



Legislation Text

File #: Res 0864-2003, Version: \*

THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 864

Resolution approving the decision of the City Planning Commission on Application No. N 020214 ZRM, an amendment to the text of the Zoning Resolution, Article IX, Chapter 1 (Special Lower Manhattan District) relating to regulations for the South Street Seaport, Manhattan (L.U. No. 393).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on March 10, 2003 its decision dated March 5, 2003 (the "Decision"), on the application submitted by Manhattan Community Board 1, pursuant to Section 201 of the New York City Charter, for an amendment to the text of the Zoning Resolution (Application No. N 020214 ZRM) (the "Application");

WHEREAS, the Application is related to ULURP Application C 020213 ZMM (L.U. No. 392), an amendment of the Zoning Map;

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 March 31, 2003;

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 September 30, 2002 (CEQR No. 02DCP028M);

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.

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

NOTE: Matter in underline graytone is new, to be added;

Matter in strikeout is to be deleted; and

\*\*\* represents text for which no change is proposed.

Matter bracketed [ ] is to be deleted by the Council;

Matter bold and double underlined and graytoned is to be added by the Council.

\* \* \*

91-20  
FLOOR AREA AND DENSITY REGULATIONS

91-21  
Floor Area Regulations For Residential Buildings and the Residential Portion of Mixed Buildings

91-211

Maximum floor area ratio for residential uses

Within the #Special Lower Manhattan District#, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be determined in accordance with the regulations of the underlying district and may not be increased except as provided in Sections 91-212 (Floor area increase in a C6-4 District) or 91-213 (Floor area increase for provision of recreation space). The maximum #floor area ratio# for the #residential# portion of a #mixed building# is specified in the table in Section 91-23 (Floor Area Regulations for Non-Residential and Mixed Buildings) showing maximum #floor area ratios# and #floor area# bonuses, by zoning district, for non-#residential# and #mixed buildings#.

In a C4-6 District, the maximum #floor area ratio# for a #residential building# or the #residential# portion of a #mixed building# shall be 3.4.

91-212

Floor area increase in a C6-4 District

In a C6-4 District, except within the South Street Seaport Subdistrict, the #residential floor area# of a #building# may exceed 10.0 in accordance with the provisions of Sections 23-90 (INCLUSIONARY HOUSING) or 91-241 (Floor area bonus for urban plazas), provided that the maximum #residential #floor area# ratio shall not exceed 12.0.

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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 this 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)

#Special Lower Manhattan District# Means for	Core or Subdistrict				Historic & Commercial Core & all waterfront #zoning lots#						
	C5-3	C5-5	C6-9	C6-4	C5-5	M1-4	C2-8	C4-6	C6-4	C5-3	C6-9
Permitted FAR Levels on a #Zoning Lot#	R8										
Basic maximum FAR	6.021	10	2.02	6.53	2.02	3.43	15	3.4	10	15	15
Maximum as-of-right #floor area# bonus for #urban plazas#	NA	900	NA		NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing	NA	90	NA		NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.021	12	18		15			2.02	6.53	2.02	3.43
Maximum special permit #floor area# bonuses: subway station improvements & #covered								3.4	10	15	15

pedestrian spaces#

NA 999 99	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA				
Maximum total FAR with as-of-right and special permit #floor area# bonuses	6.021	12	18		18			2.02	6.53	2.02	3.43	3.4	10	15	15
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	10	185			151	15	NA	NA	NA	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	6.021	14	21.6		21.6			2.42	7.83	2.02	3.43	3.4	12	21.66	21.66
Maximum total FAR of designated receiving sites in South St. Seaport Subdistrict (91-60)	21.66	21.66				NA		NA		2.02	3.43			3.4	12

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.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT FOR NON-RESIDENTIAL AND MIXED BUILDINGS

Basic and Maximum Floor Area Ratios (FAR)

#Special Lower Manhattan Subdistrict	Historic & District# except within Core or Commercial Core South StreetSeaportSubdistrict & all waterfront #zoning lots#														
	C6-4	C5-3	C5-5	C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	C5-3	C6-9				
Means for Achieving Permitted FAR Levels on a #Zoning Lot# R8	6.021	10.04	10.04	0.2	2.02	6.002	6.024								
Basic max. FAR	6.53	10.02	3.4	15.02	3	15.02	3.53	10.04	3.42	3.4	15.0				
Maximum as-of-right #floor area# bonus for #urban plazas#	NA	2.0	3.0	NANA	NA	NA	NA	NA	NA	NA					
Maximum as-of-right #floor area# bonus for Inclusionary Housing	NA	2.0	NA	NANA	NA	NA	NA	NA	NA	NA					
Maximum FAR with as-of-right #floor area# bonuses	6.53	12.0	18.0	15.0	2.02	6.53	10.04	3.4	2.02	3.43	6.002	6.024	6.503	15.0	15.0

Maximum special permit

#floor area# bonuses:											
subway station											
improvements &											
#covered pedestrian											
spaces#	NA	2.0	3.0	3.0NA		NA	NA		NA	NA	NA
Maximum FAR with as-											
of-right and special											
permit #floor area#6.021					2.02	6.53	3.43		2.02	6.002	6.024
bonuses	6.53	12.0	18.0	18.0		10.04	3.4			15.0	15

Development rights  
(FAR) of a landmark lot  
for transfer purposes

(74-79)	NA	10.0	18.056	15.0NA	15.045		NA	NA		NA	NA	NA	
Maximum total FAR of													
designated receiving													
sites in South Street													
Seaport Subdistrict													
(91-60)	NA	NA	NA	NANA		NA	3.4		8.02	21.67	21.67		
Maximum FAR with													
transferred development													
rights from landmark													
#zoning lot# and as-of-													
right and special permit 6.021						2.42	7.83						
#floor area# bonuses			6.503	14.0	21.6				NA	3.4	8.02	21.67	21.67

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. for the #residential# portion of a #mixed building#
5. if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
6. if receiving lot is located in a zoning district with a basic maximum FAR of 15
7. for lots greater 30,000 s.f., may be exceeded by special permit (91-661).

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91-30  
HEIGHT AND SETBACK AND LOT COVERAGE REGULATIONS

For all #buildings or other structures# in the #Special Lower Manhattan District#, the height and setback regulations of the underlying districts are superseded by the regulations of this Section, except that in the C6-4 District within the South Street Seaport Subdistrict, the provisions of Section 33-432 (In other Commercial Districts) may be applied as an alternative to the height and setback and #lot coverage# regulations of this Section.

The height of all #buildings or other structures# shall be measured from #curb level#.

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91-32  
Setback Regulations

Within the #Special Lower Manhattan District#, setbacks are required for any portion of a #building# that exceeds the maximum base heights specified for the applicable #street# in Section 91-31 (Street Wall Regulations).

Required setbacks shall be provided at a height not lower than any minimum base height or 60 feet where none is specified and not higher than any maximum base height specified for the applicable #street# in Section 91-31. The depth of the setback shall be determined by the #lot area# of the #zoning lot# on which the #building# is located, as shown in the following table:

REQUIRED DEPTH OF SETBACKS

#Lot area# of

#zoning lot#	Minimum setback depth
Less than 15,000 square feet	10 feet
15,001 to 30,000 square feet	15 feet
Greater than 30,000 square feet	20 feet

However, for predominantly #residential buildings# within a C6-4 District within the South Street Seaport Subdistrict, the minimum setback depth may be ten feet.

For "Type 1" and "Type 2" #street walls#, the required setbacks shall be measured from the #street line#.

For "Type 3" #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 70 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such line and the #street line#.

For all other #street walls#, the required setbacks shall be measured from a line drawn at or parallel to the #street line# so that at least 50 percent of the #aggregate width of street walls# of the #building# at the minimum base height are within such drawn line and the #street line#. However, setbacks are not required for #street walls# fronting upon the major portion of a bonused #urban plaza#.

For #buildings# within the Historic and Commercial Core as shown on Map 1 in Appendix A, any #building# or portion of a #building# may be located within the required setback area beneath a #sky exposure plane# that rises from a height of 100 feet above the #street line# over the #zoning lot# at a vertical distance of six to a horizontal distance of one.

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#### 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:

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(e) the #zoning lot# is located in a C6-4 C6-2A or C6-9 District within the South Street Seaport Subdistrict.

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#### 91-60 REGULATIONS FOR THE SOUTH STREET SEAPORT SUBDISTRICT

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#### 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. However, if a #receiving lot# is located in a C4-6 District, the total #floor area ratio# shall not exceed 3.4 and if a #receiving lot# is located in a C6-2A District, the total #floor area ratio# shall not exceed 8.02.

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#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.

91-66  
Modification of Bulk Regulations

91-661  
Special permit for bulk modifications  
Bulk modifications in C6-2A Districts

Within the South Street Seaport Subdistrict, for any #zoning lot# located in a C6-2A District, the underlying height and setback regulations shall apply, except the maximum #building# height [for any portion of a #building# within 100 feet of a #wide street#] shall be [170]120 feet [and the maximum #building# height for any portion of a #building# beyond 100 feet of a #wide street# shall be 160 feet]. No minimum base height shall apply, and the depth of a required setback along a #narrow street# shall be at least 10 feet. No #lot coverage# regulations shall apply to #corner lots#. Furthermore, the provisions of Article 2 Chapter 8 (The Quality Housing Program) shall not apply.

91-662  
Authorization for modifications of bulk provisions and public space in C6-9 Districts

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91-663  
Special permit for bulk modifications

Within the South Street Seaport Subdistrict, the City Planning Commission may modify, by special permit, 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.

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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 April 30, 2003, on file in this office.

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City Clerk, Clerk of the Council

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