



UPPER WEST SIDE NEIGHBORHOOD RETAIL STREETS ZONING

ADOPTED BY THE CITY COUNCIL
JUNE 28, 2012



Updated June 28, 2012



Local Retail Study – Background and Findings

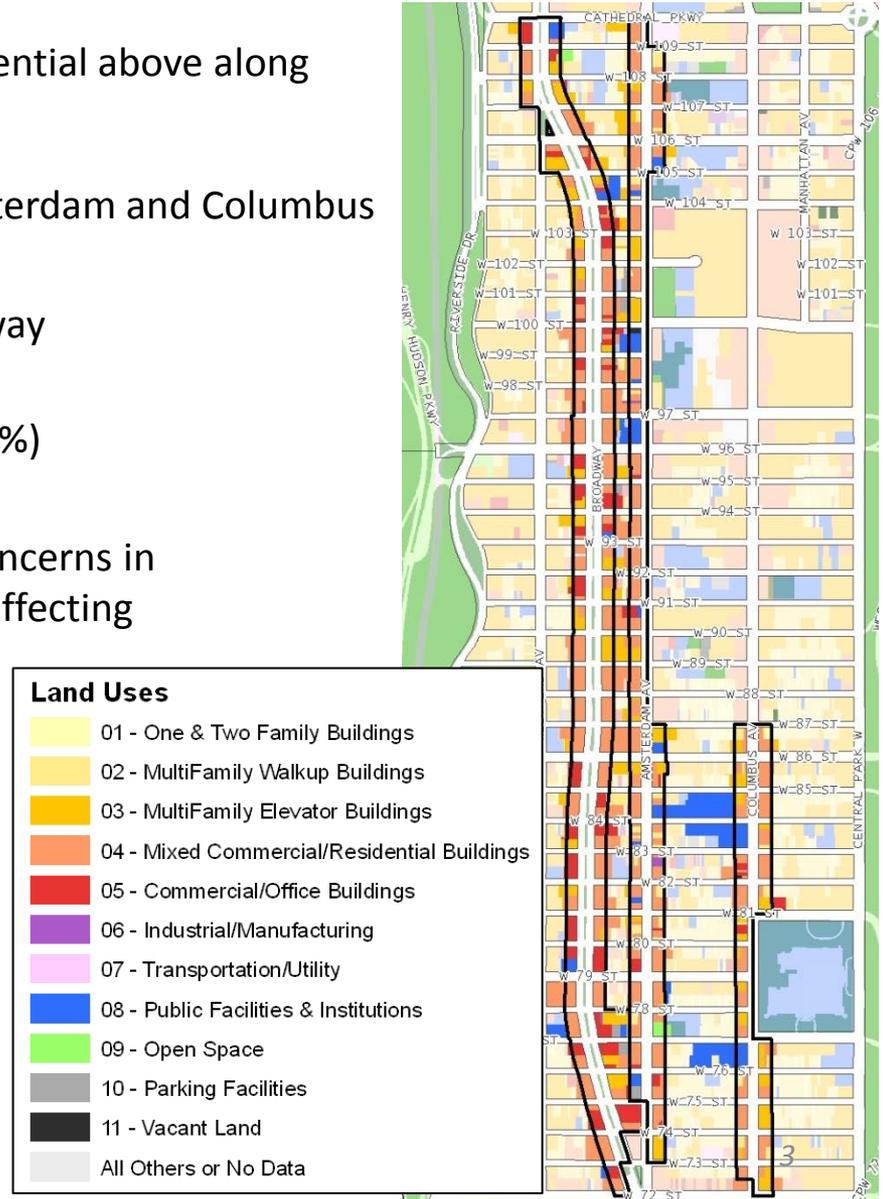
- Respond to concerns voiced by members of UWS community regarding negative changes in neighborhood character
- Surveyed 10 commercial corridors to determine what characterizes successful local commercial streets in New York City
- Land-Use rationale to:
 - Promote active streetscape and attractive environment for pedestrians
 - Encourage diverse retail and service opportunities for residents
 - Preserve multi-store and active retail character where it exists





UWS Characteristics and Goals

- Primarily ground floor commercial uses with residential above along Broadway, Amsterdam and Columbus
- Multiple buildings and stores per block along Amsterdam and Columbus
- Larger footprints and taller buildings along Broadway
- Low vacancy rate throughout Upper West Side (~6%)
- Developed series of tools to respond to specific concerns in the Upper West Side based on unique conditions affecting commercial dynamics:
 - Only three commercial corridors serving a dense residential population
 - Several avenues with no commercial zoning
 - Less commercial square footage per person than other neighborhoods





Existing Character: Amsterdam & Columbus

- Zoning allows for local retail and services
- Residentially oriented
- Partially within a historic district
- Multiple establishments per block
- Mix of local retail and neighborhood services interspersed with residential lobbies
- Typical block has store frontages with average width of 22 feet
- Concerns that new stores are larger and out of character with existing context
- Concerns about vacancies along certain blocks
- Concerns over potential for banks with significant ground floor presence

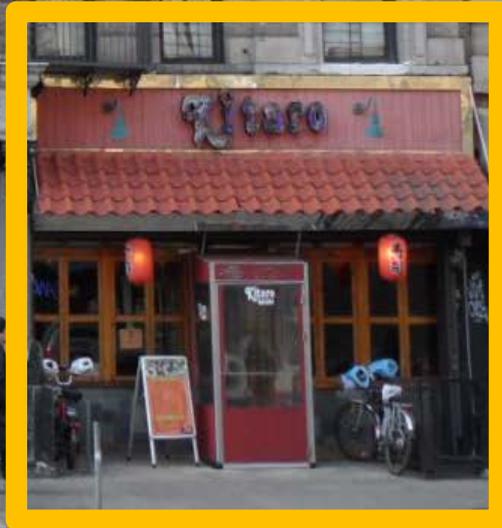




Typical small store frontages along Amsterdam (EC-2)

Amsterdam between 84th & 85th streets

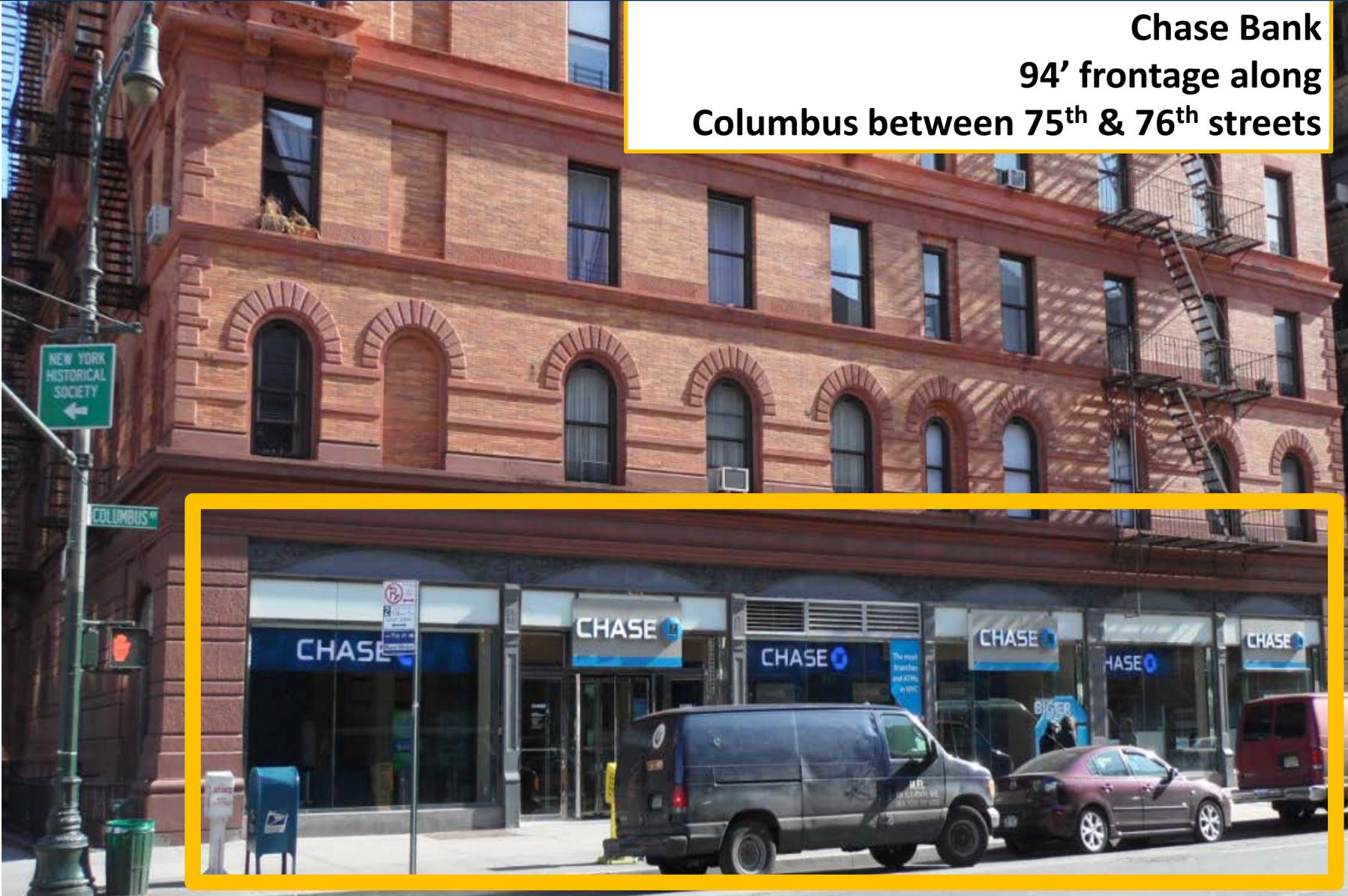
10' to 17' commercial frontages





Bank Frontages along Columbus (EC-2)

**Chase Bank
94' frontage along
Columbus between 75th & 76th streets**





Existing Character: Broadway

- Wider avenue with direct transit access
- Higher density commercial zoning
- Strong retail continuity
- Mix of small and large stores and second story commercial uses
- Concerns over general loss of neighborhood character
- Concerns over long-term vacancies
- Proliferation of banks with significant ground floor presence





Bank Frontages Broadway (EC-3)

Capital One Bank
Broadway between 86th & 87th streets
62' frontage on Broadway





Bank Frontages Broadway (EC-3)

**Chase Bank
Broadway between 95th & 96th streets
20' mid-block ground floor frontage
with second story operations**





UPPER WEST SIDE NEIGHBORHOOD RETAIL STREETS PROPOSAL:

Proposed Regulations for Amsterdam & Columbus (EC-2)

➤ Amsterdam and Columbus:

Store Frontage Limitation -

Two establishments per 50' zoning lot frontage, with no establishment >40' frontage and with required depth of 30'

Exceptions to this rule are: Supermarkets, schools, houses of worship, lots with less than 30' of commercial depth since date of adoption

Bank Frontage Limitation –

Banks limited to 25' ground floor frontage

Residential Lobby Limitation -

Residential lobbies limited to 25' ground floor frontage

Streetwall Transparency -

50% transparency between 2' and 12' in new buildings

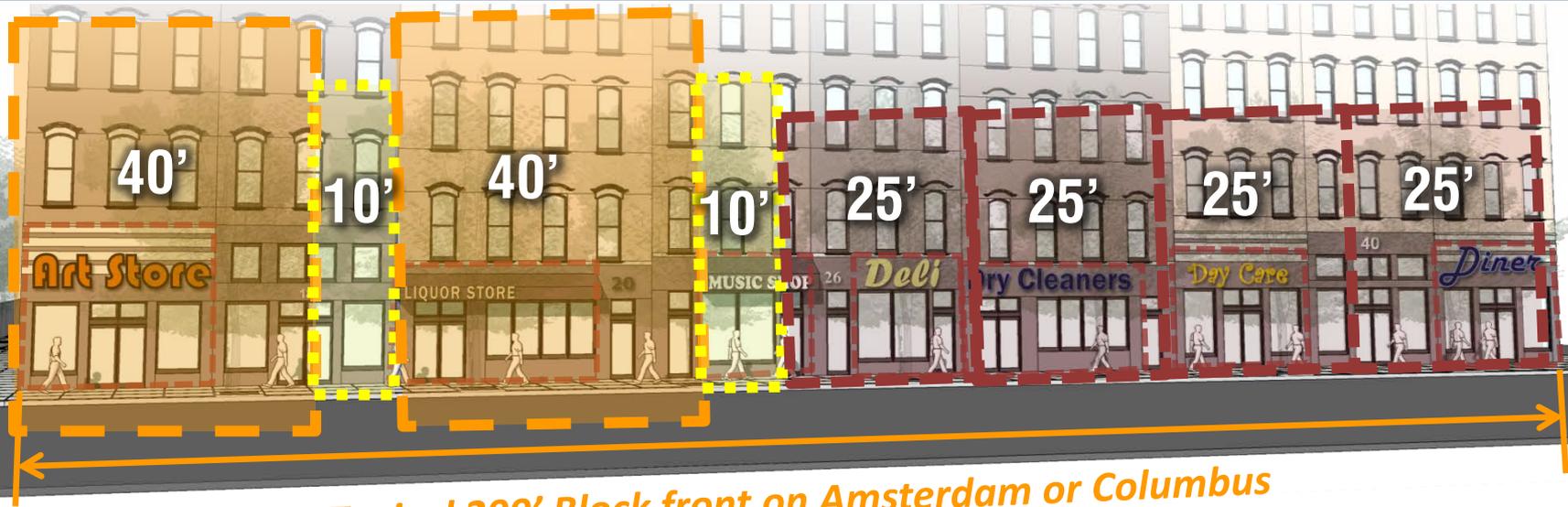
➤ Existing commercial uses that exceed the frontage limitations are permitted to remain unchanged, and the space may be re-tenanted by another commercial use of the same or lesser size.

➤ Existing frontages may remain permanently at their current size.





Typical Block With Proposed Regulations



Typical 200' Block front on Amsterdam or Columbus

Amsterdam and Columbus Frontage Regulations:

- Two establishments per 50' zoning lot
- Maximum general establishment frontage of 40'
- Maximum bank frontage of 25'
- Maximum residential lobby frontage of 25'
- Minimum store depth of 30'

Exceptions: Supermarkets, schools, houses of worship, lots with less than 30' of commercial depth



Transparency Requirements

Broadway, Amsterdam and Columbus Avenues



Windows cover about half of the store frontage, allowing pedestrians to see inside shops, and shoppers to see out onto the street.

50% of the area between a height of 2' and 12' (or the height of the ground floor) shall be transparent.

No portion of the ground floor frontage may have a blank wall with a width exceeding 10'.



The Harrison on Amsterdam Ave, between 76th & 77th streets:

- **Modell's exceeds ground floor regulation with 57' frontage**
- **The other ground floor frontages and 2nd story fitness center would comply**
- **Near-100% façade transparency**



Proposed Regulations for Broadway (EC-3)

➤ **Broadway:**

Store Frontage Limitation -
NONE

Bank Frontage Limitation -
Banks limited to 25' ground floor frontage with required depth of at least 30'

Residential Lobby Limitation -
Residential lobbies limited to 25' ground floor frontage

Streetwall Transparency -
50% transparency between 2' and 12' in new buildings

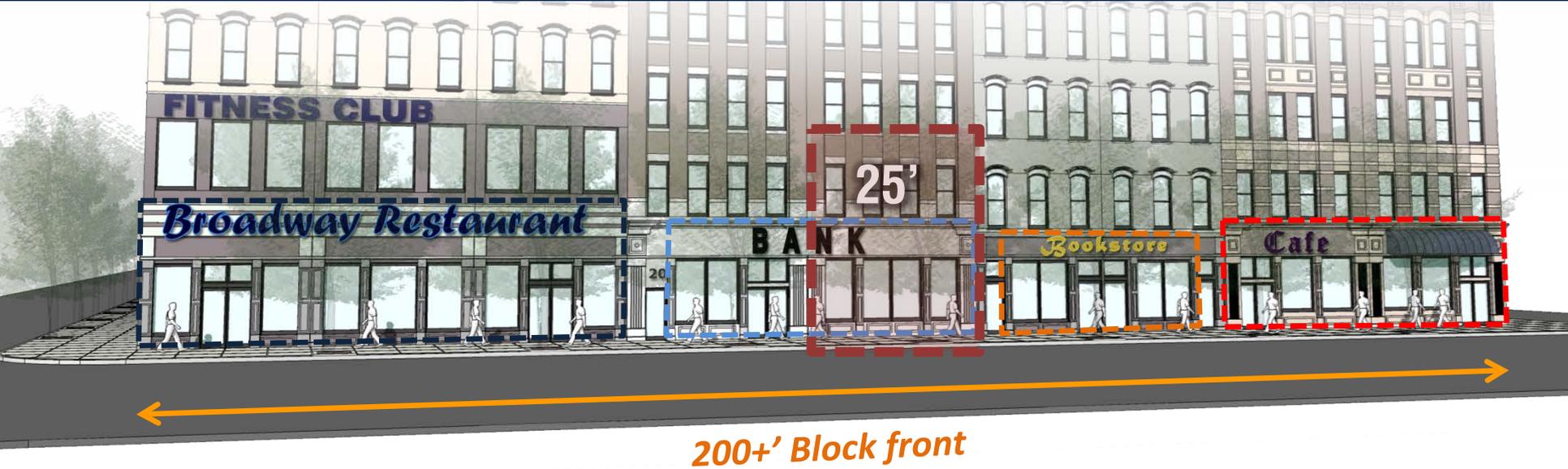
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Typical Block With Proposed Regulations



Broadway Frontage Regulations:

- *NO general frontage restrictions*
- *Maximum bank frontage of 25' and depth of 30'*
- *Maximum residential lobby frontage of 25'*

Certification and Authorization

- A City Planning Commission Chair may certify a modification to the regulations for frontages for businesses that have been in place for at least a year, allowing expanded frontage up to 60' upon demonstration of the following conditions:
 - **Physical restrictions** preventing on-site business expansion in a way that would avoid frontage in excess of 40 feet; the presence of other uses with ongoing or expected occupancy within the building preventing expansion and; **land-use based findings** relating to the number of other establishments with more than 40 feet fronting on, adjacent to, or across from the block on which the applicant operates.

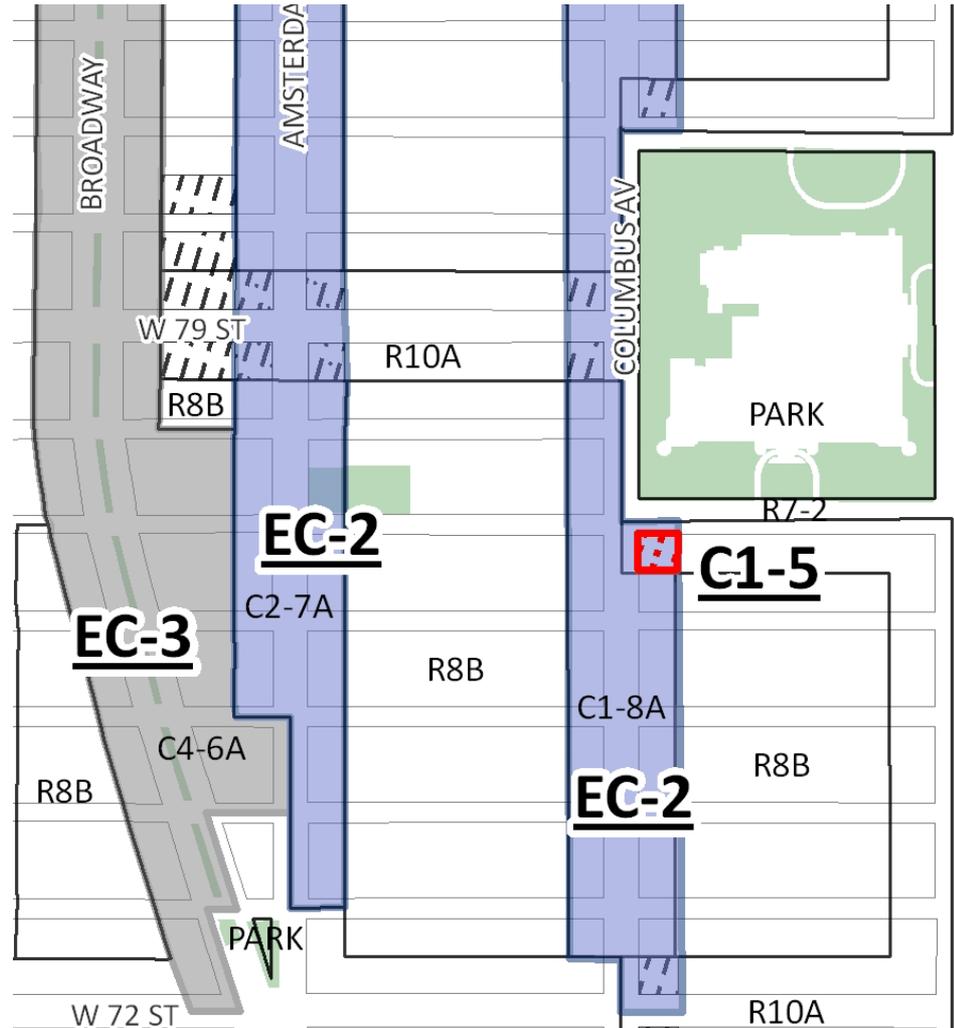
- The City Planning Commission may authorize a modification in the maximum street wall width of commercial establishments where the Commission finds that:
 - such proposed use **cannot be reasonably configured** within the permitted street wall width, and such additional frontage space is required for the operation of such use; or

 - a **high ground floor vacancy** exists within a reasonable distance of the proposed use, and such high vacancy is a consequence of adverse market conditions.



Proposal: Commercial Overlay

- Proposed mapping of C1-5 Commercial Overlay on existing R10A district at 77th street and Columbus Avenue
- Long-time active commercial uses; consistent with neighborhood context and character



Community Board 7 and Borough President

➤ **CB7 Approval, with modifications, received April 4th:**

1. Authorizations:

- “that such a proposed use cannot be reasonably configured” is too broad
- Vacancy rate and reasonable distance should be defined (15% within a half mile)
- CPC should be allowed 90 days for review upon submission, after which the waiver would be automatically approved
- Clarify that authorizations are subject to review and comment by CB

2. Interface between DCP and the Landmarks Preservation Commission

- Issuance of LPC Certificate of Appropriateness should not supersede zoning
- In rare cases of conflict between landmarks and zoning, LPC would certify, after notice and hearing, and CPC could issue authorization to waive frontage

➤ **Borough President approval, with modifications, received April 4th**

1. Increase residential lobby restriction on Amsterdam and Columbus to 25'
2. Clarify definition of “establishment”
3. Reduce minimum depth of commercial establishments to 15'
4. Simplify transparency requirement to allow for flexibility
5. Allow LPC to modify zoning requirements without DCP Chair Certification
6. Authorization to waive frontage limitations should include land-use based criteria in addition to need for additional frontage or neighborhood vacancy
7. Authorization should include mandatory CB referral

City Planning Commission and City Council

➤ **Unanimous approval by CPC, with modifications, voted May 9th, 2012**

1. In response to concerns expressed by small businesses that the proposed waiver rules would make it overly complicated for existing businesses to make limited expansions beyond 40', the Department modified the text to create a new **faster certification process that would allow existing businesses to apply for an expanded frontage up to 60'** using simple criteria and eliminating environmental review.
2. In response to concerns expressed by property owners who were concerned about the possibility of having to subdivide frontages after a period of extended vacancy, the Department modified the text to **grandfather large storefronts so that they could remain permanently at their current sizes**. The text previously required stores to meet new rules if vacant for more than 2 years.
3. In response to concerns of property owners with projects underway, the Department modified the text to **allow projects due to complete expansions within 6 months to continue unaffected** by the new rules.
4. To provide additional flexibility, the Department modified the text to **allow lobby frontages up to 25'** along Columbus and Amsterdam.
5. Other modifications included the addition of a community board referral for waivers, the removal of the Chair Certification for landmarked buildings and buildings in historic districts, and miscellaneous clarifications.

➤ **Adopted by City Council on June 28th, 2012**