



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 1753

Resolution approving the decision of the City Planning Commission on Application No. N 010057 ZRM, an amendment to the text of the Zoning Resolution to modify various sections of Article VIII, Chapter 4, regarding open space provisions of the Special Battery Park City District (L.U. No. 873).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on January 12, 2001 its decision dated January 8, 2001 (the "Decision"), on the application submitted by the Battery Park City Authority, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 010057 ZRM) (the "Application");

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 February 13, 2001;

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 Final Environmental Impact Statement ("FEIS") for which a Notice of Completion was issued on November 5, 2000;

RESOLVED:

Having considered the FEIS, with respect to the Application, the Council finds that:

(1) the FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;

(2) consistent with social, economic and other essential considerations, from among the reasonable alternatives, the proposed action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the FEIS; and

(3) consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the process will be minimized or avoided by incorporating as conditions to the approval those mitigative measures which were identified as practicable; and

The Decision and the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.9.

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 Graytone is new, to be added;
Matter in Strikeout is old, to be deleted;
Matter within # # is defined in Sections 12-10 or 84-01 of the Zoning Resolution

Article VIII: Special Purpose Districts

Chapter 4
Special Battery Park City District

84-10
ZONE A GENERAL DISTRICT REGULATIONS

Zone A is designed generally to provide for residential development with ancillary retail and service uses, and transient hotels (Use Group 5) as permitted pursuant to Section 84-12. Zone A is divided into six subzones: A-1, A-2, A-3, A-4, A-5 and A-6. The location and boundaries of the subzones are shown in Appendices 2 and 3.

84-11
General Provisions

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of Zone A of the Special Battery Park City District.

Notwithstanding any other provision of this Resolution, no development may be constructed in subzone A-4 except in accordance with certifications given by the City Planning Commission. Residential open space, in subzone A-4 shall be subject to the provisions of Sections 12-10 and 23-12 (Permitted Obstructions in Open Space) of the Zoning Resolution, and for every room, dwelling unit there shall be a minimum of 22.0 square feet of open space, and for every rooming unit there shall be a minimum of 44.0 square feet of open space. All other provisions of this Chapter with respect to Zone A shall not apply to developments or enlargements in subzone A-4 unless otherwise indicated.

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.

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 physical culture or health establishment shall may be permitted.

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 that 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.

84-121
Uses along Esplanade

Except as set forth in this Section and in Section 84-12 (Use Regulations), uses fronting on the Esplanade shall be limited to the uses listed in Use Groups 2, 3 and 4 as set forth in Section 22-10 (USES PERMITTED AS-OF-RIGHT), except that in the areas indicated as permitted commercial locations in Appendix 2.3, in the lowest story other than a basement in any development, the following additional uses shall be permitted:

Eating or drinking places, as listed in Use Group 6A in Section 32-15

84-122

Uses permitted within public open space areas

Public open space areas located between Murray Street and Warren Street, as indicated in Appendix 3.6, shall be improved at or above grade for use by the public as open areas for passive and/or active recreational uses.

84-13

Bulk Regulations

Residential and community facility bulk regulations otherwise applicable in R10 Districts are modified to the extent set forth in this Section and Sections 84-131 through 84-135, inclusive.

The height and setback regulations otherwise applicable in R10 Districts are superseded by the regulations set forth in Sections 84-131 (Floor area regulations), 84-132 (Mandatory front building walls), 84-134 (Mandatory arcades) and 84-135 (Limited height of buildings).

The provisions of Section 23-533 (Required rear yard equivalents), Section 24-11 (Maximum Floor Area Ratio and Percentage of Coverage), Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments), and Article VII, Chapter 9 (Special Regulations Applying to Large Scale Community Facility Development), are not applicable.

The provisions of Section 23-70 (MINIMUM DISTANCE BETWEEN BUILDINGS) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

- (a) that such modification will aid in achieving the general purpose and intent of the Special Battery Park City District, as set forth in Section 84-01;
- (b) that such modification will not unduly increase the bulk of buildings, the density of population, or the intensity of use on any zoning lot to the detriment of the occupants of buildings on such zoning lot or nearby zoning lots;
- (c) that such modification will not adversely affect the buildings on the zoning lot or nearby zoning lots by restricting access to light and air; and
- (d) that if an open area is provided, at any level, between two buildings, it shall have a width of not less than eight feet.

84-131

Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted floor area ratio for any development or enlargement on a zoning lot in subzones A-1 and A-5 shall not exceed 12.0, and in subzones A-2, A-3 and A-6 shall not exceed 8.0. However, within subzone A-6, the floor area ratio for the zoning lot on the southeast corner of Chambers Street and North End Avenue may be increased from 8.0 to a maximum of 12.0, provided that such additional floor area is occupied by a school.

The floor area bonus provisions with respect to R10 Districts shall not apply.

The provisions of Section 23-22 (Required Lot Area per Dwelling Unit, Lot Area per Room, or Floor Area per Room) shall not apply. For every 300 square feet of gross residential floor area provided within any building, there shall be no more than one room. The minimum floor area contained within any dwelling unit shall not be less than 550 square feet.

84-132

Mandatory front building walls

Except as set forth in paragraph (f) of this Section, where Appendices 2.1 or 3.1 shows a requirement for a development in Zone A to be built to a mandatory front building wall line, any such development shall have a mandatory front building wall coincident with and constructed along such mandatory front building wall line, which shall rise without setback for a height above curb level not less nor more than the amount as specified in this Section, except that, at building entrances, openings below the second story ceiling in the mandatory front building walls will be permitted to provide access to courtyards:

- (a) Except as set forth in paragraph (d) of this Section, with respect to any 60-85 foot mandatory front building wall line shown in Appendix 2.1, a height of not less than 60 feet nor more than 85 feet. ;
- (b) With respect to any 110-135 foot mandatory front building wall line shown in Appendix 2.1, a height of not less than 110 feet nor more than 135 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.;
- (c) On the portion of any zoning lot designated as a special height location in Appendix 2.2, a height of not less than the otherwise

applicable amount set forth in paragraphs (a) or (b) of this Section and not more than the maximum height indicated in Appendix 2.2 or in paragraph (cd)(1) of Section 84-135 (Limited height of buildings). ;

(d) Wwith respect to any #zoning lot# south of West Thames Street, east of South End Avenue, north of Third Place and west of Battery Place, a height of not less than 18 feet nor more than 85 feet above #curb level#.

(e) Wwith respect to any 110-135 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 135 feet.

(f) with respect to any 110-230 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 110 feet nor more than 230 feet, except that:

(1) the length of the mandatory front building wall in excess of a height of 135 feet shall not exceed 120 feet along any frontage;

(2) where the length of the #mandatory front building wall line# along #street lines# intersecting North End Avenue exceeds 100 feet, the mandatory front building wall in excess of a height of 135 feet shall not exceed a length of 75 feet along North End Avenue. However, the length of the mandatory front building wall along #street lines# intersecting North End Avenue may be reduced to not less than 100 feet in order to accommodate landscaping and other improvements within or adjacent to the public open space areas shown in Appendix 3.6;

(3) a setback of ten feet at a height of 135 feet is required along all street frontages, except Park Place West, at a height of 135 feet;

(4) a setback of not less than five feet and not more than ten feet is required in other locations at a height of 135 feet, as shown in Appendix 3.1; and

(5) a setback of not less than five feet is required at a height of 210 feet on all sides of the building, except for #special height locations# provided in Section 84-135 (Limited height of buildings) and shown in Appendix 3.2;

(f) (g) Wwith respect to any 150-250 foot #mandatory front building wall line# shown in Appendix 3.1, a height of not less than 150 feet nor more than 250 feet; except that the height may not exceed either 150 feet for more than 120 feet or 75 percent of the length of a building's site's western property line, whichever is less, and a setback of not less than five feet and not more than ten feet is required at a height of 150 feet. Where Appendix 3.1 shows a requirement for a #development# to be built to a #mandatory front building wall line# along frontage on River Terrace, any such #development# may have a mandatory front building wall coincident with and constructed along a line set back one and one-half feet from the #street line# along River Terrace to accommodate landscaping treatment as required by the Battery Park City Authority, and

(g) (h) On the portion of any #zoning lot# designated as a #special height location# in Appendix 3.2, a height of not less than the otherwise applicable amount set forth in paragraphs (e) , or (f) or (g) of this Section and not more than the height shown in Appendices 3.1 and 3.2.

Subject to the provisions of Section 84-133 (Front wall recesses), the mandatory front building wall requirements set forth in this Section shall also apply to all #developments# along all #street lines# within 50 feet of the intersection with any #mandatory front building wall line#. For the next 20 feet along the #street line#, the mandatory front building wall requirements are optional except that, for any #development# north of Vesey Street and Vesey Place, the mandatory front building wall requirements are optional for the next 25 feet. The height limit of 85 feet shall apply along #street lines# or to #developments# not subject to the mandatory front building wall requirements.

84-133 Front wall recesses

Front wall recesses for architectural or decorative purposes are permitted, except in an #arcade# required in Section 84-134 (Mandatory arcades), provided that below the level of the second #story# ceiling the depth of such recess does not exceed 20 feet. At any #story# above the level of the second #story# ceiling, recesses to the amount of 25 percent of the aggregate area of the wall at each #story# are permitted, provided the depth of any such recess does not exceed 10 feet. All recesses shall be subject to the applicable provisions of Section 23-84 (Outer Court Regulations).

84-134 Mandatory arcades

Any #development# located on a #zoning lot# upon which Appendix 2.4 (Mandatory Arcades) requires an #arcade# shall contain an #arcade# as defined in Section 12-10 (DEFINITIONS); and:

(a) the #arcade# shall extend the full length of the #zoning lot# along the indicated #street lines# or other lines, except where otherwise indicated in Appendix 2.4; and

(b) the minimum unobstructed depth of the #arcade# shall be 12 feet, and the minimum height of the #arcade# shall be 20 feet above #curb level#.

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#;

(b)(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#; and

(c) (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).

(d) (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 the street walls# of the a #building# measured at any level; where such penetration occurs

Elevator or stair bulkheads, roof water tanks, or cooling towers or other #accessory# mechanical equipment (including enclosures walls), each of which shall have a width of no more than 30 feet. provided that either The sum of the products, in square feet, of the #aggregate widths of street walls# of such obstructions facing each #street# frontage times their average heights, in feet, shall not exceed a figure equal to four 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

(2) The Chairperson of the City Planning Commission may, by certification, permit the obstructions set forth in paragraph (d)(1) of this Section to be concealed by an enclosure wall. An enclosure wall, for the purposes of this Section, is a vertical structure that serves to surround a space that is unroofed and contains no #floor area#. No portion of the enclosure wall shall be at an angle of more than 45 degrees from the vertical. The gross area of each face of the enclosure wall, in square feet, shall not exceed a figure equal to eight times the width of the wall of that face of the #building# at #curb level#. All obstructions, permitted pursuant to this paragraph, are exempt from the size restrictions of paragraph (d)(1) and must be completely located within the enclosure wall.

(3) The City Planning Commission may permit, by authorization, an increase in the size of the enclosure wall beyond that permitted by certification, provided that the Commission finds:

(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) that 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) certified pursuant to paragraph (d)(2) of this Section;

(ii) that the additional area of the enclosure wall at each building face of the #building# is not more than 50 percent of the area permitted as-of-right allowed in paragraph (d)(2); and

(iii) that 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.

(e)(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#.

* * *

84-144

Location of curb cuts

Curb cuts are permitted only in the areas or locations indicated in Appendix 2.6 and Appendix 3.5. The aggregate width of all curb cuts provided for any #development# shall not exceed 20 feet, except that:

(a) for the #zoning lot# bounded to the north by a mapped public place, to the west by North Park, to the south by Chambers Street and to the east by Marginal Street, the aggregate width of all curb cuts shall not exceed 40 feet;

(b) for the #zoning lot# bounded by Warren Street to the north, River Terrace to the west, North End Avenue to the east and Park Place West to the south, the aggregate width of all curb cuts shall not exceed 30 feet, comprised of two 15-foot curb cuts;

(c) for the #zoning lot# bounded by Murray Street to the north, River Terrace to the west, North End Avenue to the east and Vesey Place to the south, the aggregate width of all curb cuts shall not exceed 40 feet, including a 25-foot wide curb cut as access to the #accessory# off-street parking facility; and

(d) for the #zoning lot# south of First Place and east of Battery Place, the aggregate width of all curb cuts shall not exceed 50 feet.; and

(e) for each #zoning lot# located on the east side of Battery Place between First Place and Third Place, the aggregate width of all curb cuts shall not exceed 40 feet.

* * *

Appendix 2.1

Special Battery Park City District
Mandatory Front Building Walls

Appendix 2.2

Special Battery Park City District
Special Height Locations

Appendix 2.3

Special Battery Park City District
Permitted Commercial Locations

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Appendix 3.1

Special Battery Park City District
Mandatory Front Building Walls

Appendix 3.2

Special Battery Park City District

Special Height Locations

Appendix 3.3
Special Battery Park City District
Permitted Commercial Locations

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Appendix 3.6
Special Battery Park City District
Public Open Space Areas

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 February 27, 2001, on file in this office.

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City Clerk, Clerk of Council

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