



Legislation Text

File #: Res 1157-2007, **Version:** *

THE COUNCIL OF THE CITY OF NEW YORK RESOLUTION NO. 1157

Resolution approving the decision of the City Planning Commission on Application No. N 070412 ZRM, an amendment to the text of the Zoning Resolution, pursuant to Section 201 of the New York City Charter, concerning the Special Lower Manhattan District (Article IX, Chapter 1), relating to modifications of the applicability of urban plazas, height and setback regulations and a special permit for development over or adjacent to the approaches to the Brooklyn Battery Tunnel in Community District 1, Borough of Manhattan (L.U. No. 601).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on October 1, 2007 its decision dated October 1, 2007 (the "Decision"), on the application submitted by West Street Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 070412 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Applications Numbers C 070351 MMM (L.U. No. 600), an elimination, discontinuance and closing of volumes above the Brooklyn Battery Tunnel Approaches, an at-grade portion of the Brooklyn Battery Tunnel Approaches, and a volume above Joseph P. Ward Street; C 070413 ZSM (L.U. No. 602), a special permit, pursuant to 91-73, to allow the unmapped air space above the Brooklyn Battery Tunnel Approaches, the unmapped air space above Joseph P. Ward Street and at-grade parcels bounding the northern street line of Joseph P. Ward Street to be considered a single zoning lot and to allow the use of unused floor area generated from the unmapped air space above the Brooklyn Battery Tunnel Approaches to be located on the at-grade portion of such zoning lot for use for residential floor area; C 070414 ZSM (L.U. No. 603), a special permit, pursuant to Section 91-35, to modify height and setback regulations; and C 070415 ZSM (L.U. No. 604), a special permit pursuant to Section 74-91, to modify the requirements of Section 37-04 relating to urban plazas;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 13, 2007;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on April 18, 2007 (CEQR No. 07DME015M);

RESOLVED:

The Council finds that the action described herein will have no significant effect on the environment;

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application the Council approves the Decision; and

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;

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

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

ARTICLE IX: SPECIAL PURPOSE DISTRICTS

Chapter 1: Special Lower Manhattan District

* * *

91-23

As-of-Right Bonuses for Increased Floor Area

* * *

91-231

Floor area bonus for urban plazas

The maximum permitted #floor area# on a #zoning lot# may be increased in accordance with the following regulations, provided that an #urban plaza#, which shall meet the requirements of Section 37-04 (Requirements for Urban Plazas), is included in the #development# or #enlargement#;

- (a) A #floor area# bonus for an #urban plaza# shall not be permitted for any #development# or #enlargement# located within:

* * *

- (3) 50 feet of a #street line# of a designated #street# on which:

- (i) retail continuity is required pursuant to Section 91-41 (Regulations for Designated Retail Streets); or
- (ii) #street wall# continuity is required pursuant to the regulations for Type 1 or Type 2A #street walls# pursuant to Section 91-31 (Street Wall Regulations).

* * *

91-30

HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

* * *

91-31

Street Wall Regulations

Within the #Special Lower Manhattan District#, all portions of #buildings or other structures# located above the maximum base heights specified in paragraph (a) of this Section shall provide a setback in accordance with the regulations of Section 91-32 (Setback Regulations).

- (a) Within the Special District, the maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater, except as provided for the following types of #street wall# regulations:

* * *

- (2) #Street wall# regulations: Type 2A

For #developments# or #enlargements# that front upon a #street# indicated as "Type 2A" on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A, #street walls# shall extend along ~~the~~ the such entire #street# frontage of the #zoning lot# to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3) #Street wall# regulations: Type 2B

For #developments# or #enlargements# that front upon a #street# indicated as "Type 2B" on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A, #street walls# shall extend along at least 60 percent of such #street# frontage of the #zoning lot# to a minimum base height of 85 feet or the height of the #building#, whichever is less. The maximum base height shall be 150 feet.

(3)(4) #Street wall# regulations: Type 3

For #developments# or #enlargements# that front upon a #street# indicated as "Type 3" on Map 2 (Street Wall Continuity Types 1, 2A, 2B & 3) in Appendix A, #street walls# shall extend along the entire #street# frontage of the #zoning lot# to a minimum base height of 60 feet, five stories, or the height of the #building#, whichever is less. The maximum base height shall be 85 feet or 1.5 times the width of the #street# upon which the #building# fronts, whichever is greater.

(4)(5) #Street wall# regulations: Type 4

* * *

(5)(6) #Street wall# regulations: Type 5

* * *

(b) For #developments# or #enlargements# that front upon a #street# indicated as "Type 1" or "Type 2A," at least 70 percent of the #aggregate width of street walls# shall be located on such #street line#. For #developments# or #enlargements# that front upon a #street# indicated as "Type 2B," at least 60 percent of the #aggregate width of street walls# shall be located within 10 feet of such #street line#. For #developments# or #enlargements# that front upon a #street# indicated as "Type 3," at least 70 percent of the #aggregate width of street walls# shall be located within 10 feet of the such #street line#. The remaining 30 percent of the #aggregate width of street walls# may be located beyond such #street lines# in compliance with:

- (1) the #outer court# regulations of Article II, Chapter 3, for #residential# portions of #buildings#;
- (2) the #outer court# regulations of Article II, Chapter 4, for all other portions of #buildings#; or
- (3) the requirements of Section 37-07 (Requirements for pedestrian circulation space) where such areas are pedestrian circulation spaces.

* * *

(d) Arcades and sidewalk widenings shall be permitted along any #street# indicated as "Type 1," "Type 2A" or "Type 3," pursuant to paragraphs (a), (b) or (c) of this Section, provided such arcade or sidewalk widening extends along the entire #block# frontage or abuts another arcade, existing on August 27, 1998, of equal width and height or another sidewalk widening of equal width. In such case, the #street wall# requirements for paragraph (b) of this Section shall be measured from the permitted arcade or sidewalk widening.

* * *

91-70 SPECIAL REGULATIONS FOR CERTAIN AREAS

* * *

91-73 Special Permit for Development Over or Adjacent to the Approaches to the Brooklyn Battery Tunnel

The City Planning Commission, by special permit, may allow:

- (a) the unmapped air space above the approaches to the Brooklyn Battery Tunnel to be considered a single #zoning lot# and may allow the #development# or #enlargement# of a #building# on such unmapped air space, where the #zoning lot# for such #development# or #enlargement# shall include only that portion of the area above the approaches to the Brooklyn Battery Tunnel and contiguous areas of land or property that are covered by a permanent platform and not designated as approaches to the Brooklyn Battery Tunnel.
- (b) the unmapped air space above the approaches to the Brooklyn Battery Tunnel, the unmapped air space above Joseph P. Ward Street and the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street to be deemed a single #zoning lot#, and in connection therewith:
- (1) such #zoning lot# shall generate #floor area# only from such at-grade parcels and only those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on (effective date of amendment);
 - (2) no #floor area# shall be generated from the unmapped air space above Joseph P. Ward Street; and
 - (3) unused #floor area# generated from those portions of the unmapped air space above the approaches to the Brooklyn Battery Tunnel covered by a permanent platform or #building# existing on (effective date of amendment) shall only be located on the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street and shall only be used for #residential floor area#.

Notwithstanding any of the foregoing, the use and occupancy of the unmapped air space above the approaches to the Brooklyn Battery Tunnel and of the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel by the New York State Triborough Bridge and Tunnel Authority may be continued and in effect as set forth in Resolutions of the former New York City Board of Estimate and as otherwise permitted by law.

The at-grade parcels of the #zoning lot# bounding the northern #street line# of Joseph P. Ward Street shall be considered a #through lot# bounded by Washington Street and West Street from its lowest level to the sky, and only such at-grade parcels shall be used to determine compliance with applicable #bulk# regulations other than #floor area# and #lot area# regulations.

For purposes of this paragraph, (b), the at-grade parcels bounding the northern #street line# of Joseph P. Ward Street shall mean :

the at-grade parcel bounding the northern #street line# of Joseph P. Ward Street and shown on the City Map as amended October 3, 1946, as an approach to the Brooklyn Battery Tunnel; and

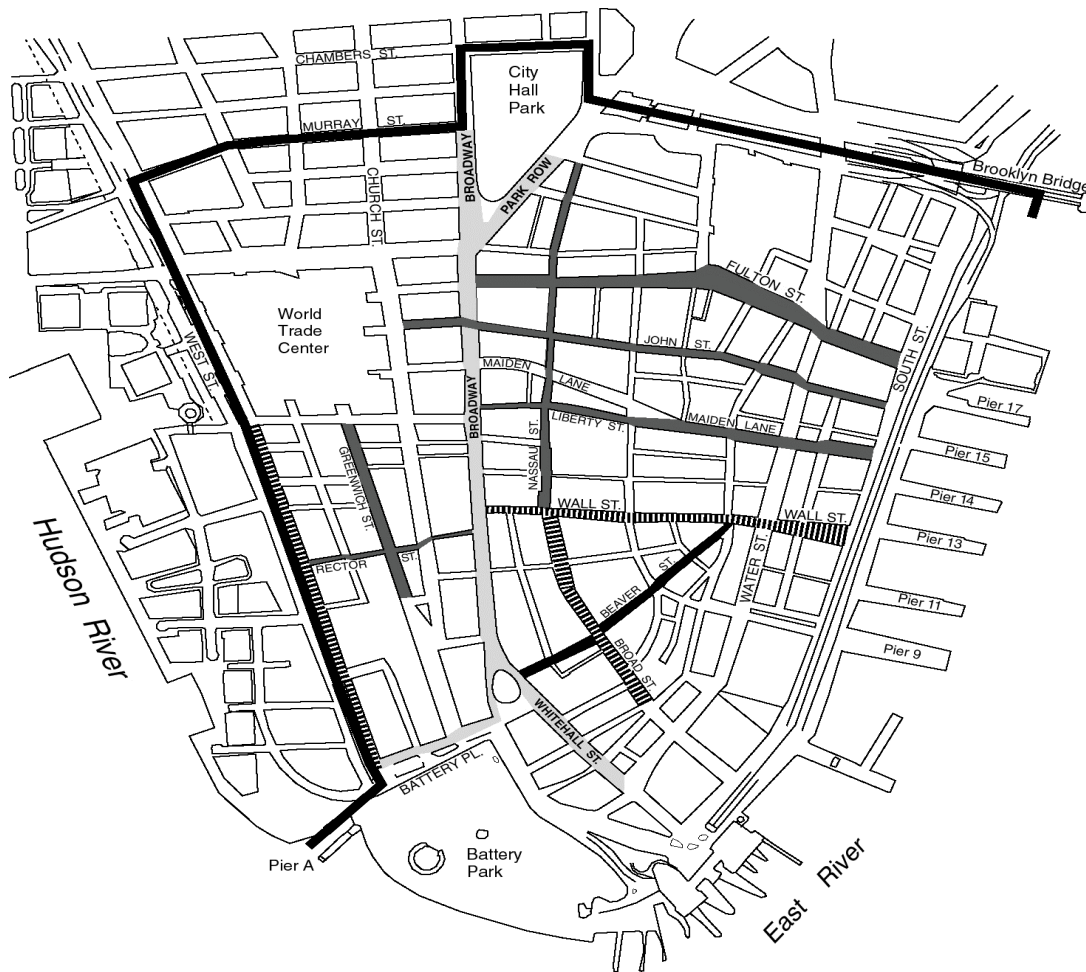
the at-grade parcel bounding the northern line of said parcel.

In order to grant such special permit, the Commission shall find that (a) adequate access and #street# frontage to one or more #streets# is provided; and (b) the streetscape, site design and the location of building entrances of the proposed #development# or #enlargement# will contribute to the overall improvement of pedestrian circulation within the surrounding area.

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

8/27/98

Map 2



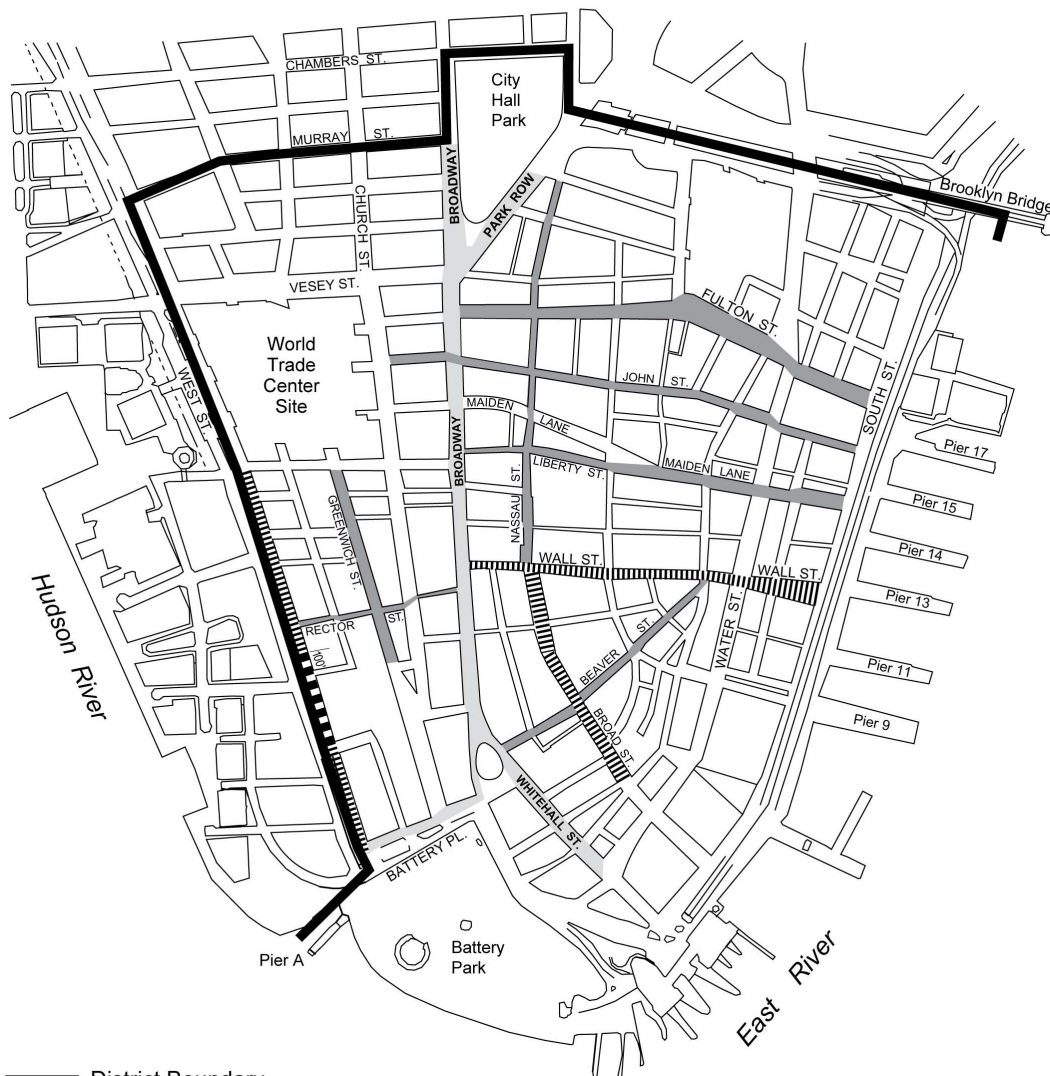
- District Boundary
- Type 1: 150 Foot Minimum / 250 Foot Maximum Before Setback
- ▨ Type 2: 85 Foot Minimum / 150 foot Maximum Before Setback
- Type 3: 60 Foot Minimum

Street Wall Continuity Types 1, 2 & 3

APPENDIX A

Lower Manhattan District Plan Maps

Map 2. Street Wall Continuity Types 1, 2A, 2B & 3



- District Boundary
- Type 1: 150 Foot Minimum / 250 Foot Maximum Before Setback
- ▨ Type 2A: 85 Foot Minimum / 150 foot Maximum Before Setback / 100% Street Wall Continuity Required
- Type 2B: 85 Foot Minimum / 150 foot Maximum Before Setback / At least 60% Street Wall Continuity Required
- Type 3: 60 Foot Minimum

* * *

Adopted.

Office of the City Clerk, }
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The City of New York on November 15, 2007, on file in this office.

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City Clerk, Clerk of The Council