



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

WHEREAS, pursuant to the New York State Environmental Quality Review Act (SEQR), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Battery Park City Authority.

WHEREAS, the Council has considered the relevant environmental issues and the Negative Declaration, issued on January 11, 2005;

RESOLVED:

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 to be deleted;

Matter within # # is defined in the Zoning Resolution;

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

## SPECIAL BATTERY PARK CITY DISTRICT REGULATIONS

\* \* \*

11/13/81

### Article VIII - Special Purpose Districts

#### Chapter 4

#### Special Battery Park City District

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1/8/97

#### 84-03

#### Use Regulations (For Zone A and Zone C)

The #uses# permitted shall be constructed and located so that no exhaust vents or chimneys open onto any #street# or park or onto the #Esplanade#.

In the case of a #building#, or portion of a #building# occupied by #residential uses#, non #residential uses# may be located only on a #story# below the lowest #story# containing #dwelling units#, except in subzone A 4 pursuant to Section 84-12 (Use Regulations), and except that in any #development# containing hotel #uses# as

provided in Sections 84-12 or 84-32 (Use Regulations), an eating and drinking establishment as permitted in Use Group 6 and a #physical culture and health establishment#, either permitted as #accessory# to the hotel or as a non #accessory# #use# pursuant to this Chapter, may be located above a #story# containing #residential uses#.

In the case of a mixed #building# containing #residential# and commercial #uses#, non #residential uses# must be located in a portion of the #mixed building# that has separate access from the street.

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1/8/97

## 84-031

### Special permit uses

The following #uses# are permitted only by special permit of the City Planning Commission:

Electrical or gas utility substations, open or enclosed, pursuant to Section 74-61

In Zone A, #public parking garages# as provided for in C5 Districts, pursuant to Section 74-52

As a condition precedent to the granting of such special permit, the Commission shall make a finding that such #use# is located so as to minimize adverse effects on existing or future #development# in nearby areas or on the use or enjoyment of the #Esplanade# or other public facilities.

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures pursuant to Section 73-14

In Zone A, #Physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.

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2/27/01

## 84-12

### Use Regulations

In the areas indicated as permitted commercial locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121(Uses along Esplanade) and this Section.

In the case of a mixed #building# containing #residential# and non-#residential uses#, #residential uses# are

permitted on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located over any #residences#. However, such non-#residential uses# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from non-#residential uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #development# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may be #developed# either with #residential uses#, #transient hotel uses#, or as a #building# containing both #residential# and hotel #uses#. In the case of a #development# containing hotel #uses# on this #zoning lot#, (a) a #physical culture or health establishment# may be permitted and (b) an eating and drinking establishment as permitted in Use Group 6 and a #physical culture and health establishment# or a non-residential accessory use may be located above a #story# containing #residential uses#.

~~For #developments# and #enlargements# located in subzone A-4, the City Planning Commission may, upon application, authorize modification of the supplementary #use# regulations of Section 32-422 (Location of floors occupied by non residential uses), provided the following findings are made:~~

- ~~(1) that the non #residential uses# are located in a portion of the #mixed building# which has separate access to the outside with no opening of any kind to the #residential# portion of the #building# at any #story#;~~
- ~~(2) that the non #residential uses# are not located directly over any #story# containing #dwelling units#; and~~
- ~~(3) that the modifications shall not adversely affect the #residential# character of the area.~~

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2/27/01

**84-135**

### **Limited height of buildings**

No portion of any #building or other structure# may be built to a height greater than 85 feet above #curb level#, except that:

- (a) any portion of a #building# required to have an exterior wall coincident with a 110-135 foot #mandatory front building wall line#, as provided in Section 84-132 (Mandatory front building walls), may be built to a height of up to 135 feet above #curb level#;

(b) any portion of a #building# required to have an exterior wall coincident with a 110-230 foot #mandatory front building wall line#, as provided in Section 84-132 and subject to the requirements contained in paragraph (f) therein, may be built to a height of up to 230 feet above #curb level#;

(c) portions of a #building# required to have an exterior wall coincident with a 150-250 foot #mandatory front building wall line#, as provided in Section 84-132, may be built to a height of up to 250 feet above #curb level#;

(d) on the portion of any #zoning lot# designated as a #special height location# in Appendices 2.2 or 3.2, a #building# may be built to the height above #curb level# indicated in Appendices 2.2 or 3.2, subject to the following:

(1) on any #development# south of First Place and east of Battery Place, with a mandatory front building wall, the area of which, below the level of the second story ceiling, occupies 100 percent of the frontage along its #mandatory front building wall line#, a height of not more than 450 feet, provided, however, that a setback of not more than 10 feet may be provided at a height of 85 feet or more above #curb level#;

(2) on #zoning lots# located north of First Place, south of Third Place, and east of Battery Place, #special height locations# not to exceed heights of 135 feet or 360 feet above #curb level# are permitted as indicated in Appendix 2.2, provided that a setback of 10 feet is provided at a height of 85 feet above #curb level# along any #narrow street# frontage;

(3) on the #zoning lot# at the southeast corner of Chambers Street and North End Avenue, the #special height location# indicated in Appendix 3.2 shall apply only if such #zoning lot# is occupied by #school# and #residential uses# and the portion of the #building# above a height of 135 feet above #curb level# does not exceed a #lot coverage# of 40 percent; and

(4) on the #zoning lot# at the northeast corner of Murray Street and North End Avenue, a #special height location# of 320 feet above #curb level# is permitted as indicated in Appendix 3.2, subject to the requirements contained in Section 84-132, paragraph (f);

(e) Sections 23-62 (Permitted Obstructions) and 33-42 (Permitted Obstructions) are hereby made inapplicable. Any portion of a #building or other structure# that exceeds an established height limit shall be subject to the following provisions:

(1) The following shall not be considered obstructions and may thus penetrate a maximum height limit:

Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level

Elevator or stair bulkheads, roof water tanks, cooling towers or other #accessory# mechanical equipment (including enclosure walls), provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage at #curb level#, or the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building# and the

height of all such obstructions does not exceed 40 feet

Flagpoles and aerials

Parapet walls, not more than four feet high

Wire, chain link or other transparent fences

Heliostats and wind turbines

(2) The maximum permitted size of enclosure walls surrounding elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment may be increased by authorization of the City Planning Commission, provided the Commission finds that:

- (i) the width of such additional enclosure wall at each building face does not exceed 80 percent of the width of the enclosure wall as allowed in paragraph (e)(1) of this Section;
- (ii) the additional area of the enclosure wall at each building face is not more than 50 percent of the area permitted as-of-right; and
- (iii) the enclosure wall is compatible with the #building# and the urban design goals of the Special District and complements the design by providing a decorative top; and

(f) in #special height locations# in Appendices 2.2 and 3.2, no portion of a #building#, including permitted obstructions, shall exceed a height of 450 feet above #curb level#.

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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 August 17, 2005, on file in this office.

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City Clerk, Clerk of The Council