



Legislation Text

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**THE COUNCIL OF THE CITY OF NEW YORK
RESOLUTION NO. 548**

Resolution approving the decision of the City Planning Commission on Application No. N 040396 ZRM, an amendment to the text of the Zoning Resolution concerning Article VIII, Chapter 4 (Special Battery Park District) relating to Section 84-30 (Zone C) regarding commercial development, Manhattan (L.U. No. 227).

By Council Members Katz and Avella

WHEREAS, the City Planning Commission filed with the Council on July 19, 2004 its decision dated July 14, 2004 (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 040396 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 August 9, 2004;

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 June 30, 2004, reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), 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 (BPCA);

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) From among the reasonable alternatives thereto, the action to be approved is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (2) The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval those mitigation measures that were identified as practicable;
- (2) 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 decision, pursuant to 6 N.Y.C.R.R. §617.11(d).

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.

84-30 ZONE C

84-31 General Provisions

Zone C is designed to provide for Commercial and mixed *use development*, parking and ancillary retail and service *uses* as permitted pursuant to this Chapter. Zone C is divided into two subzones: C-1 and C-2. The location and boundaries of ~~Zone~~ the C-subzones are shown ~~on Appendices 1 and 2~~ in Appendix 3 of this Chapter. Except as expressly modified by the provisions of this Chapter, the regulations applying to a C6-6 District shall apply in Zone C of the *Special Battery Park City District*.

84-32 Use Regulations

Use regulations applicable in C6-6 Districts shall apply, subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following *uses* shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer-supported games provided that a minimum of four square feet of waiting area within the *zoning lot* shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341
Physical culture or health establishments

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14.

84-33 Bulk Regulations

Bulk regulations otherwise applicable in C6-6 Districts and equivalent *Residential Districts* are hereby modified to the extent set forth in this Section and Sections 84-331 through 84-333, inclusive.

The height and setback regulations otherwise applicable in C6-6 Districts, and equivalent *Residential Districts*, are superseded by the regulations set forth in Section 84-332 (Mandatory front building walls), Section 84-333 (Limited height of buildings), Appendices 3.1 and 3.2.

84-331 Floor area regulations

Notwithstanding any other provisions of this Resolution, the permitted *floor area ratio* for any *development* or *enlargement* shall not exceed 15.0. The *floor area ratio* of a *residential building* or the residential portion of a *mixed building* shall not exceed 10.0. The floor area bonus provisions shall not apply.

84-332 Mandatory front building walls

Where Appendix 3.1 shows a requirement of a *development* 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* for a minimum of 80 percent of the length of the frontage required to have the mandatory front building wall, which shall rise without setback for a height above *curb level* not less than 110 feet nor more than 140 feet; in subzone C-1, and not less than 60 feet nor more than 140 feet in subzone C-2 except that the mandatory front wall building wall on Murray Street within subzone C-2 may rise without setback to the maximum height established pursuant to section 84-333 and, provided further, that the mandatory front building wall requirement shall not apply to the building frontage along a pedestrian right-of-way in subzone C-2.

However, where Appendix 3.1 shows a mandatory front wall along Murray Street, such front building wall may be located either along the *street line* of Murray Street or at a right angle to North End Avenue within 30 feet from the intersection of Murray Street and North End Avenue.

At 140 feet above *curb level*, the building must setback at least 15 feet from the street line of Vesey Street, North End Avenue and Murray Street; except that there shall be not required setback along Murray Street in subzone C-2. Front wall recesses for architectural and decorative purposes are permitted in mandatory front walls, provided that:

- (a) the aggregate area of front wall recesses below the maximum height of the required front wall is less than 50 percent of the required mandatory front building wall;
- (b) the maximum depth of any recess shall be 20 feet;
- (c) recesses with a depth of less than two feet shall not be considered recesses for the purposes of this Section; and
- (d) recesses shall not be open to the sky.

84-333

Limited height of buildings

Above a height of 140 feet above curb level, the lot coverage of any development, or portion thereof, may not exceed 40 percent of the total area of Zone C.

The maximum height of any *building*, or portion thereof, shall not exceed 400 feet on any portion of ~~Zones~~subzone C-1 shown as a *special height location* in Appendix 3.2, except that permitted obstructions pursuant to Section 33-42 shall be allowed to penetrate ~~the~~ maximum height limit.

The maximum height of any *building*, or any portion thereof, located within subzone C-2 shall not exceed 180 feet above-*curb level* except that

- (a) the maximum height of any *building* or portion thereof shown as a *special height location* shall not exceed the height set forth in Appendix 3.2; and
- (b) Sections 23-62 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 streetwalls* or 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.

(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 (b)(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.

(c) Notwithstanding the above, in no event shall the height of any *building*, including Permitted Obstructions, exceed 800 feet above *curb level*.

84-34

Parking Regulations and Curb Cuts

Notwithstanding any other regulations of this Resolution, off-street parking spaces shall be permitted pursuant to this Section.

84-341

Off-street parking

Accessory off-street parking spaces are not required in Zone C. However, a maximum of 300 public parking spaces are permitted in ~~Zone C~~subzones C-1 and C-2 combined, provided that:

- (a) such spaces shall be completely enclosed;
- (b) no portion of the parking facility, other than entrances and exits, shall be visible from adjoining *zoning lots*, streets, parks or the *Esplanade*;
- (c) no exhaust vents shall open onto any *street* or park; and
- (d) the parking facility shall not be more than 23 feet above *curb level*.

84-342

Off Street loading

The number of required *accessory* loading berths in subzone C-2 may be reduced by up to 50% of the number required pursuant to 36-62 (Required Accessory Off-Street Loading Berths).

84-343

Curb cuts

Curb cuts are permitted only in locations indicated in Appendix 3.5 and along any *street* or right-of-way not shown on Appendix 3.5. The aggregate width of all curb cuts for ~~Zone~~subzone C-1 shall not exceed 50 feet. The aggregate width of all curb cuts for subzone C-2 shall not exceed 60 feet.

Appendix 1

Special Battery Park City District
District Plan

Appendix 3

Special Battery Park City District
Zone A North Residential Neighborhood and Zone C

Appendix 3.1
Special Battery Park City District
Mandatory Front Building Walls

Appendix 3.2
Special Battery Park City District
Special Height Locations

Appendix 3.4
Special Battery Park City District
Parking Setbacks

Appendix 3.5
Special Battery Park City District
Curb Cut Locations

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 12, 2004, on file in this office.

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City Clerk, Clerk of The Council