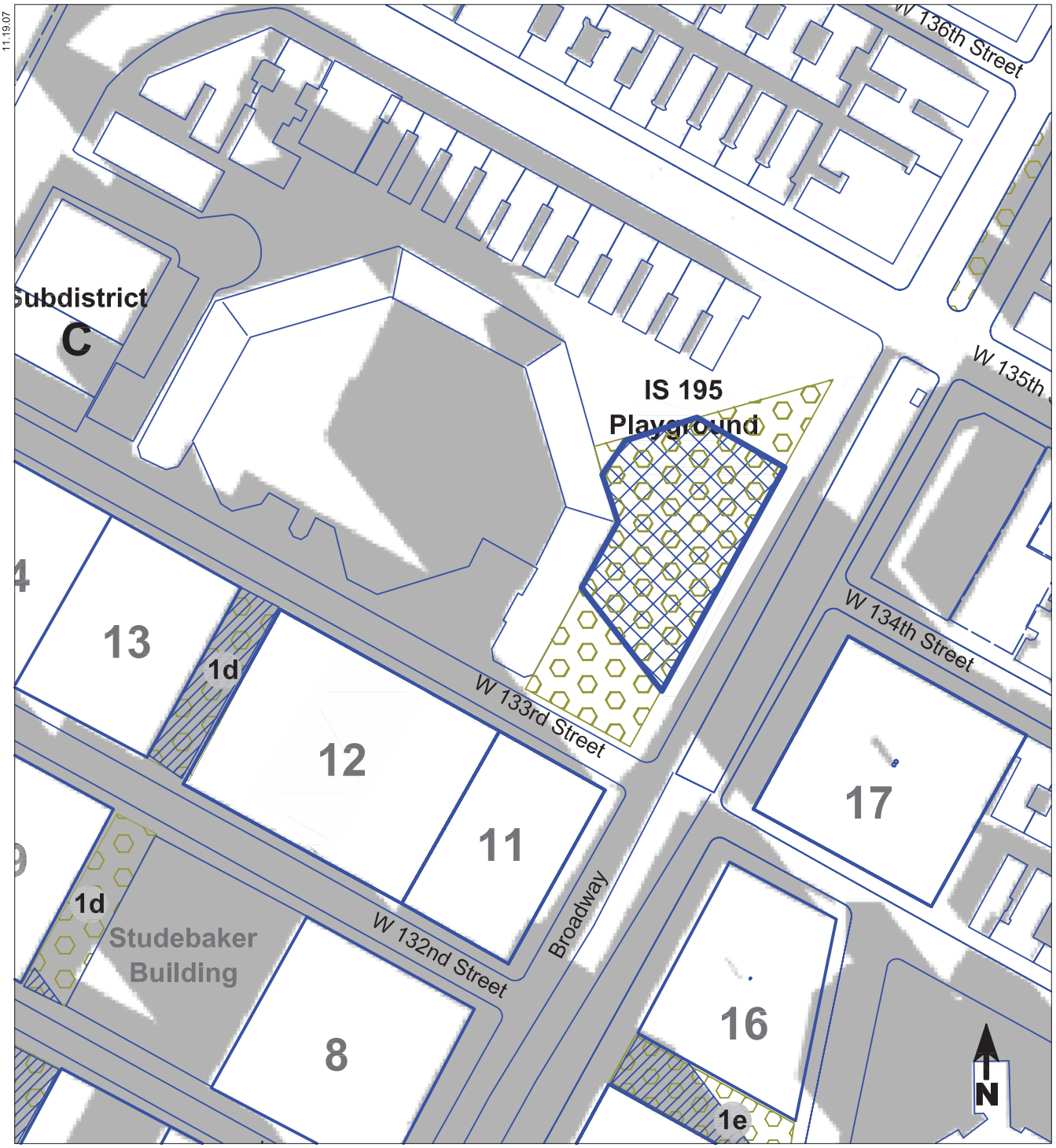
I.S. 195 Playground	March 21 8:36 AM-5:29 PM EDT	December 21 8:51 AM-2:53 PM EST
FEIS Proposed Actions	8:36 AM–5:29 PM Total: 8h 53m	8:51 AM–2:53 PM Total: 6h 2m
Proposed Actions with the Proposed Modifications*	8:36 AM–10:30 AM 11:45 AM–5:29 PM Total: 7h 39m	8:51 AM–2:53 PM Total: 6h 2m
Notes: * See Figures 4-6 EST—Eastern Standard Time; EDT—Eastern Daylight Time March 21 is the equivalent of September 21; May 6 is the equivalent of August 6.		

However, like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would still result in significant adverse shadow impacts on the



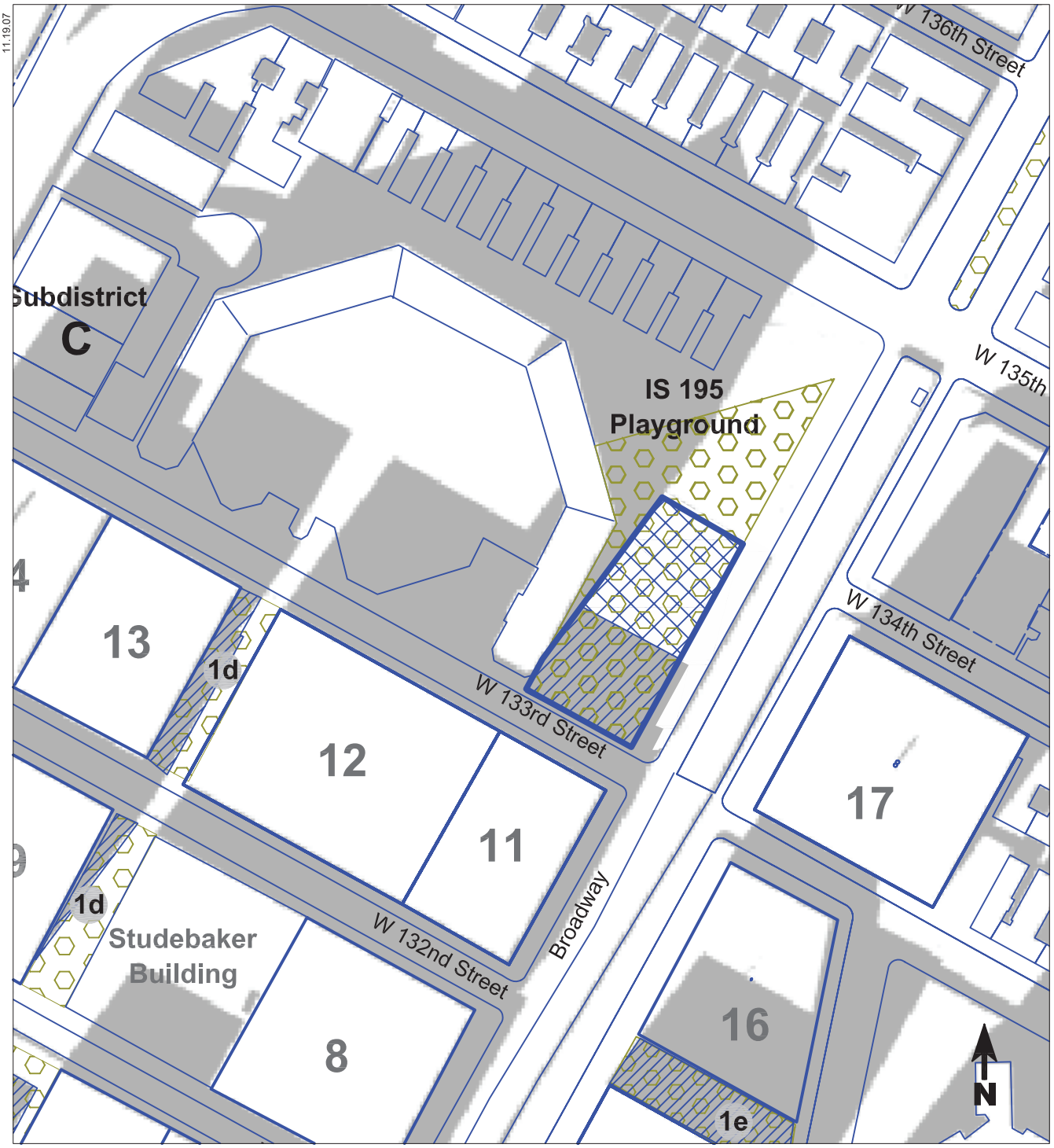
MANHATTANVILLE REZONING IN WEST HARLEM AND ACADEMIC MIXED-USE DISTRICT

Proposed Modifications
Shadow Diagram - 2030 Analysis Year
March 21 - 10:00 AM DST
Figure 4



Proposed Modifications
Shadow Diagram - 2030 Analysis Year
March 21 - 11:15 AM DST
Figure 5

MANHATTANVILLE REZONING IN WEST HARLEM AND ACADEMIC MIXED-USE DISTRICT



Shadow
2030 Analysis Year Buildings
Open Space
Incremental Shadow in FEIS
Incremental Shadow with Proposed Modifications
Reduction in Incremental Shadow from Proposed Modifications

Proposed Modifications
Shadow Diagram - 2030 Analysis Year
March 21 - 2:45 PM DST
Figure 6

MANHATTANVILLE REZONING IN WEST HARLEM AND ACADEMIC MIXED-USE DISTRICT

playground in the December analysis day, although conditions would be somewhat improved over the conditions with the Proposed Actions analyzed in the FEIS. Therefore, the mitigation measures described in Chapter 23 of the FEIS would be required for the Proposed Actions with the proposed modifications.

HISTORIC RESOURCES

The proposed modifications to Subdistrict A would not result in a change to the plans to retain the former Warren Nash Service Station building and convert it to academic uses for the Academic Mixed-Use Development plan. As described in Chapter 8, 'Historic Resources," of the FEIS, a construction protection plan (CPP) has been prepared to avoid adverse construction-related impacts on architectural resources located within 90 feet of the proposed Academic Mixed-Use Development in the Academic Mixed-Use Area of the Project Area. The approved CPP would be implemented prior to any demolition or construction activities commencing in Subdistrict A. This would not change as a result of the proposed modifications.

For the Proposed Actions with the proposed modifications Columbia would still relocate the historic portion of the West Market Diner. The Proposed Actions with the proposed modifications would not result in any change to the effect the Proposed Actions would have on the former Sheffield Farms Stable at 3229 Broadway (currently occupied by a moving and storage company); the demolition of that building would still be required. Therefore, the proposed modifications to Subdistrict A would not eliminate this significant adverse direct impact to historic resources, and the mitigation measures described in Chapter 23 of the FEIS would be required for the Proposed Actions with the proposed modifications.

URBAN DESIGN AND VISUAL RESOURCES

Overall, the Proposed Actions with the proposed modifications, like the Proposed Actions analyzed in the FEIS, would result in development in Subdistrict A that would positively affect the Project Area's urban design. The proposed modifications would not change the urban design controls of the Special Manhattanville Mixed-Use Zoning District that would promote a consistent design for the Academic Mixed-Use Development through a coordinated development plan that would include mandatory widened sidewalks, controls on maximum building heights, mandatory streetwall requirements, and pedestrian improvements in the Project Area.

The proposed modifications would change the building size and height for four sites in the northern portion of Subdistrict A. Although the area for Site 12 would become larger and the area for Site 11 would become smaller, as analyzed for the Proposed Actions in Chapter 9, "Urban Design and Visual Resources," the construction of multiple buildings with large footprints on large zoning lots would not be a significant adverse impact, as there are multiple examples of freestanding buildings with large footprints throughout the study area, and the buildings would be developed through a coordinated plan.

With the requirement for compliance with design regulations of R8A on Site 17, if residential use or University housing is constructed there, the building on Site 17 would be in context with the neighboring buildings on its block. This is a material difference (see Figure 3) from the academic research building on Site 17 analyzed in the FEIS, which was designed to address the context of the University buildings to the south and across Broadway. With this change in design regulations for Site 17, the Proposed Actions with the proposed modifications, like the Proposed

Actions analyzed in the FEIS, would not have a significant adverse impact on urban design or visual resources.

The proposed modifications would decrease the height of buildings on Sites 11 and 17[1]. The maximum building heights would generally reflect the valley topography of the Project Area, with building heights stepping up the slope to West 132nd Street, and then decreasing north of West 132nd Street. The proposed modifications would result in an approximately 54-foot decrease in building height between Site 8 and Site 11 (see Figure 2). Although not fully reflective of the valley topography, the proposed modifications to Subdistrict A, like the Proposed Actions analyzed in the FEIS, would not result in any significant adverse impacts on urban design.

Overall, the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would have largely beneficial effects on visual resources. Views west through the Project Area to the Hudson River would be enhanced by widened view corridors with landscaped streets. Buildings with active-ground-floor uses on West 125th Street, Broadway, and Twelfth Avenue would create additional pedestrian activity and new views of the area's visual resources. Views of the Manhattan Valley IRT and Riverside Drive viaducts would not be blocked. Like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would not result in any significant adverse impacts on visual resources.

NEIGHBORHOOD CHARACTER

Overall, the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would clearly and substantially alter neighborhood character in the Project Area, as defined by CEQR guidelines. The aging and industrial area would be replaced with the graduate school and academic research campus of Columbia University, as well as mixed-use development adjacent to the waterfront and on the east side of Broadway. The Proposed Actions with the proposed modifications would result in development in Subdistrict A that 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. Like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would facilitate new Columbia University land uses to replace the current mix, characterized primarily by auto repair shops, light manufacturing, storage companies, parking lots, and garages, to create new publicly accessible open spaces, enhance urban design and visual resources, and preserve and create an appropriate context for two historic resources, the Studebaker Building and the former Warren Nash Service Station building.

The Proposed Actions with the proposed modifications would result in development in Subdistrict A that would also require the relocation of a portion of the West Market Diner and demolition of the former Sheffield Farms Stable, both historic resources. Like the Proposed Actions analyzed in the FEIS, the demolition of the former Sheffield Farms Stable under the Proposed Actions with the proposed modifications, while constituting an adverse effect on

[1] As noted below, it is possible that stack heights would be reduced upon further advancement of the design for these modifications and subsequent refinement of air quality analyses. In both the Proposed Actions analyzed in the FEIS and the Proposed Actions with the proposed modifications, the height and location of these stacks would not result in a significant adverse urban design and visual resources impacts.

neighborhood character, would not be a significant adverse impact. As described above, the Proposed Actions with the proposed modifications would result in development in Subdistrict A that would result in the same direct residential and business displacement. As described above, the Proposed Actions with the proposed modifications would result in the potential for a significant adverse impact with respect to indirect residential displacement. However, like the Proposed Actions analyzed in the FEIS, the significant adverse indirect residential displacement impact of the Proposed Actions with the proposed modifications would not result in a significant adverse impact on neighborhood character. Therefore, like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would not have a significant adverse impact on neighborhood character.

AIR QUALITY

As described above, the Proposed Actions with the proposed modifications would result in changes to several sites on the block between West 132nd and West 133rd Street west of Broadway, and to Site 17. However, these changes would not affect the reasonable worst-case development scenario analyzed in the FEIS in terms of the overall maximum development. In addition, the Proposed Actions with the proposed modifications would not result in any changes to the below-grade areas which would be utilized for parking and central loading. Therefore, for the mobile source analysis presented in Chapter 19, "Air Quality," of the FEIS, the Proposed Actions with the proposed modifications would not change any of the conclusions, and no additional analysis would be necessary. The analysis of stationary sources, including the analysis of fossil fuel-fired equipment in the Academic Mixed-Use Area as well as Subdistrict B and the Other Areas, the industrial source analysis, and the analysis of the Metropolitan Transportation Authority (MTA) Manhattanville Bus Depot are further examined below. Since the Proposed Actions with the proposed modifications would result in academic research use at Site 13, additional analysis was necessary to assess the potential effects of a chemical spill on the surrounding community.

STATIONARY SOURCES

The Proposed Actions with the proposed modifications would not affect the proposed energy centers for the Academic Mixed-Use Area, as analyzed in the FEIS. The assumptions used in the analysis were based on the reasonable worst-case development scenario, which maximizes building heights. The Proposed Actions with the proposed modifications would not require additional analysis of sites that would be considered sensitive receptors, i.e., at Sites 11 and 17, since the air quality analysis presented in the FEIS determined maximum pollutant concentrations at all sites in the Academic Mixed-Use Area. The increase in floor area on the block between West 132nd Street and West 133rd Street west of Broadway from the proposed modifications, coupled with increased academic research utilization, would result in increased energy consumption on this block as compared with the Proposed Actions analyzed in the FEIS. However, the Restrictive Declaration for the Academic Mixed-Use Area provides a limitation on the annual usage of natural gas at the proposed energy center beneath Site 14. Therefore, predicted annual concentrations of pollutants for the Proposed Actions with the proposed modifications would not increase as compared with the analysis presented in the FEIS.

At Site 17, estimated air emissions from package boilers would be far lower than what was analyzed in the FEIS due to the reduction in maximum development size and change in use with the proposed modifications. Therefore, no new or additional air quality impacts from package boiler systems at this site are anticipated, and no additional analysis would be necessary. The

restrictions on maximum annual fossil fuel usage and minimum stack elevation as presented in the FEIS would remain unchanged. These limitations would also be included in a Restrictive Declaration for the Academic Mixed-Use Area. It is possible that as the design of these buildings advances, to reflect the proposed modifications, air quality analyses would be subsequently refined to reflect a reduced minimum stack elevation.

An analysis was performed to determine potential impacts from an accidental chemical spill within a fume hood at the academic research building at Site 13 under the proposed modifications. Impacts were evaluated using procedures described in the *CEQR Technical Manual* (Chapter 19 of the FEIS contains a detailed description of the methodology and the assumptions used). The same set of initial design assumptions were utilized as in the FEIS for the Proposed Actions. For Site 13, the modeling results predicted an exceedance for certain analyzed chemicals; therefore, an additional analysis was performed to determine the minimum design requirements for any laboratory fume hood ventilation exhausts systems at this site. The results of the analysis determined that with a minimum stack height of 45 feet above the building roof and a minimum lab fume hood stack exhaust velocity of 4,000 feet per minute, no significant impacts are predicted. Therefore, provisions of the Restrictive Declaration would apply to Site 13 to preclude the potential for significant adverse air quality impacts from the laboratory fume hood ventilation system on nearby receptors.

MTA MANHATTANVILLE BUS DEPOT

The FEIS determined that the relocation of the MTA Manhattanville Bus Depot below grade on the block between West 132nd Street and West 133rd Street west of Broadway would not result in any significant adverse air quality impacts. The FEIS identified certain provisions that would be required in a Restrictive Declaration for the Academic Mixed-Use Area: that combustion sources of emissions would utilize natural gas exclusively, and that the stacks would be located above the roof of Site 14 at a minimum elevation of 382.3 feet (above Manhattan Datum). The proposed modifications would not alter the findings of the MTA Manhattanville Bus Depot air quality analysis. The same restrictions would be put in place as presented in the FEIS with respect to fuel type and the location and minimum stack height of bus depot combustion equipment. Therefore, no potential significant air quality impacts are expected to occur with the below-grade bus depot for the Proposed Actions with the proposed modifications.

NOISE

With the proposed modifications, noise levels due to mobile sources would be the same as with the Proposed Actions analyzed in the FEIS. Therefore, like the Proposed Actions analyzed in the FEIS, the Proposed Actions with the proposed modifications would result in a significant adverse noise impact to pedestrians at one location—Receptor Site 10 on West 125th Street between Twelfth Avenue and St. Clair Place. As described in Chapter 23, there are no effective mitigation measures that could be implemented to eliminate the noise impact predicted at this location. The impact at this location would affect pedestrians and would be considered an unmitigated significant adverse impact for the Proposed Actions with the proposed modifications.

Although noise levels due to mobile sources would be the same as with the Proposed Actions analyzed in the FEIS, the use for Site 11 would change with the proposed modifications from academic research to University housing. Therefore, for all of the buildings on Block 1999 except Site 11, the same building attenuation requirements outlined in the FEIS would be

required under the Proposed Actions with the proposed modifications. For Site 11, an additional 5 dBA of building attenuation would be required for each façade. ✷

ATTACHMENT A

REVISED PROPOSED 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).

Manhattan	#Enclosed Sidewalk Cafe#	#Unenclosed Sidewalk Cafe#
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**
Manhattanville Mixed Use District	No***	Yes
Transit Land Use District	Yes	Yes
Tribeca Mixed Use District	Yes	Yes
United Nations Development District	No	Yes

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* #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#~~the height set forth in Section 104-33, paragraph (a).

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~~to 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 demolition permit, where compliance at time of demolition is required by the (E) designation, or 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~~14.

~~(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~~and M1-2 Districts 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~~permitted in the underlying M1-2 District, pursuant to Sections 42-10 (Uses Permitted As-of-Right) and 74-921 (Use Group 3A and 4A community facilities), shall be 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~~Section 104-132 (Use Groups 16, 17 and 18)~~:~~. In Subdistrict B, the #commercial use# regulations of the underlying M1 District are modified as set forth in Section 104-131 (Use Group 6A).

104-131
Use Group ~~14~~6A

~~In Subdistrict B, #uses# listed in Use Group 14 are permitted.~~
In Subdistrict B, the provisions of Section 42-12 (Use Groups 3A, 6A, 6B, 6D, 6F, 7B, 7C, 7D, 7E, 8, 9B, 9C, 10A, 10B, 10C, 11, 12A, 12C, 12D, 12E, 13, 14 and 16), shall be modified to permit food stores, including supermarkets, grocery stores or delicatessen stores, without limitation as to #floor area# per establishment.

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, or the adjacent #mandatory widened sidewalk#, as applicable. 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 from the #street wall#, 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 (Parcel Designation and Maximum Building Heights) 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 and M1 Districts, as modified in this Chapter, shall apply to any #development#, #enlargement# ~~and~~or 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. The #floor area ratio# regulations applicable in the underlying M1 District are modified as set forth in Section 104-22. 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. The special maximum #building# height regulations for the M1-2 District are set forth in Section 104-31.

Notwithstanding the special #bulk# regulations of this Chapter, for any #development# containing #dwelling units#, or college or school student dormitories as listed in Use Group 3, on Parcel H, as shown on Map 5 (Parcel Designation and Maximum Building Heights) in Appendix A of this Chapter, such #development# shall comply with the height and setback regulations for an R8A District as set forth in Article II of this Resolution.

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

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~~132 (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~~such #zoning lot# shall not exceed the maximum permitted for such #use# as set forth in Sections 104-21 through 104-24, inclusive, provided that the total of all such #floor area ratios# does not exceed the ~~maximum~~ greatest #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),~~20, 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~~of this Chapter and to Parcel D4, as shown on Map 5 (Parcel Designation and Maximum Building ~~Height~~Heights) 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 B, special height regulations for the underlying M1-2 District are set forth in Sections 104-31.

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),~~ Heights) 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 (Parcel Designation and Maximum Building Heights) 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

The special rooftop regulations of Section 104-32, inclusive, shall apply in Subdistricts A and C.

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~~of 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~~Six 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~~Heights), 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~~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.

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(b) #Upper ~~Street Wall~~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.

(d) Where a #building# is located on more than one Parcel, the requirements of Sections 104-331 through 104-337, with respect to the locations of the #upper street wall# and the #lower street wall# may apply to the entire #street frontage# of the Parcels.

(e) For any development located on Parcels C3 and C4, any applicable #street wall# provision may apply to the entire #building#.

(f) For a #building# within Subdistrict A, located on a portion of a Parcel where no required #street wall# is shown on Map 4, such #building# shall comply with the #street wall# requirements for a #building# on the same Parcel. For a #building# on Parcel C3, the #street wall# requirements shall be those provisions applicable to Parcel D2.

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~~the remaining 30 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,~~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~~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~~ two to five feet of the #street line# or the #mandatory widened sidewalk line#~~. All such #street walls#~~, whichever is applicable, and shall rise without setback to a minimum height of 45 feet~~, or the height of the #building#, whichever is less, and~~. A #street wall# fronting on West 125th Street shall extend along at least 70 percent of the length of the #street line# ~~or~~of the Parcel; a #street wall# fronting on West 130th Street shall extend along at least 50 percent of the length of the #mandatory widened sidewalk line# ~~of the Parcel, as applicable~~. No #street wall# location regulation shall apply to the remaining 30 percent of the #street# frontage of the Parcel on West 125th Street, or to the remaining 50 percent of the #street# frontage of the Parcel on West 130th Street; or

(b) Where the #lower street wall# is set back from the #upper street wall#,

(1) the provisions of Section 104-334 (Type 4 Street Wall Location) shall apply to #street walls# facing West 130th Street, ~~and~~

(2) the provisions of Section 104-331 (Type 1 Street Wall Location) shall apply to #street walls# facing West 125th Street~~.~~, and

~~(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.~~

(3) for #street walls# facing 12th Avenue, the #upper street wall# shall be located within five feet of the #mandatory widened sidewalk line# and the #lower street wall# shall be set back not more than 30 feet from the #upper street wall#.

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~~the remaining 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~~ the remaining 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~~the remaining 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~~ #street walls#, as shown on Map 4, 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~~the remaining 30 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~~Subdistrict 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 (Parcel Designation and Maximum Building Heights) 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 at least 50 percent glazed and at least 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. #Mandatory widened sidewalks# shall be considered #streets# for the purposes of applying the provisions of the New York City Building Code governing cornices, eaves, sills and other architectural elements that project over #streets#. 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~~2) 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~~20 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~~nearest adjoining 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~~width 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 (Parcel Designation and Maximum Building Heights) in Appendix A, building walls fronting on such Open Areas shall be transparent for at least 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~~20 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~~Air intake grilles, flush to grade, shall be permitted, provided such ~~obstructions~~intake grilles do not exceed 10 percent of the area of the East/West Open Area, and are concealed from public view by planting or other design features.

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~~building# 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~~nearest sidewalk or natural topography. Paved areas shall not be higher than 2~~½~~ 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~~nearest adjoining 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~~A minimum of one linear foot of seating shall be provided for ~~no fewer than 200 people~~each 50 square feet of the Square. 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, which shall be a minimum of 36 inches deep;

(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 1inch 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~~38 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. The requirements of this subsection shall be in addition to the requirements of Section 104-422 (Midblock Open Areas).

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~~16 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~~25 gallons each. ~~However, there~~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 finished level of 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 and a grove of trees with a minimum of four 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.

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 104-42 (Open Areas).

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~~8:00 p.m., from November 1 through April~~,~~ 14, and from 7:00 a.m. to 11:00 p.m. from ~~May~~April 15 through October~~.~~ 31. 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 one hour before sunset to one hour after 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 and the Grove. Such trees shall be planted at maximum intervals of 25 feet on center~~, except where~~. The location and/or spacing of trees may be waived by the Commissioner of Parks and Recreation ~~determines that such tree planting~~

~~would~~to the extent that these requirements are determined to be infeasible. All trees shall be planted flush to grade and in accordance with the applicable standards of the Department of Parks and Recreations, 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~~where 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 B, the regulations regarding required #accessory# off-street parking spaces set forth in Section 44-20, shall not apply.

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, except that access to and egress from #accessory# parking garages shall be permitted in such areas; and

(c) Parking spaces provided below grade shall not be subject to the provisions of 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

Document comparison done by DeltaView on Tuesday, November 20, 2007 3:04:36 PM

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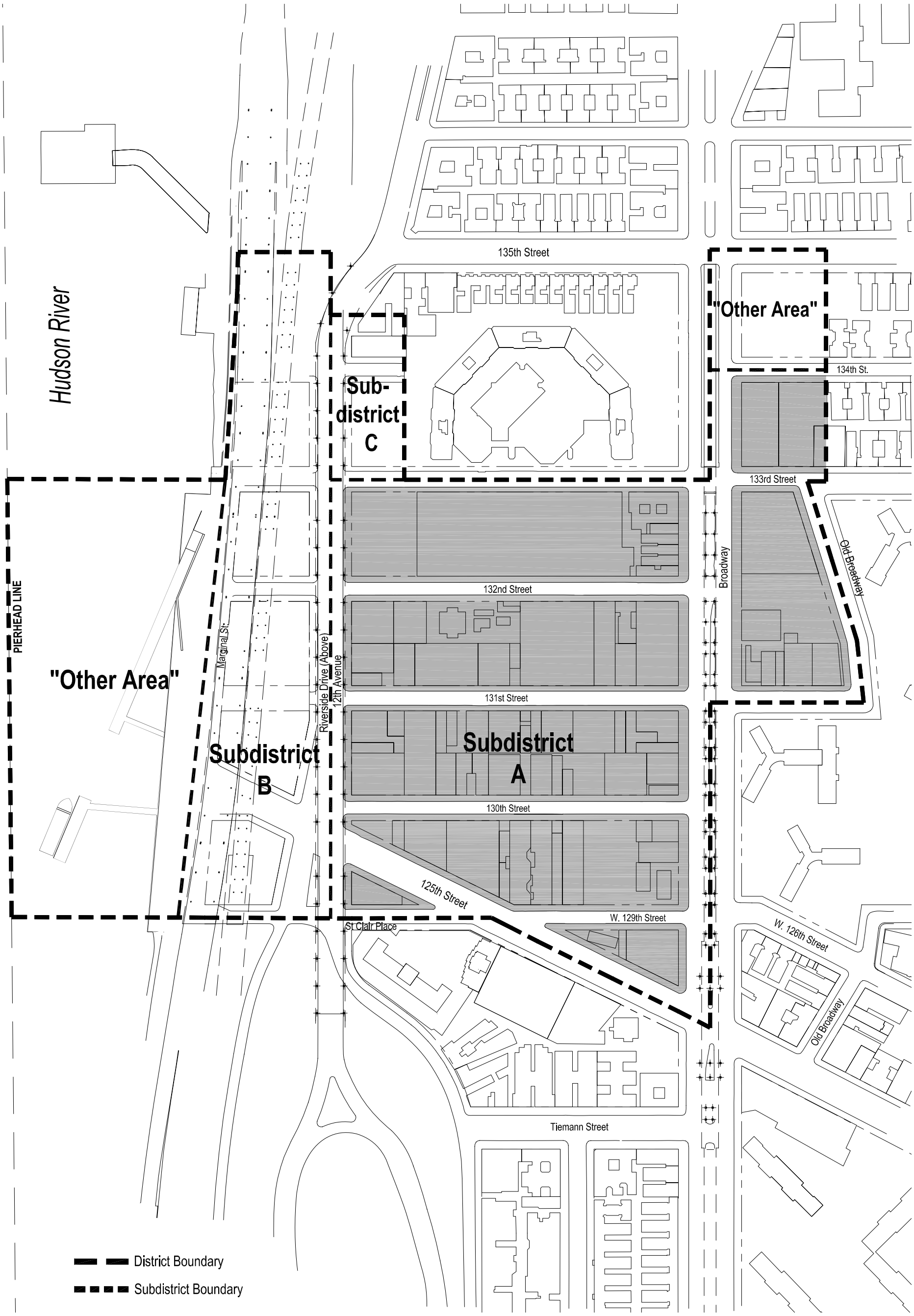
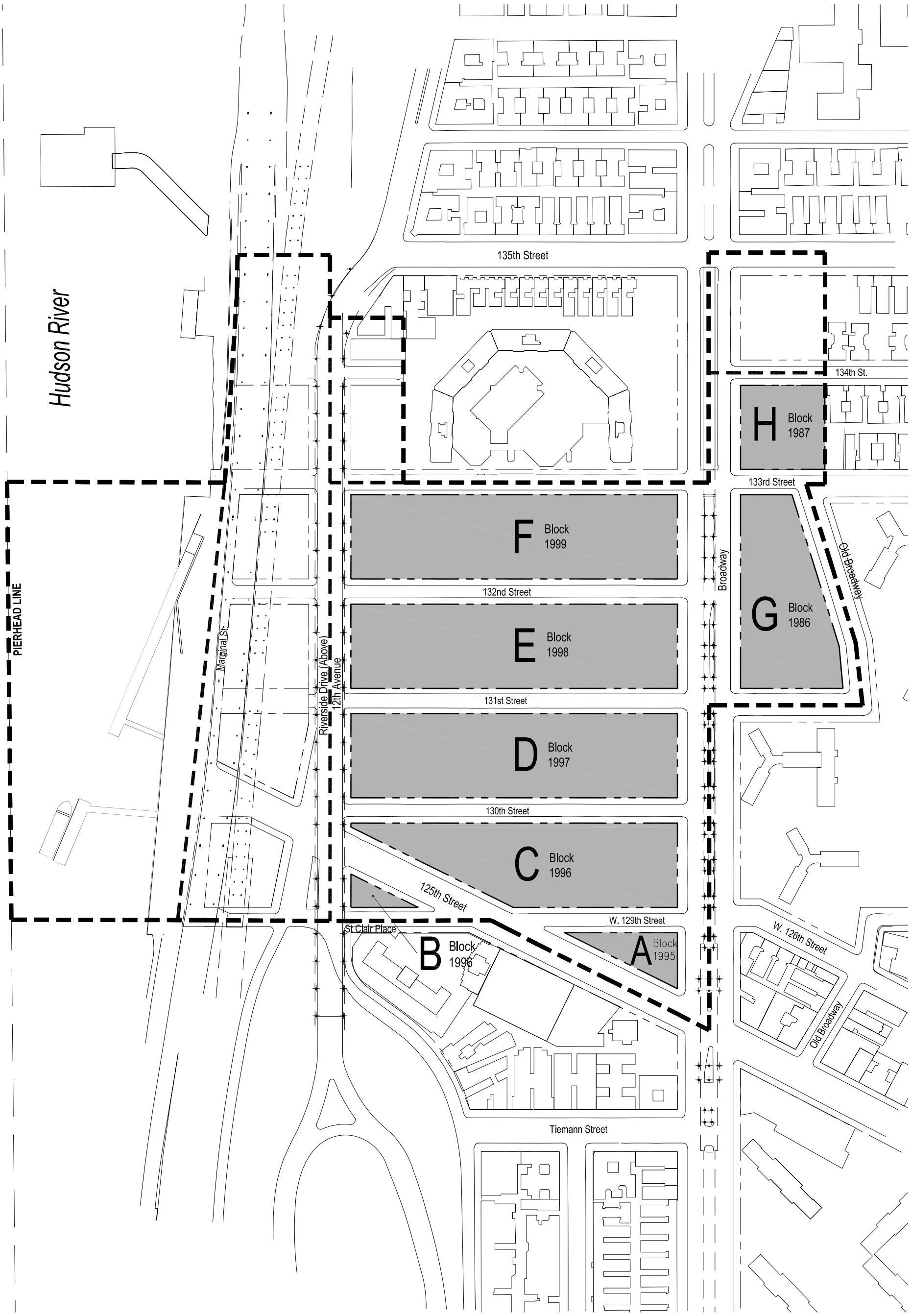


Map 1. Special Manhattanville Mixed Use District and Subdistricts

June 18, 2007



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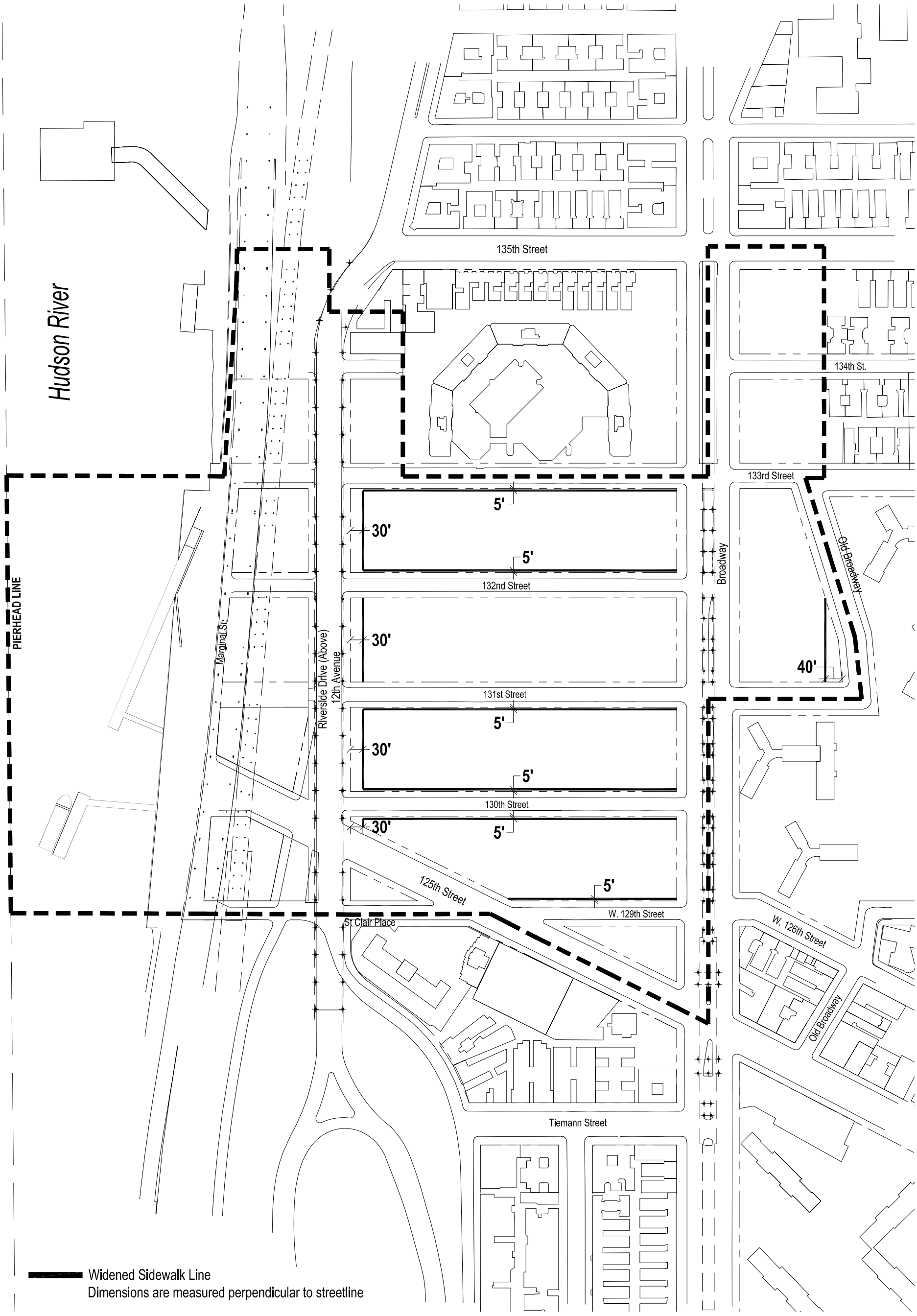
Special Manhattanville Mixed Use District and Subdistricts

Map 2. Subdistrict A Block Plan

June 18, 2007



Special Manhattanville Mixed Use District and Subdistricts

Map 3. Widened Sidewalk Lines

June 18, 2007

Hudson River

PIERHEAD LINE

Marginal St

Riverside Drive (Above) 12th Avenue

135th Street

134th St.

133rd Street

132nd Street

131st Street

130th Street

125th Street

W. 129th Street

St Clair Place

W. 126th Street

Tiemann Street

Broadway

Old Broadway

Old Broadway

H

F
5' 50' 5'
320' 375'
30'
5' 5'

G
60'
203'

E
50'
320' 375'
30'

150' 250'
D
5' 5'
30' 345'
5' 5'

30' 120' 230' 125' 5'
C4
C
50' 345'
5' 220'

B

A

Legend

- Street Wall Type 1 — W. 125th St. & Broadway
- Street Wall Type 2 — Area C4 including 12th Avenue
- Street Wall Type 3 — 12th Ave (east side except for Parcel C4)
- Street Wall Type 4 — Narrow Streets
- Street Wall Type 5 — Old Broadway
- Street Wall Type 6 — 12th Ave (north of 133rd Street)
- A — Block Designation

NOT - TO - SCALE

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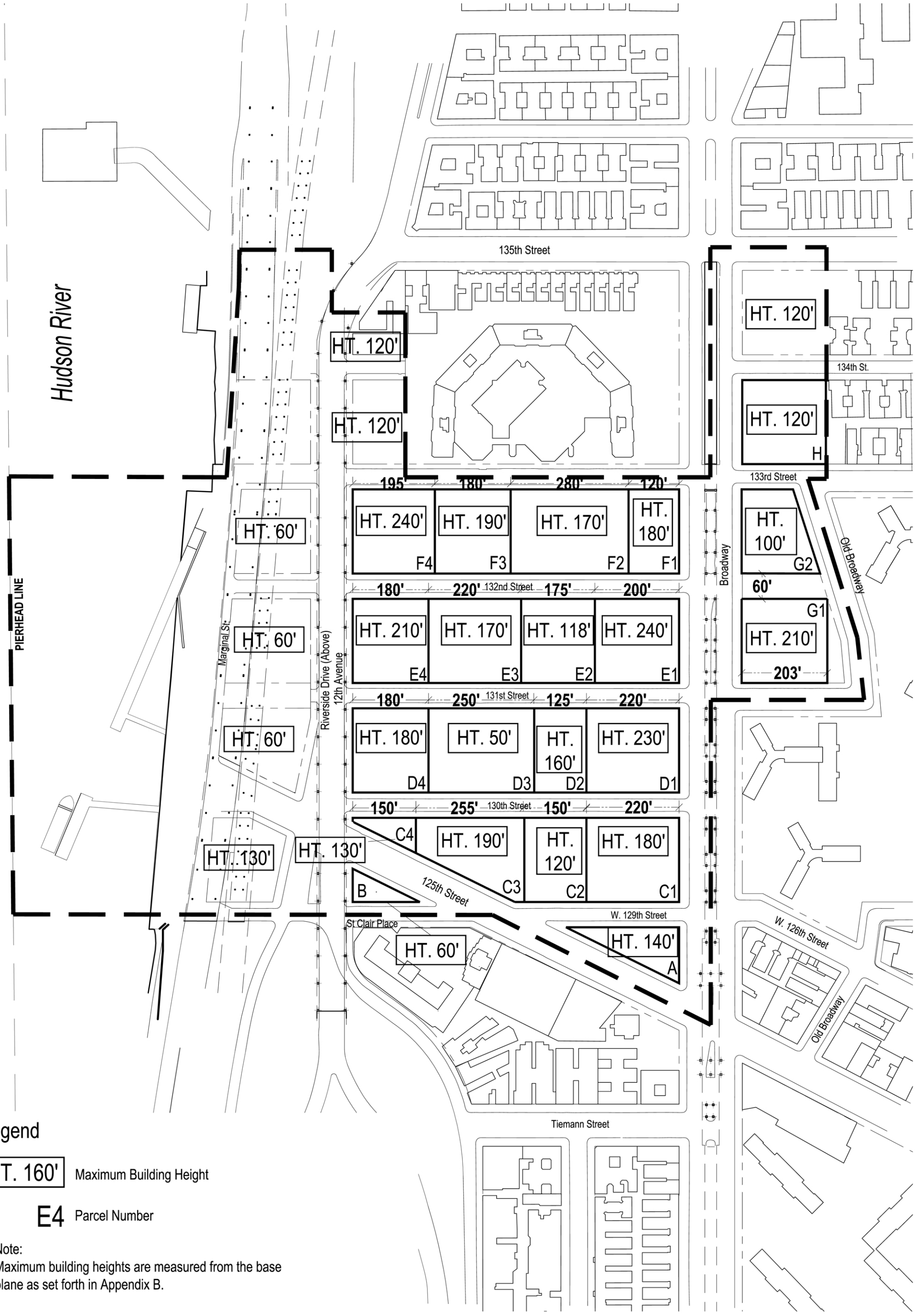
Special Manhattanville Mixed Use District and Subdistricts

Map 4. Street Wall Types and Locations

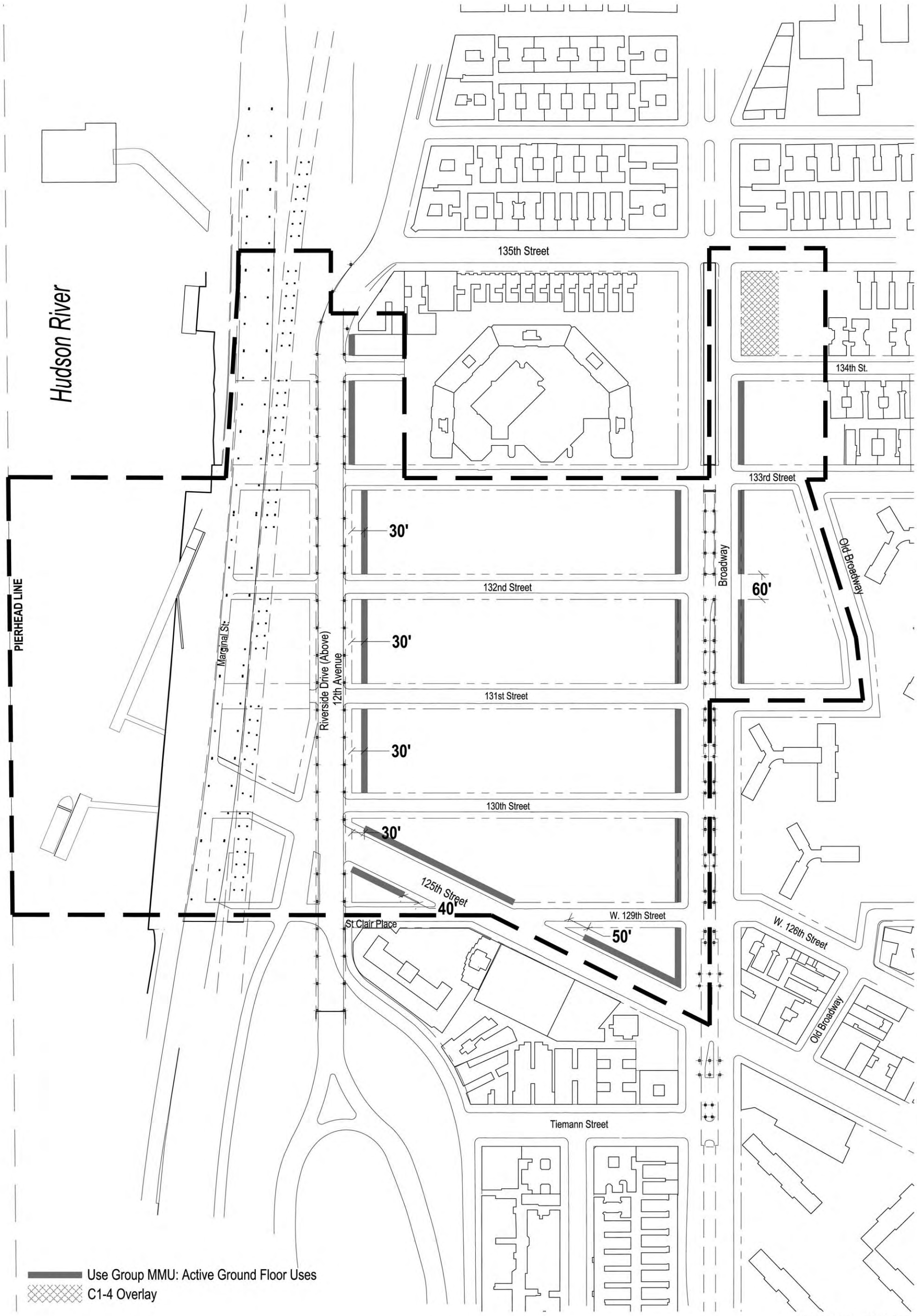
November 14, 2007



Special Manhattanville Mixed Use District and Subdistricts

Map 5. Parcel Designation and Maximum Building Heights

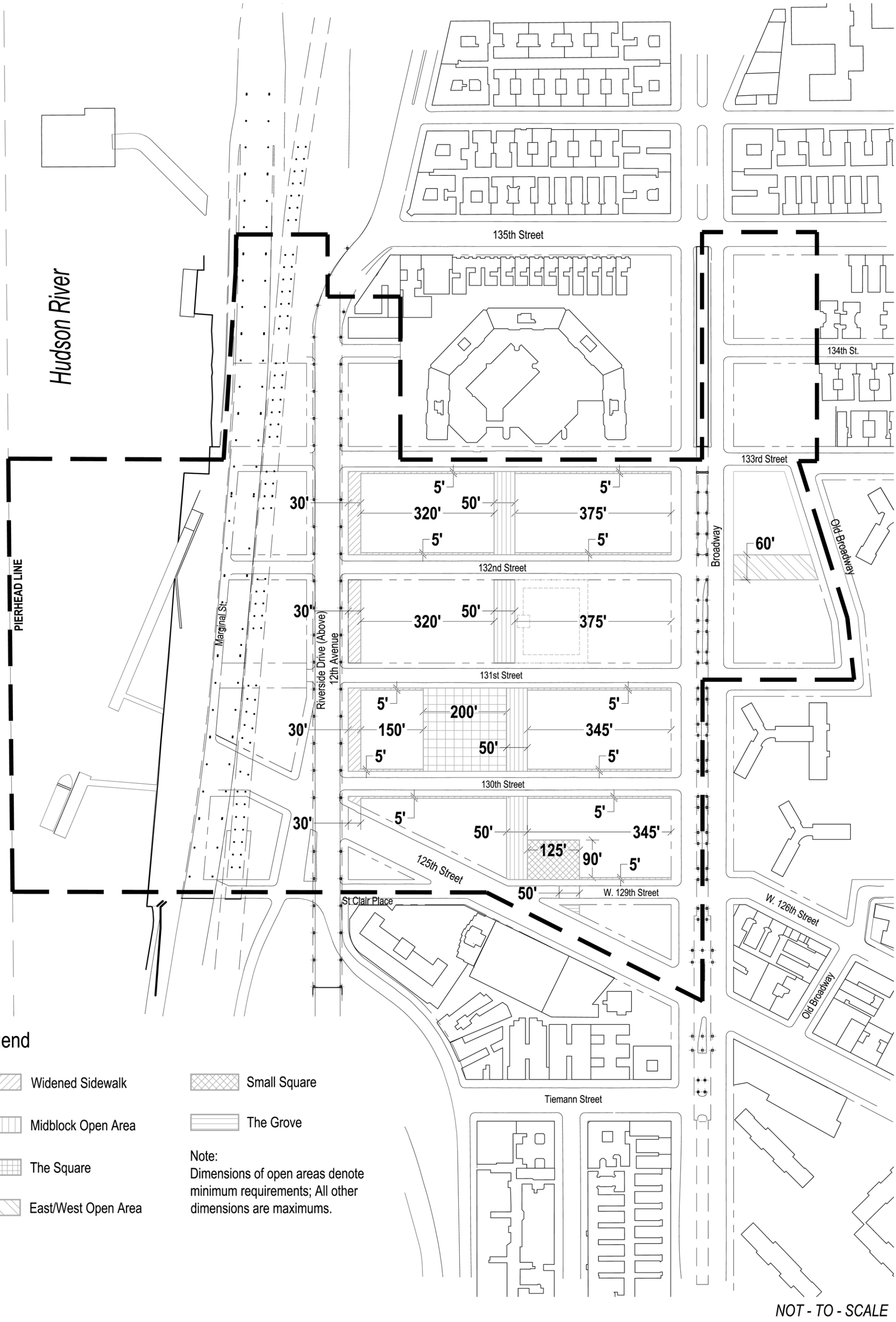
November 14, 2007



Special Manhattanville Mixed Use District and Subdistricts

Map 6. Ground Floor Use and Frontage

November 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.

NOT - TO - SCALE

N

Special Manhattanville Mixed Use District and Subdistricts

Map 7. Mandatory Open Areas

November 14, 2007