



Legislation Text

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THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 2159

Resolution approving the decision of the City Planning Commission on Application No. N 010296 ZRM, an amendment to the text of the Zoning Resolution to modify various sections of Article IX, Chapter 1, relating to the controls of the Special Lower Manhattan District (L.U. No. 1249).

By Council Members Eisland and McCaffrey

WHEREAS, the City Planning Commission filed with the Council on November 14, 2001 its decision dated November 7, 2001 (the "Decision"), on the application submitted by 55 Water Street, L.L.C, pursuant to Section 201 of the New York City Charter, for the amendment to the text of the Zoning Resolution (Application No. N 010296 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 December 10, 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 Positive Declaration, issued on January 8, 2001 (CEQR No. 01DCP020M);

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 environmental impact statement 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(c)(3).

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 greytone is new, to be added;

Matter in strikeout is text to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicated where unchanged text appears in the Zoning Resolution.

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-23

Floor Area Regulations for Non-Residential and Mixed Buildings

For non-residential buildings or mixed buildings within the Special Lower Manhattan District, the basic maximum floor area ratio of the underlying district may be increased by the inclusion of specific additional bonus floor area for a maximum floor area ratio as specified in the following table.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in the following table. Wherever there may be an inconsistency between any provision in Section 74-79 and the following table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES
BY DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS
BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict Core	Historic & Commercial C5-3 C5-5 C6-4 C6-9	Commercial C5-5 M1-4	South Street Seaport Subdistrict & all waterfront zoning lots#						
	R8	C6-4	C6-9	C5-5	M1-4	C2-8	C4-6	C6-4	C5-3	C6-9
Basic maximum FAR	6.021	2.02 10	2.02 15		15	6.53	3.43	3.4		10 15 15
Maximum as-of-right floor area# bonus for urban plazas#	NA	2	3	NA		NA	NA		NA	NA NA
Maximum as-of-right floor area# bonus for Inclusionary Housing NA	NA	2	NA	NA		NA	NA		NA	NA NA
Maximum FAR with as-of-right floor area# bonuses 15 15	2.02 6.021	2.02 12	18		15		6.53	3.43		3.4 10
Maximum special permit floor area# bonuses: subway station improvements & covered pedestrian spaces#	NA	99 3	3	NA	NA	NA	NA	NA	NA	
Maximum total FAR with as-of-right and special permit floor area# bonuses	2.02 6.021	2.02 12	18	18	6.53	3.43	3.4	10	15	15
Development rights (FAR) of a										

landmark lot for transfer purposes (74-79)	154 NA		10	185	15	NA	NA	NA	NA	NA	NA
Maximum total FAR with transferred development rights from landmark #zoning lot# and as-of-right and special permit #floor area# bonuses	2.42 6.021	2.02	14	21.6	21.6	7.83	3.43	3.4	12	21.66	21.66
Maximum total FAR of designated receiving sites in South St. Seaport Subdistrict (91-60)		2.02 NA		NA	NA	NA	NA	3.43	3.4	12	21.66 21.66

1. maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
2. for a #commercial# or, where permitted, #manufacturing use#
3. for a #community facility use#
4. if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
5. if receiving lot is located in a zoning district with a basic maximum FAR of 15
6. for lots greater than 30,000 square feet, may be exceeded by special permit pursuant to Section 91-661.

* * *

91-42 Pedestrian Circulation Space

Within the boundaries of the #Special Lower Manhattan District#, all new #developments# or #enlargements# on #zoning lots# of at least 5,000 square feet that contain more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

Pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street frontage#;
- (c) the #zoning lot# is an #interior# or #through lot# fronting on a #street# or #streets# listed in paragraph (a) of Section 91-31 (Street Wall Regulations);
- (d) the #zoning lot# is a #through lot# and both #street frontages# are less than 25 feet in length; or
- (e) the #zoning lot# is located in a C6-4 or C6-9 District within the South Street Seaport Subdistrict.

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91-60 REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

* * *

91-62 Definitions

For purposes of this Section, matter in italics is defined in Section 12-10 (DEFINITIONS) or within this Section.

Development rights

Within the South Street Seaport Subdistrict, the basic maximum permitted #floor area# for a #granting lot# shall be that which is allowed by the applicable district regulations as if such granting lot were undeveloped, and shall not include any additional #floor area# bonuses for #urban plazas#, #arcades# or any other form of #floor area# increase, whether as-of-right or by special permit. #Streets# located within the Subdistrict that have been closed or discontinued in whole, part or whose air space has been closed or discontinued pursuant to Section E15-3.0 of the Administrative Code, or its successor, shall have attributed to such closed area or closed air space the basic maximum permitted #floor area# allowed within the underlying zoning district within which such #streets# are situated. The #lot area# of a closed or discontinued volume of air space shall be measured by the area of the bed of the #street# lying below and within such closed or discontinued volume.

Granting lot

Within the South Street Seaport Subdistrict, "granting lot" is a #zoning lot# or a closed or discontinued portion of a #street# or air space over a #street # which is identified as a #granting lot#, as identified on Map 6 (South Street Seaport Subdistrict) in Appendix A, upon which #development# is regulated by contract, lease, covenant, declaration or otherwise to assure compliance with the purposes of this Subdistrict and from which #development rights# may be transferred. Such #zoning lots# and closed portions of #streets# or air space over #streets# are identified on the map of the transfer areas (Map 6) as Parcels 6, 7 and 9 and the adjacent hatched #street# areas.

Person

Within the South Street Seaport Subdistrict, a "person" is an individual, corporation (whether incorporated for business, public benefit or not-for-profit purposes or otherwise), partnership, trust firm, organization, other association or any combination thereof.

Receiving lot

Within the South Street Seaport Subdistrict, a "receiving lot" is a #zoning lot# identified on the map of transfer areas (Map 6 in Appendix A) to which #development rights# may be added. Such "receiving lots" are identified on the map as Parcels, 1 8, 15, 16, 20, and 21 and 22.

* * *

91-65

Addition of Development Rights to Receiving Lots

Within the South Street Seaport Subdistrict, all or any portion of the #development rights# transferred from a #granting lot# may be added to the #floor area# of all or any one of the #receiving lots# in an amount not to exceed the ratio of 10 square feet of #development rights# to each square foot of #lot area# of such #receiving lot#, except that with respect to a #receiving lot# having a #lot area# of less than 30,000 square feet, the total #floor area ratio# on such #receiving lot# shall not exceed a #floor area ratio# of 21.6. #Development rights# transferred to a #receiving lot# may be applied to the #development# of a #mixed building# to increase the #floor area# of the #residential#, #commercial# and/or #community facility# portions of such #building# so that the maximum #floor area# for such #building# may be increased by the aggregate of #development rights# so transferred. In no event shall the #floor area ratio# of a #residential building#, or portion thereof, exceed 12.0.

The City Planning Commission shall certify that the any proposed #development# which that utilizes such transferred #development rights# conforms to this section and, for those #receiving lots# within the Urban Renewal Area, to the regulations and controls of the Urban Renewal Plan.

91-66

Modification of Bulk Regulations

91-661

Special permit for bulk modifications

Within the South Street Seaport Subdistrict, the City Planning Commission may grant a special permit to modify the height and setback and #lot coverage# regulations of Section 91-30, provided that:

(a) either of the following conditions have been met:

(1) that the developer has obtained negative easements limiting the height of future #development# to 85 feet or less on any adjoining #zoning lots# which are contiguous or would be contiguous to said #zoning lot# but for their separation by a #street# or #street# intersection, and such easements are recorded against such adjoining #zoning lots# by deed or written instrument. The Commission shall consider the aggregated areas of said #zoning lot# and the adjoining lots subject to such negative easements and the extent to which they achieve future assurance of light and air in determining the maximum permitted coverage. In no event shall such coverage exceed 80 percent of the #zoning lot# on which the #development# will be located; or

(2) that the #lot coverage# for that portion of a #development# below 300 feet may be increased to a maximum of 80 percent when additional #development rights# have been purchased and converted to increased #lot coverage#. The maximum percentage of #lot coverage# on such #receiving lot# shall be the sum of 65 percent plus one-half of one percent for every .10 by which the total #floor area ratio# on such #receiving lot# would exceed a #floor area ratio# of 21.6, provided that the #development# on such #receiving lot# has achieved a minimum #floor area ratio# of 18.0;

(b) In order to grant such special permit, the Commission shall make the following findings:

(1) the location of the #development# and the distribution of #bulk# will permit adequate access of light and air to surrounding #streets# and properties;

(2) any modification of height and setback will provide for better distribution of #bulk# on the #zoning lot#; and

(3) such special permit will aid in achieving the general purposes and intent of the Subdistrict.

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

91-662

Authorization for modification of bulk provisions and public space in C6-9 Districts

In the South Street Seaport Subdistrict, the City Planning Commission may authorize:

(a) the alteration of any public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that the Commission finds that such modifications improve the intended public purpose of the amenity; or

(b) the elimination or reduction of an existing public amenity, open or enclosed, for which a #floor area# bonus has been granted, provided that a new and/or improved public amenity, open or enclosed, is supplied elsewhere on, or within proximity to, the #zoning lot#, and the Commission finds that:

(1) the public amenity to be eliminated no longer serves its original purpose; and

(2) the proposed new or improved public amenity will provide a greater public benefit than the amenity to be eliminated or reduced and will better serve the purposes of the #Special Lower Manhattan District#; and

(c) the modification of the applicable height, setback, lot coverage and distance between buildings requirements for any new #development# or #enlargement# on a designated #receiving lot# that will incorporate transferred #development rights#, provided the Commission finds that the modifications:

(1) provide an appropriate distribution of #bulk# on the #zoning lot#;

(2) permit adequate access of light and air to the occupants or users of the #development# or #enlargement# and adjoining properties as well as the surrounding #streets#; and

(3) will not impair the use and desirability of any public amenity that may be created or improved under the provisions of paragraph (b) of this Section.

If a #receiving lot# contains an existing #building#, such authorization shall incorporate any previous height and setback or other bulk modifications, granted prior to (effective date of amendment) by the Board of Standards and Appeals, for such existing #building#.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

* * *

91-70

SPECIAL REGULATIONS FOR CERTAIN AREAS

#Developments# or #enlargements# in the former # Special Lower Manhattan Greenwich Street Development District# built prior to August 27, 1998, will continue to be governed by the regulations in effect at the time of issuance of the building permit and can only be modified or altered by Sections 91-71 through 91-74, inclusive.

91-71

Authorization for the Modification of Required Public Amenities

The City Planning Commission may authorize modifications of certain provisions of the former Special Greenwich Street Development District, eliminated on August 27, 1998, that mandated public amenities, as follows:

- (a) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that resulted in an increase in the basic maximum #floor area ratio# or an increase in the adjusted basic maximum #floor area ratio#, the Commission may authorize:
- (1) the alteration of the amenity or improvement, provided that the Commission finds that such modifications improve the intended public purpose of the amenity;
- (2) the elimination of the amenity or improvement, provided that the Commission finds that the intended public purpose is no longer useful or desirable and a new public amenity or improvement is supplied, as permitted pursuant to this Chapter, that generates the same or higher amount of bonusable #floor area#; or
- (3) in the case of an amenity or improvement built in excess of the requirements necessary to generate the bonus #floor area# at the time of #development#, the elimination of such portion of the amenity not tied to the bonus #floor area#, provided that the Commission finds that such portion is no longer useful or desirable.
- (b) For any mandatory or elective public amenities or improvements built pursuant to the regulations of the former Special District that did not result in an increase in the basic maximum #floor area ratio#, the Commission may authorize the elimination or alteration of the amenity or improvement if it finds that the intended public purpose is no longer useful or desirable.
- (c) No mandatory or elective public amenity or improvement built pursuant to the regulations of the former Special District shall be eliminated or reduced in size, without a corresponding reduction in the #floor area# of the #building# or the substitution of equivalent complying area for such amenity elsewhere on the #zoning lot#, in accordance with the provisions of paragraph (a)(2) of this Section, except by special permit of the City Planning Commission, subject to a finding that the proposed change will provide a greater public benefit in light of the public amenity's purpose and the purposes of the #Special Lower Manhattan District#.

However, the open pedestrian bridge spanning Greenwich Street between Liberty and Cedar Streets may be eliminated, without recourse to the City Planning Commission, where the pedestrian access provided between the required elevated public pedestrian circulation systems is no longer useful or desired.

The Commission may prescribe appropriate conditions and safeguards in connection with the grant of such authorization.

91-72

Certification for Development on the Block bounded by Liberty, Washington, Cedar and West Streets

For the #block# bounded by Liberty, Washington, Cedar and West Streets, the City Planning Commission shall certify that the following improvements, eligible for as-of-right #floor area# bonuses in the amount specified, are included in any plans for a proposed #development#.

- (a) The following mandatory improvements are eligible for as-of-right #floor area# bonuses:
- (1) For an open pedestrian bridge with a minimum width of 15 feet spanning Washington Street near its intersection with Liberty Street to provide pedestrian access to the existing elevated public open space at the northern edge of the #block# bounded by Liberty, Washington, Albany and Greenwich Streets, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 90 square feet per linear foot.
- (2) For a pedestrian connection at least 15 feet wide with a minimum floor to ceiling height of 12 feet between the existing pedestrian bridge spanning West Street and the bridge required over Washington Street pursuant to paragraph (a)(1) of this Section, as certified by the Commission, a #floor area# bonus shall be granted in the amount of 100 square feet per linear foot.

This connection shall be at the same height as the new bridge, provide an integrated connection to the existing West Street bridge and be open to the public for the same hours as the West Street bridge. Ramps but not stairs may be incorporated into the pedestrian connection to adjust its height to the Washington and West Street bridges.

- (b) An optional pedestrian connection of public access from the pedestrian connection specified in paragraph (a)(2) of this Section to street level may be provided by stair, ramp or escalator and shall be eligible for an as-of-right #floor area# bonus of 120 square feet per linear foot of stair or, if provided by escalators at least 32 inches wide, 20,000 square feet for the provision of a single run, and 30,000 square feet for the provision of a double run.

The development shall have its major pedestrian entrance and lobby on Liberty Street and be integrated with and provide unobstructed pedestrian access between the pedestrian connection specified in paragraph (a)(2) of this Section and the lobby of any new #building# on this #block#

No other #floor area# bonuses are permitted on the #block# unless the Commission has certified that the improvements specified in paragraphs (a) and (b) of this Section are included in any plans for #development# on the #block#.

91-73

Special Permit for Development over the Approaches to the Brooklyn Battery Tunnel

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

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.

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.

91-74

Special Provisions for Battery Park Underpass/South Street

A #zoning lot# containing a #development#, or portion thereof, on a #waterfront zoning lot#, may be located within the volume above the upper limiting plane of the Battery Park Underpass/South Street, when such volume is eliminated, discontinued and closed. That portion of the #zoning lot# that lies above the Battery Park Underpass/South Street shall not be considered #lot area# for the purpose of computing maximum #floor area#; however, such portion shall be considered #lot area# for all other purposes of this Resolution.

* * *

Appendix A
District Maps

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 December 11, 2001, on file in this office.

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City Clerk, Clerk of Council

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